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GOVERNMENT NOTICES GOEWERMENSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 387**18 May 2001**

PLANT BREEDERS' RIGHTS ACT, 1976 (ACT No. 15 OF 1976)

REGULATIONS RELATING TO PLANT BREEDERS' RIGHTS: AMENDMENT

The Minister of Agriculture, acting under section 44 of the Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976), has made the regulations set out in the Schedule.

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No R. 1186 of 12 September 1997, as amended by Government Notices Nos. R. 1582 of 28 November 1997, R. 867 of 3 July 1998, R. 1285 of 16 October 1998, R. 323 of 19 March 1999, R. 604 of 14 May 1999, R. 1271 of 29 October 1999, R. 392 of 20 April 2000, R. 690 of 14 July 2000 and R. 1078 of 3 November 2000.

Amendment of Table 1 of the Regulations

2. Table 1 of the Regulations is hereby amended by the insertion in the alphabetically correct position of the entry in Annexure A.

Substitution of Table 2 of the Regulations

3. The table in Annexure B is hereby substituted for Table 2 of the Regulations.

No. R. 387**18 Mei 2001**

WET OP PLANTTELERSREGTE, 1976 (WET No. 15 VAN 1976)

REGULASIES BETREFFENDE PLANTTELERSREGTE: WYSIGING

Die Minister van Landbou, handelende kragtens artikel 44 van die Wet op Planttelersregte, 1976 (Wet No. 15 van 1976), het die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermenskennisgewing No. R. 1186 van 12 September 1997, soos gewysig deur Goewermenskennisgewings Nos. R. 1582 van 28 November 1997, R. 867 van 3 Julie 1998, R. 1285 van 16 Oktober 1998, R. 323 van 19 Maart 1999, R. 604 van 14 Mei 1999, R. 1271 van 29 Oktober 1999, R. 392 van 20 April 2000; R. 690 van 14 Julie 2000 en R. 1078 van 3 November 2000.

Wysiging van Tabel 1 van die Regulasies

2. Tabel 1 van die Regulasies word hierby gewysig deur die inskrywing in Aanhangsel A in die alfabeties korrekte posisie in te voeg.

Vervanging van Tabel 2 van die Regulasies

3. Tabel 2 van die Regulasie word hierby deur die tabel in Aanhangsel B vervang.

**ANNEXURE A/AANHANGSEL A
TABLE 1/TABEL 1**

1		2	3	4
Kind of plant/Soort plant		Category/ Kategorie	Period of plant breeder's right (years)/ Termyn van planttelers- reg (jare)	Period of sole right (years)/ Termyn van alleenreg (jare)
Botanical name/ Botaniese naam	Common name/ Gewone naam			
* <i>Cyclopia</i> Vent. (All/Alle spp.)	Honeybush tea/Heuningbostee	A	20	5".

ANNEXURE B/AANHANGSEL B**"TABLE 2/TABEL 2****FEES PAYABLE/GELDE BETAALBAAR**

No.	Purpose/Doel	Amount/Bedrag
1.	An application for the grant of a plant breeder's right/'n Aansoek om die toestaan van 'n planttelersreg [Reg. 3(2)(f)]	R700,00 each/elk
2.	A claim to give priority in terms of section 8(2) of the Act to an application for the grant of a plant breeder's right/ 'n Aansoek om ingevolge artikel 8(2) van die Wet voorrang te verleen aan 'n aansoek om die toestaan van 'n planttelersreg. [Reg. 4(2)(c)]	R200,00 each/elk
3.	An objection to the grant of a plant breeder's right/'n Beswaar teen die toestaan van 'n planttelersreg. [Reg. 8(1)(e)]	R200,00 each elk
4.	Examination fee for a plant breeder's right: Category A (agronomic, vegetables, pasture crops and annual ornamentals)/Ondersoekgeld vir 'n planttelersreg: Kategorie A (akkerbou, groente, weidingsgewasse en eenjarige sierplante). [Reg. 3(2)(g) and/en (9)(1)]	R1 200, 00 each/elk
5.	Examination fee for a plant breeder's right: Category B (fruit, vines, citrus and perennial ornamentals)/Ondersoekgeld vir 'n planttelersreg: Kategorie B (vrugte, wingerd, sitrus en meerjarige sierplante). [Reg. 3(2)(g) and/en 9(1)]	R1 600,00 each/elk
6.	Provision of results of tests and trials undertaken by the registrar, to the appropriate authority in a convention country or an agreement country/Voorsiening van resultate van toetse en proewe deur die registrateur onderneem aan die toepaslike gesag in 'n konvensieland of 'n ooreenkomsland. [Reg. 9(3)]	R1 600,00 each/elk
7.	Annual fee for a plant breeder's right/Jaargeld vir 'n planttelersreg. [Reg.10(1)]	R150,00 each/elk
8.	An application for the issue of a compulsory licence in respect of a plant breeder's right/'n Aansoek om die uitreiking van 'n verpligte lisensie ten opsigte van 'n planttelersreg. [Reg. 13(1)(d)].	R500,00 each/elk
9.	Notice of the transfer of a plant breeder's right/Kennisgewing van die oordrag van 'n planttelersreg. [Reg. 14(2)(b)]	R400,00 each/elk

No.	Purpose/Doel	Amount/Bedrag
10.	An application for the alteration or supplementation of the denomination approved for a variety/n Aansoek om die wysiging of aanvulling van die benaming goedgekeur vir 'n variëteit. [Reg. 15(1)(b)]	R3 500,00 each/elk
11.	An objection against the intended approval of an alteration or supplementation of the denomination approved for a variety/n Beswaar teen die beoogde goedkeuring van 'n wysiging of aanvulling van die benaming goedgekeur vir 'n variëteit [Reg. 15(3)(e)].	R200,00 each/elk
12.	An objection against the intended termination of a plant breeder's right/n Beswaar teen die voorgename beëindiging van 'n plantelersreg. [Reg.16(1)(f)]	R200,00 each/elk
13.	A notice of the voluntary surrender of a plant breeder's right/n Kennisgewing van die vrywillige afstanddoening van 'n plantelersreg. [Reg. 17(1)(b)(i)]	R200,00 each/elk
14.	Inspection of the register of plant breeders' rights/Insae in die register van planttelersregte. [Reg.20(2)]	Free/Gratis
15.	Inspection of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right/Insae in 'n dokument by die registrateur ingedien in verband met 'n aansoek om die toestaan van 'n planttelersreg. [Reg. 21(2)]	R200,00 per occasion/geleentheid
16.	A certificate of any particulars in the register or of any document in connection with an application for the grant of a plant breeder's right/n Sertifikaat van enige besonderhede in die register of van enige dokument in verband met 'n aansoek om die toestaan van 'n planttelersreg. [Reg. 21(2)].	R150,00 per certificate/sertifikaat
17.	A copy of any particulars in the register or of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right/n Afskrif van enige besonderhede in die register of van 'n dokument by die registrateur ingedien in verband met 'n aansoek om die toestaan van 'n planttelersreg. [Reg. 21(2)]	R7,00 per page plus photocopy charges of 70c per page/R7,00 per bladsy plus kopieërkoste van 70c per kopie
18.	Submission of appeal against any decision or action taken by die registrar in terms of the Act/Voorlegging van appèl teen enige beslissing van of stappe gedoen deur die registrateur ingevolge die Wet. [Reg. 22(1)(d)]	R2 500,00 each/elk".

No. R. 393**18 May 2001****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT No. 47 OF 1996)****AMENDMENT OF STATUTORY MEASURE: LEVY RELATING TO COTTON LINT**

I, Angela Thokozile Didiza, Minister of Agriculture, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996) hereby amend the statutory measure published by Government Notice No. R. 298 of 31 March 2000 to the extent set out in the Schedule.

A. T. DIDIZA**Minister of Agriculture****SCHEDULE****Definition**

1. In the Schedule, any word or expression to which a meaning has been assigned in the Notice shall have that meaning, and "the Notice" means Government Notice No. R. 298 of 31 March 2000.

Amendment of clause 1 of the Notice

2. Clause 1 of the Notice is hereby amended by the substitution for the definition of "ginner" of the following definition:
" 'ginner' means any person who gins seed cotton".

Amendment of clause 5 of the Notice

3. Clause 5 of the Notice is hereby amended by the substitution for clause 5 of the following clause:

"Imposition of levy

5. A levy is hereby imposed on all cotton lint, ginned by ginner from seed cotton. A ginner who has paid a levy may recover the amount of the levy from the person from which he has received the seed cotton from which the cotton lint, on which the levy is payable, has been ginned."

No. R. 393**18 Mei 2001****WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET No. 47 VAN 1996)****WYSIGING VAN STATUTÊRE MAATREËL: HEFFING MET BETREKKING TOT KATOENVESEL**

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende kragtes artikel 13 en 15 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996) wysig hiermee die statutêre maatreël gepubliseer by Goewermentskennisgewing No. R. 298 van 31 Maart 2000 tot die mate in die Bylae uiteengesit.

A. T. DIDIZA**Minister van Landbou****BYLAE****Woordskrywing**

1. In hierdie Bylae, het enige woord of uitdrukking waaraan 'n betekenis in die Kennisgewing geheg is, daardie betekenis en beteken "Kennisgewing" Goewermentskennisgewing No. R. 298 van 31 Maart 2000.

Wysiging van klousule 1 van die Kennisgewing

2. Klousule 1 van die Kennisgewing word hierby gewysig deur die omskrywing van "pluismeulenaar" deur die volgende omskrywing te vervang:

" 'pluismeulenaar' enige persoon wat katoenvesel pluus".

Wysiging van klousule 5 van die Kennisgewing

3. Klousule 5 van die Kennisgewing word hierby gewysig deur klousule 5 deur die volgende klousule te vervang:

"Oplegging van heffing

5. 'n Heffing word hiermee opgelê op alle katoenvesel wat deur 'n pluismeulenaar uit katoenpluksels gepluis word. 'n Pluismeulenaar wat 'n heffing betaal het, mag die bedrag verhaal van die persoon van wie hy die katoenpluksel ontvang het, waarvan die katoenvesel waarop die heffing betaalbaar is, gepluis is."

No. R. 396

18 May 2001

AGRICULTURAL PESTS ACT, 1983 (ACT No. 36 OF 1983)

REGULATIONS: AMENDMENT

The Minister of Agriculture, acting under section 16 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), made the regulations set out in the Schedule.

A. T. DIDIZA

Minister of Agriculture

SCHEDULE

Definition

1. In the Schedule "the Regulations" means the regulations published by Government Notice No. R. 111 of 27 January 1984, as amended by Government Notices Nos. R. 2573 of 15 November 1985, R. 2350 of 14 November 1986, R. 100 of 16 January 1987, R. 1521 of 14 July 1989, R. 75 of 18 January 1991, R. 1637 of 27 October 1995, R. 1471 of 20 November 1998, R. 665 of 28 May 1999 and R. 614 of 23 June 2000.

Substitution of Table 1 of the Regulations

2. The following table is hereby substituted for Table 1 of the Regulations:

TABLE 1
FEES PAYABLE

Nature of service	Tariff
1	2
<p>1. Inspection, at a time other than during the official hours of the executive officer, of controlled goods imported into the Republic. [Reg. 5 (2)]</p> <p>(i) Week days from 06:00 to 07:30 and 16:00 to 20:00 and Saturdays from 06:00 - 20:00</p> <p>(ii) Week days and Saturdays from 20:00 to 06:00, Sundays and public holidays</p>	<p>R120,00 for 30 minutes or portion thereof, including travelling time spent by each officer on the service</p> <p>R240,00 for 30 minutes or portion thereof, including travelling time spent by each officer on the service</p>
<p>2. Inspection of a quarantine area in respect of which an application, adaptation or withdrawal of an order has been submitted. [Reg. 8 (a)]</p>	<p>R60,00 per 30 minutes or portion thereof, including travelling time spent on the service by each officer.</p>
<p>3. Test, examination or analysis of a sample taken in the course of an inspection of a quarantine area:</p> <p>(i) Test for occurrence of bacteria</p> <p>(ii) Test for occurrence of fungi</p> <p>(iii) Test for occurrence of phytoplasmas:</p> <p>(aa) PCR test</p> <p>(bb) ELISA test</p> <p>(cc) Hardwood indexing</p> <p>(iv) Test for occurrence of insects</p> <p>(v) Test for occurrence of viruses:</p>	<p>R200,00 per test</p> <p>R170, per test</p> <p>R200,00 per test</p> <p>R40,00 per test</p> <p>R170,00 per test</p> <p>R100,00 per test</p>

Nature of service	Tariff
1	2
(aa) ELISA test (bb) Herbaceous indexing (cc) Hardwood indexing (dd) (i) ICRT-PCR test (ii) RT-PCT (ee) ISEM (vi) Test for occurrence of nematodes [Reg. 8 (b)]	R40,00 per test R70 per sample R170,00 per test R115,00 per test R140,00 per test R140,00 per sample R120,00 per test
4. Appeal in terms of section 11 of the Act [Reg. 9 (3)]	R2 500,00 per appeal

No. R. 396

18 Mei 2001

WET OP LANDBOUPLAIE, 1983 (WET No. 36 VAN 1983)

REGULASIES: WYSIGING

Die Minister van landbou, handelende kragtens artikel 16 van die Wet op Landbouplae, 1983 (Wet No. 36 van 1983), het die regulasies in die Bylae uiteengesit, uitgevaardig.

A. T. DIDIZA

Minister van Landbou

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermmentskennigsewing No. R. 111 van 27 Januarie 1984, soos gewysig deur Goewermmentskennigsewings Nos. R. 2573 van 15 November 1985, R. 2350 van 14 November 1986, R. 100 van 16 Januarie 1987, R. 1521 van 14 Julie 1989, R. 75 van 18 Januarie 1991, R. 1637 van 27 Oktober 1995, R. 1471 van 20 November 1998, R. 665 van 28 Mei 1999 en R. 614 van 23 Junie 2000.

Vervanging van Tabel 1 van die Regulasies

2. Tabel 1 van die Regulasies word hierby deur die volgende tabel vervang:

TABEL 1
GELDE BETAALBAAR

Aard van diens	Tarief
1	2
1. Onderzoek, buite die amptelike kantoorure van die uitvoerende beamppte, van beheerde goedere wat in die Republiek uitgevoer is. [Reg. 5 (2)] (i) Weeksdag van 16:00 - 20:00/06:00 - 07:30 en Saterdag van 06:00 - 20:00 (ii) Weeksdag en Saterdag van 20:00 - 06:00, Sondag en Publieke vakansiedae	R120,00 vir 30 minute of gedeelte daarvan, ingeslote reistyd, deur elke beamppte aan die diens gewy R240,00 vir 30 minute of gedeelte daarvan, ingeslote reistyd, deur elke beamppte aan die diens gewy.

Aard van diens	Tarief
1	2
2. Inspeksie van 'n kwarantengebied in verband waarmee 'n aansoek, aanpassing of intrekking van 'n instruksie ingedien is. [Reg. 8 (a)]	R60,00 per 30 minute of 'n gedeelte daarvan, ingeslote reistyd, deur elke beamppte aan die diens gewy.
3. Toets, ondersoek of ontleding van 'n monster geneem in die loop van 'n inspeksie van 'n kwarantengebied [Reg. 8 (b)]:	
(i) Toets vir voorkoms van bakterieë	R200,00 per toets
(ii) Toets vir voorkoms van swamme	R170, per toets
(iii) Toets vir voorkoms van fitoplasmas:	
(aa) PCR toets	R200,00 per toets
(bb) ELISA toets	R40,00 per toets
(cc) Hardehoutindeksering	R170,00 per toets
(iv) Toets vir voorkoms van insekte	R100,00 per toets
(v) Toets vir voorkoms van virusse:	
(aa) ELISA toets	R40,00 per toets
(bb) Sagteplantindeksering	R70 per monster
(cc) Hardehoutindeksering	R170,00 per toets
(dd) (i) ICRT-PCR toets	R115,00 per toets
(ii) RT-PCR	R140,00 per toets
(ee) ISEM	R140,00 per monster
(vi) Toets vir voorkoms van aalwurms	R120,00 per toets
4. Appèl ingevolge artikel 11 van die Wet [Reg. 9 (3)]	R2 500,00 per appèl

Hierdie wysiging tree in werking op 1 April 2001.

No. R. 397

18 May 01

AGRICULTURAL PESTS ACT, 1983 (ACT No. 36 OF 1983)

CONTROL MEASURES: AMENDMENT

I, Angela Thokozile Didiza, Minister of Agriculture, acting under section 6 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), hereby amend the control measures as set out in the Schedule.

A.T. DIDIZA

Minister of Agriculture

SCHEDULE

Definition

1. In this Schedule "the Control Measures" means the control measures published by Government Notice No. R.110 of 27 January 1984, as amended by Government Notices Nos. R. 909 of 4 May 1984, R. 1770 of 17 August 1984, R. 845 of 12 April 1985 of 12 July 1985, R. 1442 of 11 July 1986, R. 87 of 22 January 1988, R. 1349 of 8 July 1988, R. 1954 of 30 September 1988, R. 2416 of 19 October 1990, R. 18 of 4 January 1991, R. 2840 of 29 November 1991, R. 2269 of 14 August 1992, R. 2876 of 16 October 1992, R. 1560 of 20 August 1993, R. 451 of 11 March 1994, R. 1373 of 5 August 1994, R. 1636 of 27 October 1995, R. 1977 of 22 December 1995, R. 1012 of 1 August 1997, R. 288 of 27 February 1998, R. 1470 of 20 November 1998, R. 666 of 28 May 1999, R. 1016 of 27 August 1999 and R. 613 of 23 June 2000.

Substitution of Table 10 of the Control Measures

2. The following table is hereby substituted for Table 10 of the Control measures:

TABLE 10
FEES PAYABLE

Nature of service	Tariff
1.	2.
1. Inspection and simultaneous issuing of a permit to Exempt a person from the provisions of a control measure. [Par. 4A(2)]	R60,00 per 30 minutes or portion thereof, including travelling time spent by each officer on the service
2. Test, examination or analysis of a sample taken in the course of an inspection as contemplated in item 1:	
(i) Test for occurrence of bacteria	R200,00 per test
(ii) Test for occurrence of fungi	R170,00 per test
(iii) Test for occurrence of phytoplasmas:	
(aa) PCR test	R200,00 per test
(bb) ELISA test	R40,00 per test
(cc) Hardwood indexing	R170,00 per test
(iv) Test for occurrence of insects	R100,00 per test
(v) Test for occurrence of viruses:	
(aa) ELISA test	R40,00 per test
(bb) Herbaceous indexing	R70,00 per sample
(cc) Hard-wood indexing	R170,00 per test
(dd) (i) ICRT-PCR test	R115,00 per test
(ii) RT-PCR	R140,00 per test
(ee) ISEM	R140,00 per sample
(iv) Test for occurrence of nematodes	R120,00 per test

No. R. 397

18 Mei 01

WET OP LANDBOUPPLAE, 1983 (WET No. 36 VAN 1983)

BEHEERMAATREËLS: WYSIGING

Ek, Angela Thokozile Didiza, Minister van Landbou, handelende kragtens artikel 6 van die Wet op Landbouplae, 1983 (Wet No. 36 van 1983), wysiging hiermee die beheermaatreëls soos in die bylae uiteengesit.

A.T. DIDIZA

Minister van Landbou

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Beheermaatreëls" die Beheermaatreëls gepubliseer in Goewermenskenningsgewing no R. 110 van 27 Januarie 1984, soos gewysig deur Goewermenskenningsgewings Nos. R. 909 van 4 Mei 1984, R. 1770 van 17 Augustus 1984, R. 845 van 12 April 1985, R. 1518 van 12 Julie 1985, R. 1442 van 11 Julie 1986, R. 87 van 22 Januarie 1986, R. 1349 van 8 Julie 1988, R. 1954 van 30 September 1988, R. 2416 van 19 Oktober 1990, R. 18 van 4 Januarie 1991, R. 2840 van 29 November 1991, R. 2269 van 14 Augustus 1992, R. 2876 van 16 Oktober 1992, R. 1560 van 20 Augustus 1993, R. 451 van 11 Maart 1994, R. 1373 van 5 Augustus 1994, R. 1636 van 27 Oktober 1995, R. 1977 van 22 Desember 1995, R. 1012 van 1 Augustus 1997, R. 288 van 27 Februarie 1998, R. 1470 van 20 November 1998, R. 666 van 28 Mei 1999, R. 1016 van 27 Augustus 1999 en R. 613 van 23 Junie 2000.

Vervanging van Tabel 10 van die Beheermaatreëls

2. Tabel 10 van die Beheermaatreëls word hiermee deur die volgende tabel vervang:

TABEL 10
GEDLE BETAALBAAR

Aard van diens	Tarief
1.	2.
1. Inspeksie en gelyktydige uitreiking van 'n permit om 'n persoon vry te stel van die bepalings van 'n beheermaatreël. [Par. 4A(2)]	R60,00 vir 30 minute of gedeelte daarvan, ingeslote reistyd van elke bampote daaraan gewy
2. Toets, ondersoek of analisering van 'n monster geneem in die loop van 'n inspeksie soos bedoel in 1:	
(i) Toets vir die voorkoms van bakterië	R200,00 per toets
(ii) Toets vir die voorkoms van swamme	R170,00 per toets
(iii) Toets vir die voorkoms van fitoplasmas:	
(aa) PCR toets	R200,00 per toets
(bb) ELISA toets	R40,00 per toets
(cc) Hardehoutindeksering	R170,00 per toets
(iv) Toets vir die voorkoms van insekte	R100,00 per toets
(v) Toets vir die voorkoms van virusse:	
(aa) ELISA toets	R40,00 per toets
(bb) Sagteplantindeksering	R70,00 per monster
(cc) Hardehoutindeksering	R170,00 per toets
(dd) (i) ICRT-PCR toets	R115,00 per toets
iii) RT-PCR	R140,00 per toets
(ee) ISEM	R140,00 per monster
(iv) Toets vir die voorkoms van Aalwurms	R120,00 per toets

Hierdie wysiging tree in werking op 1 April 2001.

No. R. 398

18 May 2001

VETERINARY AND PARA-VETERINARY PROFESSIONS ACT, 1982 (ACT No. 19 OF 1982)

RULES RELATING TO THE PRACTISING OF THE PROFESSION OF VETERINARY NURSE: AMENDMENT

It is hereby made known for general information that—

- the South African Veterinary Council has under section 30 (1) of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), made the rules relating to the practising of the para-veterinary profession of veterinary nurse as set out in the Schedule; and
- the Minister of Agriculture has under section 30 (3) of the said Act approved the rules concerned.

H. KRUGER

Registrar: South African Veterinary Council

SCHEDULE

Definition

- In this Schedule "the Rules" means the rules published by Government Notice No. R. 1065 of 17 May 1991.

Amendment of Rule 2

- Rule 2 of the Rules is hereby amended by the addition of the following rule:
"2.1.12 The taking of samples for the diagnosis by a veterinarian of brucellosis in animals and the testing of animals for tuberculosis by means of the intradermal tuberculin test."

No. R. 398

18 Mei 2001

WET OP VETERINÊRE EN PARA-VETERINÊRE BEROEPE, 1982 (WET No. 19 VAN 1982)

REÛLS BETREFFENDE DIE BEOEFENING VAN DIE BEROEP VAN VETERINÊRE VERPLEEGSTER: WYSIGING

Daar word hiermee vir algemene kennisname bekendgemaak dat—

- die Suid-Afrikaanse Veterinêre Raad kragtens artikel 30 (1) van die Wet op Veterinêre en Para-Veterinêre Beroepe, 1982 (Wet No. 19 van 1982), die reëls betreffende die beoefening van die para-veterinêre beroepe van veterinêre verpleegster soos in die Bylae uiteengesit, uitgevaardig het; en

(b) die Minister van Landbou kragtens artikel 30 (3) van genoemde Wet die betrokke reëls goedgekeur het.

H. KRUGER

Registrateur: Suid-Afrikaanse Veterinêre Raad

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Reëls" die reëls gepubliseer by Goewermmentskennisgewing No. R. 1065 van 17 Mei 1991.

Wysiging van Reël 2

2. Reël 2 van die Reëls word hiermee gewysig deur die byvoeging van die volgende reël:

"2.1.12 Die neem van monsters vir doeleindes van diagnose deur 'n veearts van brucellose in diere en die toetsing van diere vir tuberkulose deur middel van 'n intradermale tuberkulientoets."

DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 394

18 May 2001

HEALTH PROFESSIONS ACT, 1974 (ACT No. 56 OF 1974)

LIST OF APPROVED FACILITIES FOR THE PURPOSES OF PERFORMING COMMUNITY SERVICE BY MEDICAL PRACTITIONERS IN THE YEAR 2002

The Minister of Health has, in terms of regulation 5.1 of the Regulations relating to Performance of Community Service by Persons Registering in terms of the Health Professions Act, 1974 (Act No. 56 of 1974), listed the following approved facilities for purposes of the profession of a medical practitioner:

Note: The asterisk (*) = with rural allowance

PROVINCE	Region (District)	FACILITY
DEPARTMENT OF HEALTH – PUBLIC HEALTH FACILITIES		
EASTERN CAPE	A (Port Elizabeth)	Fort England H Settlers H Port Alfred H Midland H Humansdorp H Dora Nginza H Elizabeth Donkin H Empilweni H Livingstone H Port Elizabeth H Uitenhage H
	B (Queenstown)	Burgersdorp H Aliwal North H Empilisweni H* Umlamli H* Steynsburg H Cradock H Wilhelm Stahl H Cloete Joubert H Cala H* Elliot H Dordrecht H Cofimvaba H* Glen Grey H* Frontier H Komani H

	C (East London)	Butterworth H* Tafalofefe H* Nqamakwe CHC* Frere H Cecilia Makiwane H Fort Beaufort H Tower H Victoria H* (Alice) Cathcart H SS Gida H* Grey H Nompumelelo H* Stutterheim H Bisho H
	D (Umtata)	St Barnabas H* Canzibe H* Isilimela H* Madwaleni H* Zithulele H* Nessie Knight H* St Lucy H* All Saints H* Mjanyana H* Bedford Orthopaedic H Umtata Central H Umtata General H
	E (Kokstad)	Mary Therese H* Sipetu H* Tayler Bequest H* Greenville H* St Patrick's H* Holy Cross H* Bambisana H* St Elizabeth H* Mount Ayliff H* Rietvlei H* St Margaret's H* Umzimkulu H*

FREE STATE	DC16	Zastron Complex Smithfield Jagersfontein
	DC17	National Complex Botshabelo Complex Moroka Complex Ladybrand Complex Pelonomi Complex
	DC 18	Winburg Complex Odendaalsrus Complex Virginia Complex Hoopstad Complex Goldfields Regional H
	DC 19	Manapo Complex Elizabeth Ross Complex Harrismith Complex Bethlehem Complex Phekolong Complex Senekal Complex Reitz Complex Clocolan Complex Ficksburg Complex
	DC 20	Parys Complex Sasolburg Complex Heilbron Complex Frankfort Complex Boitumelo Complex
NORTHERN CAPE	Kimberley	<u>Also rotating through one of the following:</u> De Aar Central Karoo H Griekwastad H (Griquatown) Kuruman H Postmasburg H Jan Kempdorp H Kimberly City Clinics Springbok H Alexander Bay H Carnarvon H Douglas H Port Nolloth H
	Upington	Gordonia H Kenhardt H Pofadder H
GAUTENG	A (Central Wits & West Rand)	Johannesburg H Helen Joseph / Coronation Complex Chris Hani Baragwanath H South Rand H Dr Yusuf Dadoo / Leratong Complex Carletonville H

	B (East & Vaal)	Far East Rand / Pholosong Complex Tambo Memorial H Tembisa H Nataalspruit H Germiston H Heidelberg H Kopanong / Sebokeng Complex
	C (Pretoria)	Pretoria Academic H Mamelodi H Pretoria West H Ga-Rankuwa H Kalafong H
MPUMALANGA	Highveld	Philadelphia H* Groblersdal H Middelburg H HA Grove H* Witbank H Impungwe H Bernice Samuels H Kwamhlanga H* Mmamethlake H*
	Eastvaal	Ermelo H Carolina H Embhuleni H* Piet Retief H Amajuba H Elsie Ballot H* Bethal H Evander H Standerton H
	Lowveld	Rob Ferreira H Themba H* Barberton H Shongwe H* Tonga H* Lydenburg H Sabie H* Mathibidi H*
KWA-ZULU NATAL	Port Shepstone	Complex 1 - Port Shepstone H - Murchison H - Assisi H Complex 2 - Usher Memorial H - Tayler Bequest H St Andrews H* GJ Crookes H

Pietermaritzburg	<p>Complex 1</p> <ul style="list-style-type: none"> - Edendale H - Northdale H - Grey's H - Midlands H - Ambulance and Emergency Medical Services <p>Appelsbosch H*</p> <p>Christ The King H*</p> <p>Greytown H</p> <p>St Appolinaris H*</p> <p>Untunjambili H*</p>
Ladysmith	<p>Complex 1</p> <ul style="list-style-type: none"> - Ladysmith H - Emmaus H* Estcourt H
Ulundi	<p>Complex 1</p> <ul style="list-style-type: none"> - Benedictine H* - Ceza H* - Nkonjeni H* Itshelejuba H* Vryheid H
Jozini	<p>Complex 1</p> <ul style="list-style-type: none"> - Bethesda H* - Manguzi H* - Mosvold H* - Mseleni H*
Durban	<p>Complex 1</p> <ul style="list-style-type: none"> - R K Khan H - Kwadabeka Clinic - Ambulance and Emergency Medical Services <p>Complex 2</p> <ul style="list-style-type: none"> - Prince Mshiyeni Memorial H - Ambulance and Emergency Medical Services <p>Complex 3</p> <ul style="list-style-type: none"> - King Edward VIII H - KwaMashu Polyclinic* - Ambulance and Emergency Medical Services <p>Complex 4</p> <ul style="list-style-type: none"> - Addington H - Mahatma Gandhi H - Phoenix Community Health Centre - Osindisweni H - Tongaat Community Health Centre - Ambulance and Emergency Medical Services <p>Montebello H*</p> <p>Stanger H</p> <p>Umpumulo H*</p>

	New Castle	Complex 1 - Madadeni H - Newcastle H Complex 2 - Charles Johnson Memorial H* - Dundee H Church of Scotland H*
	Empangeni	Complex 1 - St Mary's Melmoth H - Eshowe H - Mbongolwane H* - Catherine Booth H* Complex 2 - Ngwelezana H - Empangeni H - Hlabisa H* Ekombe H* Nkandla H*
NORTHERN PROVINCE	Bushveld	Warmbaths H Ellisras* / Witpoort* Complex FH Odendaal H Thabazimbi H*
	Western	Mokopane* / George Masebe* / Voortrekker Complex
	Central	Pietersburg Mankweng Hospital Complex (PMHC) Helene Franz H* Seshego H* Botlokwa H*
	Northern	Tshilidzini* / Donald Fraser H* Elim* / L Trichardt* Complex Donald Fraser H* Siloam H* Malamulele H* Messina H*
	Lowveld	Letaba* / Sekororo* Complex Nkesani H* ML Malatji* / Phalaborwa* Complex Kgapane* / Duiwelskloof* Complex Van Velden H CN Phatudi* / Shiluvane* Complex
	Southern	Groothoek* / Thabamoopo* / Magatle* / Lebowakgomo Complex* Matlala H* St Ritas H* Jane Furse H* HC Boshoff* / Mecklenburg* / Penge* / Dilokong Complex*
	Bushbuckridge	Mapulaneng* / Matikwana* / Tintswalo* Complex
NORTH WEST	Rustenburg	Rustenburg H Moretelepsi / George Stegmann Complex

	Klerksdorp	Klerksdorp / Tshepong Complex Potchefstroom / Ventersdorp Complex Nic Bodenstein / Ottosdal / Wolmaransstad Complex
	Mafikeng	Gelukspan H Thusong / Lichtenburg Complex Zeerust / Lehurutse / Derdepoort Complex Mafikeng / Bophelong Complex
	Vryburg	Taung H Tshwaragano / Kudumane Complex Vryburg H Ganyesa H Schweizer-Reneke / Bloemhof Complex
	Odi	Brits H Odi H Jubilee H
WESTERN CAPE	Metro Region	Groote Schuur H Red Cross H Tygerberg H Somerset H Conradie H GF Jooste H Victoria H Karl Bremer H Hottentots Holland H Falsebay H Metro CHSO's Westfleur H Mowbray Maternity H Emergency Medical Service
	Associated Psychiatric Hospitals	Valkenberg H Lentegeur H Alexander H Stikland H
	West Coast Winelands	Paarl H Stellenbosch H Swartland H Vredenburg H*
	Boland Overberg	Eben Donges H Ceres H Hermanus H Robertson H Swellendam H Bredasdorp H
	South Cape Karoo	George H Mosselbay H Oudtshoorn H Knysna H Beaufort West H

SOUTH AFRICAN MILITARY HEALTH SERVICE (SAMHS)		
	Gauteng (Pretoria)	1 Military Institute for Aviation Medicine
	Northern Province (Pietersburg)	Pietersburg Sickbay
	Northern Province (Louis Trichardt)	Louis Trichardt Sickbay
	Northern Province (Phalaborwa)	Hoedspruit *
	Mpumalanga (Ermelo)	Camden Sickbay
	Mpumalanga (Middleburg)	Middleburg Sickbay
	Mpumalanga (Nelspruit)	Nelspruit Sickbay
	Western Province (Wynberg)	2 Military
	Western Province (Simonstown)	Institute for Maritime Medicine
	Eastern Province (Port Elizabeth)	Port Elizabeth Sickbay
	Eastern Province (Grahamstown)	Grahamstown Sickbay
	Eastern Province (Umtata)	Umtata Sickbay
	Free State (Bloemfontein)	3 Military
	Northern Cape (Kimberly)	Kimberly Sickbay
	Northern Cape (Lohatla)	Lohatla Sickbay
	North West (Molopo)	Molopo Sickbay
	North West (Potchefstroom)	Potchefstroom Military Base
	Kwazulu Natal (Durban)	Durban Military Base
	Kwazulu Natal (Josini)	Josini Sickbay

Abbreviations used in table:

DC—District

CHC—Community Health Centre

CHSO—Community Health Service Organization

N.B. Community service medical practitioners may rotate to health centres and clinics attached to each facility listed above.**M.E. TSHABALALA-MSIMANG****Minister of Health**

No. R. 395

18 May 2001

PHARMACY ACT, 1974 (ACT No. 53 OF 1974)

LIST OF APPROVED FACILITIES FOR THE PURPOSES OF PERFORMING COMMUNITY SERVICE BY PHARMACISTS IN THE YEAR 2002

The Minister of Health has, in terms of regulation 3 of the Regulations relating to Performance of Pharmaceutical Community Services, listed the following approved facilities for purposes of the profession of a pharmacist:

Note: The asterisk (*) = with rural allowance

PROVINCE	Region (District)	FACILITY
DEPARTMENT OF HEALTH – PUBLIC HEALTH FACILITIES		
EASTERN CAPE	A (Western)	Andries Vosloo H* Midland H* Port Alfred H* Port Elizabeth Pharmaceutical Depot
	B (Northern)	Aliwal North H* Burgersdorp H* Steynsburg H* Cala H* Cloete Joubert H* Elliot H* Cofimvaba H* Cradock H* Lady Grey H* Empilisweni H* Umlamli H* Glen Grey H* Komani H Frontier H Wilhelm Stahl H*

	C (Central)	Bisho H Grey H Butterworth H* Cecilia Makiwane H Fort Beaufort H* Frere H Nompumelelo H* Nqamakwe H* SS Gida H* Tafalofefe H* Tower H* Victoria H*
	D (Eastern)	All Saints H* Canzibe H* Isilimela H* Port St John's Health Centre* Madwaleni H* Mjanyana H* Nessie Knight H* St Barnabas H* St Lucy's H* Umtata H Umtata CHC Mbekweni Baziya H (Ngcengane) Zithulele H*
	E (Kei)	Bambisana H* Greenville H* Holy Cross H* Mary Terese H* Mount Ayliff H* Rietvlei H* Sipetu H* St Elizabeth H* St Margareths H* St Patricks H* Maluti H* Taylor Bequest H* Umzimkulu H*
	FREE STATE	
	Academic	Universitas H Oranje H
	DC16	Jagersfontein H* Smithfield H* Zastron H* Petrusburg CHC*
	DC17	Pelonomi H National H* Moroka H* Botchabelo H* Ladybrand H* MUCCP Complex*

	DC18	Goldfields Regional H Kopano CHC Winburg H* Virginia H* Hoopstad H* Odendaalrus H* Bothaville H*
	DC19	Boitumelo H Sasolburg Complex* Parys/Vredefort Complex* Viljoenskroon Complex* Kroonstad Complex* Heilbron Complex* Frankfort Complex* Koppies Complex*
	DC20	Bethlehem Regional H Manapo H* Elizabeth Ross H* Harrismith H* Phekolong H* Reitz H* Senekal H* Ficksburg H Clocolan H* Vrede H*
	Medpharm	Medical Depot
NORTHERN CAPE	Diamondfields	Kimberley H Hartswater H
	Upper Karoo	Prieska H De Aar H
	Lower Orange	Upington H Postmasburg H Kakamas H
	Namaqualand	Calvinia H
GAUTENG	Region A	Chris Hani Baragwanath H Coronation H Helen Joseph H Johannesburg H Sizwe Tropical H South Rand H Tara the H Morros H Edenvale H Dr Yusuf Dadoo H Carletonville H Leratong H Medical Supplies Depot Sterkfontein H West Rand Regional District Service Complex Central Wits Regional District Service Complex

	Region B	Kopanong H Sebokeng H Far East Rand H Germiston H Heidelberg H Nataalspruit H Pholosong H Tambo H Tembisa H Vaal Regional District Service Complex East Rand Regional District Service Complex
	Region C	Kalafong H Mamelodi H Pretoria Academic H Pretoria West H Weskoppies H Ga-Rankuwa H Pretoria Regional District Service Complex
MPUMALANGA	Lowveld	Themba Complex - Rob Ferreira / Nelspruit Complex - Sabie* / Mathibi* Complex - Lydenburg / Themba* Complex Onderberg Complex - Shongwe H* - Tonga Health District* - Barberton H
	Highveld	Witbank Complex - Delmas H - Middelburg H - Belfast H* Philadelphia* Complex - KwaMhlanga H* - Groblersdal H - Mmametlhake H* - Impungwe H
	Eastern Highveld	Ermelo Complex - Evander Highvelddridge Bethal Complex - Carolina H - Embhuleni H* - Standerton H - Volksrust H - Piet Retief H - Elsie Ballot H*
KWAZULU-NATAL	A (Ugu/Port Shepstone)	Port Shepstone H Murchison H EG Usher Memorial H Tayler Bequest H St Andrews H GJ Crookes H

B (Pietermaritzburg)	Applebosch H Christ the King H Edendale H Northdale H Grey's H Greytown H Fort Napier H Town Hill H Umgeni H Imbalenhe CHC Underberg CHC St Appolinaris H* Untunjambili H*
C (Uthulela/Ladysmith)	Ladysmith H Emmaus* H Estcourt H
D (Zululand/Ulundi)	Benedictine H Ceza H Kwamagwaza H St Francis H Nkonjeni H Itshelejuba H Vryheid H
F (Ilembe/Durban)	Addington H Bothas Hill CHC Clairwood H Hillcrest H Inanda CHC King Edward VIII H King George V H KwaDabeka CHC KwaMashu CHC Mahatma Ghandi H Montebello H Prince Mshiyeni Memorial H Osindisweni H Phoenix CHC RK Khan H Stanger H Tongaat PHC Umphumulo H Wentworth H
G (Umzinyathi/Newcastle)	Charles Johnson Memorial H Church of Scotland H Dundee H Madadeni H Newcastle H Utrecht H

	E/H (Uthungulu/Jozini- Empangeni)	Bethesda H Catherine Booth H Ekombe H Empangeni H Eshowe H Hlabisa H Manguzi H Mbongolwane H Mosvold H Mseleni H Ngwelezane H Nkandla H Sundumbili CHC
NORTHERN PROVINCE	Bushveld	Ellisras H FH Odendaal H Thabazimbi H Warmbaths H Witpoort H*
	Western	George Masebe H* Mokopane H Voortrekker H
	Central	Botlokwa H* Helen Franz H* Seshego H W.F. Nobel H*
	Northern	Donald Frazer / Hayani Complex* Elim H* Louis Trichardt H Malamulele H* Messina H Siloam H* Tshilidzini H*
	Lowveld	Dr CN Phatudi H* Kgapane / Duiwelskloof Complex* Letaba H* Maphuta L Malatji H* Nkhesani H* Phalaborwa H Sekororo H* Van Velden H
	Bushbuckridge	Mapulaneng H* Tintswalo H*
	Southern	Dilokong / HC Boshoff Complex* Dr M.M. Mphahlele H* Jane Furse H* Lebowakgomo H* Matlala H* Mecklenburg H* St Ritas H*
	Academic	Pietersburg Mankweng Complex

NORTH WEST	Vryburg	Taung H and district Tshwaragano H and Kudumane District Ganyesa H and district Scheizer-Reneke H and district
	Mafikeng	Gelukspan H and district Thusong H Zeerust / Lehurutshe H and District Complex Mafikeng H and district Litchenburg district
	Rustenburg	Odi H and district Jubilee H and district Moretelelesi district George Stegman / Mogwase District Complex
	Klerksdorp	Wolmaranstad H and district
WESTERN CAPE	Metropole	Brooklyn Chest H Victoria H Conradie H Hottentots Holland H False Bay H Karl Bremer H Somerset H Mowbray H Westfleur H GF. Jooster H Alexandra H Valkenberg H Lentegeur H Stikland H Cape Medical Depot
	AAH	Tygerberg H Groote Schuur H Red Cross H
	West Coast/ Winelands	Paarl H Swartland H Stellenbosch H Citrusdal H Clanwilliam H Vredenburg H Vredendal H TC Newman H
	Boland Overberg Region	Hermanus H Brewelskloof H Eben Donges H Robertson H Caledon H Montagu H Otto du Plessis H Ceres H Regional Office H

South Cape Karoo Region	George H Knysna H Oudtshoorn H Ladysmith H Mossel Bay H Riversdale H Swellendam H Beaufort West H
Community Health Services (CHC)	Belhar Bellville Bishop Lavis Browns Farm Cross Roads Delft Dr Abdurahman Durbanville Elsies River Good Hope Goodwood Grassy Park Guguletu Hanover Park Heideveld Hout Bay Kensington Khayelitsha Kleinvele Kraaifonsein Lady Michaelis Langa Lotus River Macassar Maitland Mamre Mfuleni Michael Mapongwana Mitchells Plain Morningstar Nolungile Nyanga Ocean View Parow Ravensmead Reed Street Retreat Robie Nurock Rusthof Ruyterwacht Scottsdene Strand Woodstock

DEPARTMENT OF CORRECTIONAL SERVICES – PRISONS (pharmacy)		
	Mpumalanga	Witbank Prison (pharmacy) Baberton Prison (pharmacy) Bethal Prison (pharmacy)
	Western Cape	Brandvlei Prison (pharmacy) Drakenstein Prison (pharmacy) Pollsmoor Prison (pharmacy)
	Eastern Cape	East London Prison (pharmacy) St. Albans Prison (pharmacy) Umtata Prison (pharmacy)
	Free State	Grootvlei Prison (pharmacy) Kroonstad Prison (pharmacy) Groenpunt Prison (pharmacy)
	Gauteng	Boksburg Prison (pharmacy) Johannesburg Prison (pharmacy) Leeuwkop Prison (pharmacy) Pretoria Prison (pharmacy)
	KwaZulu-Natal	Pietermaritzburg Prison (pharmacy) Durban Prison (pharmacy)
SOUTH AFRICAN MILITARY HEALTH SERVICE (SAMHS)		
	Northern Province	Karee Base Sick Bay Phalaborwa Sick Bay Hoedspruit Sick Bay
	Gauteng	Medical Base Depot
	Mpumalanga	Nelspruit Sick Bay
	KwaZulu-Natal	Durban Military Base
	Eastern Cape	Umtata Sick Bay Port Elizabeth Sick Bay
	Northern Cape	Upington Sick Bay Lohatla Sick Bay Kimberley Sick Bay
	Western Cape	14 Medical Sub George Sick Bay
	North West	Molopo Sick Bay

Abbreviations used in table:

- AAH = Association Academic Hospital
 CHC = Community Health Centre
 DC = District
 L/A = Local Authority
 PHC = Primary Health care
 H = Hospital

N.B. Community service pharmacists may rotate to health centres and clinics attached to each facility listed above.

M.E. TSHABALALA-MSIMANG
Minister of Health

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

No. R. 390

18 May 2001

**INTERNATIONAL CO-OPERATION IN CRIMINAL MATTERS ACT, 1996
(ACT NO. 75 OF 1996)**

**MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS TREATY BETWEEN THE REPUBLIC OF
SOUTH AFRICA AND CANADA**

I, Penuell Mpapa Maduna, Minister for Justice and Constitutional Development, hereby give notice in terms of section 27(2) of the International Co-operation in Criminal Matters Act, 1996 (Act No. 75 of 1996), that the Parliament of the Republic of South Africa has on 3 April 2001 agreed to the ratification of the Mutual Legal Assistance in Criminal Matters Treaty between the Republic of South Africa and Canada as set out in the Schedule.

P M MADUNA

MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT

SCHEDULE

No. R. 390

18 Mei 2001

**WET OP INTERNASIONALE SAMEWERKING IN STRAFREGTELIKE
AANGELEENTHEDE, 1996 (WET NO. 75 VAN 1996)****VERDRAG RAKENDE WEDERKERIGE REGSAMEWERKING IN STRAFREGTELIKE
AANGELEENTHEDE TUSSEN DIE REPUBLIEK VAN SUID-AFRIKA EN KANADA**

Ek, Penuell Mpapa Maduna, Minister vir Justisie en Staatkundige Ontwikkeling gee, ingevolge artikel 27(2) van die Wet op Internasionale Samewerking in Strafregtelike Aangeleenthede, 1996 (Wet No. 75 van 1996), hiermee kennis dat die Parlement van die Republiek van Suid-Afrika op 3 April 2001 tot die bekragtiging van die Verdrag rakende Wederkerige Regsamewerking in Strafregtelike Aangeleenthede tussen die Republiek van Suid-Afrika en Kanada, soos in die Skedule uiteengesit, toegestem het.

P M MADUNA

MINISTER VIR JUSTISIE EN STAATKUNDIGE ONTWIKKELING

SKEDULE

TREATY
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA
AND
THE GOVERNMENT OF CANADA
ON
MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

**THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND
THE GOVERNMENT OF CANADA;**

DESIRING to improve the effectiveness of both countries in the investigation, prosecution and suppression of crime through cooperation and mutual legal assistance in criminal matters;

HAVE AGREED as follows:

ARTICLE 1

Obligation to Provide Mutual Legal Assistance

1. The Contracting Parties shall, in accordance with this Treaty, provide each other with the widest measure of mutual legal assistance in criminal matters.
2. Mutual legal assistance is any assistance given by the Requested State in respect of investigations, prosecutions or proceedings in the Requesting State in a criminal matter, irrespective of whether the assistance is sought or is to be provided by a court or some other authority.
3. Criminal matters means, for the Republic of South Africa both statutory and common law offences and, for Canada, investigations or proceedings relating to any offence created by Parliament or by the legislature of a province.
4. Criminal matters includes investigations, prosecutions or proceedings relating to offences concerning taxation, duties customs and foreign exchange.

5. Assistance shall be provided without regard to whether the conduct which is the subject of the investigation, prosecution, or proceedings in the Requesting State would constitute an offence under the laws of the Requested State.
6. Assistance includes:
- a) locating and identifying persons and objects;
 - b) serving documents, including documents seeking the attendance of persons;
 - c) providing information, documents and records;
 - d) providing objects, including lending exhibits;
 - e) search and seizure;
 - f) taking evidence and obtaining statements;
 - g) authorizing the presence of persons from the Requesting State at the execution of requests;
 - h) making detained persons available to give evidence or assist investigations;
 - i) facilitating the appearance of witnesses or the assistance of persons in investigations;
 - j) taking measures to locate, restrain or forfeit the proceeds of crime; and
 - k) any other form of assistance not prohibited by the law of the Requested State.

ARTICLE 2

Execution of Requests

1. Requests for assistance shall be executed promptly in accordance with the law of the Requested State and, insofar as not prohibited by that law, in the manner specified by the Requesting State.
2. The Requested State shall, upon request, inform the Requesting State of the date and place of execution of the request for assistance.
3. The Requested State shall not refuse to execute a request on the ground of bank secrecy.

ARTICLE 3**Contents of Requests**

1. In all cases, requests for assistance shall indicate:
 - a) the competent authority conducting the investigation, prosecution or proceedings to which the request relates;
 - b) the nature of the investigation, prosecution or proceedings, and include a summary of the facts and a copy of the applicable laws;
 - c) the purpose of the request and the nature of the assistance sought;
 - d) the degree of confidentiality required and the reasons therefor; and
 - e) any time limit within which the request should be executed.
2. In the following cases, requests for assistance shall include:
 - a) in the case of requests for the taking of evidence, search and seizure, or the location, restraint or forfeiture of proceeds of crime, a statement indicating the basis for belief that evidence or proceeds may be found in the Requested State;
 - b) in the case of requests to take evidence from a person, an indication as to whether sworn or affirmed statements are required and a description of the subject matter of the evidence or statement sought;
 - c) in the case of lending of exhibits, the current location of the exhibits in the Requested State and an indication of the person or class of persons who will have custody of the exhibits in the Requesting State, the place to which the exhibit is to be removed, any tests to be conducted and the date by which the exhibit will be returned; and
 - d) in the case of making detained persons available, an indication of the person or class of persons who will have custody during the transfer, the place to which the detained person is to be transferred and the date of that person's return.

3. If necessary, and where possible, requests for assistance shall include:
 - a) the identity, nationality and location of a person who is the subject of the investigation, prosecution or proceedings;
 - b) details of any particular procedure or requirement that the Requesting State wishes to be followed and the reasons therefor.
4. If the Requested State considers that the information is not sufficient to enable the request to be executed, it may request additional information.
5. A request shall be made in writing. In urgent circumstances, a request may be made orally but shall be confirmed in writing promptly thereafter.

ARTICLE 4

Refusal or Postponement of Assistance

1. Assistance may be refused if, in the opinion of the Requested State, the execution of the request would impair its sovereignty, security, public order, essential public interest or prejudice the safety of any person.
2. Assistance may be postponed by the Requested State if execution of the request would interfere with an ongoing investigation or prosecution in the Requested State.
3. The Requested State shall promptly inform the Requesting State of a decision of the Requested State not to comply in whole or in part with a request for assistance, or to postpone execution, and shall give reasons for that decision.
4. Before refusing a request for assistance or before postponing the execution of a request, the Requested State shall consider whether assistance may be provided subject to such conditions as it deems necessary. If the Requesting State accepts assistance subject to those conditions, it shall comply with them.

ARTICLE 5

Locating and Identifying Persons and Objects

The competent authorities of the Requested State shall endeavor to ascertain the location and identity of persons and objects specified in the request.

ARTICLE 6

Service of Documents

1. The Requested State shall serve any document transmitted to it for the purpose of service.
2. The Requesting State shall transmit a request for the service of a document pertaining to a response or appearance in the Requesting State within a reasonable time, before the scheduled response or appearance.
3. The Requested State shall return a proof of service in the manner required by the Requesting State.

ARTICLE 7

Provision of Information, Documents, Records and Objects

1. The Requested State shall provide copies of publicly available information, documents and records of government departments and agencies.
2. The Requested State may provide any information, documents, records and objects in the possession of a government department or agency, but not publicly available, to the same extent and under the same conditions as they would be available to its own law enforcement and judicial authorities.
3. The Requested State may provide certified true copies of documents or records, unless the Requesting State expressly requests originals.
4. Original documents, records or objects provided to the Requesting State shall be returned to the Requested State as soon as possible, upon request.
5. Insofar as not prohibited by the law of the Requested State, documents, records or objects shall be provided in a form or accompanied by such certification as may be specified by the Requesting State in order to make them admissible according to the law of the Requesting State.

ARTICLE 8

Search and Seizure

1. The Requested State shall execute a request for a search and seizure.
2. The competent authority that has executed a request for a search and seizure shall provide such information as may be required by the Requesting State concerning, but not limited to, the identity, condition, integrity and continuity of possession of the documents, records or objects seized and the circumstances of the seizure.

ARTICLE 9

Taking Evidence in the Requested State

1. A person requested to testify and produce documents, records or objects in the Requested State shall be compelled, if necessary, to appear and testify and produce such documents, records or objects, in accordance with the law of the Requested State.
2. The Requested State shall permit the presence of persons, specified in the request, during the execution of the request and shall allow such persons to question the person giving the evidence. The Requested State may specify the manner in which the questioning will take place.
3. The persons present at the execution of a request shall be permitted to make a verbatim record of the proceedings. The use of technical means to make such a verbatim record shall be permitted.
4. To the extent not prohibited by its law, the Requested State shall execute a request for the taking of evidence from the Requested State to the Requesting State via video, satellite or other technological means.

ARTICLE 10

Presence of Persons at the Execution of Requests

To the extent not prohibited by the law of the Requested State, persons specified in the request shall be permitted to be present at the execution of the request.

ARTICLE 11**Making Detained Persons Available to Give Evidence or Assist Investigations**

1. Upon request, a person serving a sentence in the Requested State shall be temporarily transferred to the Requesting State to assist investigations or to testify, provided that the person consents.
2. When the person transferred is required to be kept in custody under the law of the Requested State, the Requesting State shall hold that person in custody and shall return the person in custody at the conclusion of the execution of the request.
3. When the sentence imposed expires, or where the Requested State advises the Requesting State that the transferred person is no longer required to be held in custody, that person shall be set at liberty and be treated as a person present in the Requesting State pursuant to a request seeking that person's attendance.

ARTICLE 12**Providing Evidence or Assisting Investigations in the Requesting State**

Upon request, the Requested State shall invite a person to assist in an investigation or to appear as a witness in the Requesting State, with that person's consent. In the request, the Requesting State shall advise what expenses are payable.

ARTICLE 13**Safe Conduct**

1. Subject to Article 11(2), a person present in the Requesting State in response to a request shall not be prosecuted, detained or subjected to any other restriction of personal liberty in that State for any acts or omissions which preceded that person's departure from the Requested State, nor shall that person be obliged to give evidence in any proceeding other than that to which the request relates.
2. Paragraph 1 of this Article shall cease to apply if a person, being free to leave the Requesting State, has not left within thirty (30) days after receiving official notification that the person's attendance is no longer required or, having left, has voluntarily returned.
3. A person shall not be subjected to any sanction or compulsory measure in the Requested or Requesting State, for failing to appear in the Requesting State.

ARTICLE 14

Proceeds of Crime

1. The Requested State shall, upon request, endeavor to ascertain whether any proceeds of a crime are located within its jurisdiction and shall notify the Requesting State of the results of its inquiries.
2. When, pursuant to paragraph 1 of this Article, suspected proceeds of crime are found, the Requested State shall take such measures as are permitted by its law to restrain and forfeit these proceeds.
3. Proceeds forfeited pursuant to this Treaty shall accrue to the Requested State, unless otherwise agreed.

ARTICLE 15

Restitution and Fine Enforcement

The Requested State shall, to the extent permitted by its law, provide assistance concerning restitution to the victims of crime and the collection of fines imposed as a sentence in a criminal prosecution.

ARTICLE 16

Central Authorities

The Central Authorities shall transmit and receive all requests for the purposes of this Treaty. The Central Authority for Canada shall be the Minister of Justice or an official designated by that Minister; the Central Authority for the Republic of South Africa shall be the Director General: Department for Justice and Constitutional Development or a person designated by the Director General.

ARTICLE 17**Confidentiality**

1. The Requested State may require, after consultation with the Requesting State, that information or evidence furnished or the source of such information or evidence be kept confidential, disclosed or used only subject to such terms and conditions as it may specify.
2. The Requesting State may require that the request, its contents, supporting documents and any action taken pursuant to the request be kept confidential. If the request cannot be executed without breaching the confidentiality requirement, the Requested State shall so inform the Requesting State prior to executing the request and the latter shall then determine whether the request should nevertheless be executed.

ARTICLE 18**Limitation of Use**

The Requesting State shall not disclose or use information or evidence furnished for purposes other than those stated in the request, without the prior consent of the Central Authority of the Requested State.

ARTICLE 19**Authentication**

Documents, records or objects transmitted pursuant to this Treaty shall not require any form of authentication, except as specified in Article 7, or as required by the Requesting State.

ARTICLE 20**Language**

Requests and supporting documents shall be accompanied by a translation into one of the official languages of the Requested State.

ARTICLE 21**Expenses**

1. The Requested State shall meet the cost of executing the request for assistance, except that the Requesting State shall bear:

- a) the expenses associated with conveying any person to or from the territory of the Requested State at the request of the Requesting State and any expenses payable to that person while in the Requesting State pursuant to a request under Articles 11 or 12 of this Treaty;
- b) the expenses and fees of experts either in the Requested State or the Requesting State;
- c) the expenses of translation, interpretation and transcription; and
- d) the expenses associated with the taking of evidence from the Requested State to the Requesting State via video, satellite or other technological means.

2. If it becomes apparent that the execution of the request requires expenses of an extraordinary nature, the Contracting Parties shall consult to determine the terms and conditions under which the requested assistance can be provided.

ARTICLE 22**Compatibility with Other Treaties**

Assistance and procedures set forth in this Treaty shall not prevent either Party from granting assistance to the other Party through the provisions of other applicable international agreements, or through the provisions of its domestic law. The Parties may also provide assistance pursuant to any bilateral arrangement, agreement or practice which may be applicable.

ARTICLE 23**Consultation**

The Central Authorities of the Contracting Parties shall consult, at times mutually agreed to by them, to promote the most effective implementation of this Treaty. The Central Authorities may also agree on such practical measures as may be necessary to facilitate the implementation of this Treaty.

ARTICLE 24**Entry into Force, Amendment and Termination**

1. This Treaty shall enter into force on the date on which the Contracting Parties have notified each other, in writing, that their respective legal requirements have been met. The effective date of entry into force will be the date of the last notification.
2. This Treaty shall apply to any requests presented after its entry into force even if the relevant acts or omissions occurred before that date.
3. This Treaty may be amended by mutual consent.
4. Either Contracting Party may terminate this Treaty. The termination shall take effect six (6) months from the date on which it was notified to the other Contracting Party.
5. The Parties may also by mutual consent terminate this Treaty on such terms and conditions as may be agreed to between the Parties.

IN WITNESS THEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

DONE in duplicate at Durban, on this 12th day of November 1999, in the English and French languages, each language version being equally authentic.

N C Dlamini Zuma
(Minister of Foreign Affairs)

**FOR THE GOVERNMENT OF
THE REPUBLIC OF SOUTH AFRICA**

L Axworthy
(Minister of Foreign Affairs)

**FOR THE GOVERNMENT
OF CANADA**

No. R. 391

18 May 2001

EXTRADITION ACT, 1962 (ACT NO. 67 OF 1962)**EXTRADITION TREATY BETWEEN THE REPUBLIC OF SOUTH AFRICA AND CANADA**

I, Penuell Mpapa Maduna, Minister for Justice and Constitutional Development, hereby give notice in terms of section 2(3) *ter* of the Extradition Act, 1962 (Act No. 67 of 1962), that the Parliament of the Republic of South Africa has on 3 April 2001 agreed to the ratification of the Extradition Treaty between the Republic of South Africa and Canada as set out in the Schedule.

P M MADUNA

MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT

SCHEDULE

No. R. 391

18 Mei 2001

WET OP UITLEWERING, 1962 (WET NO. 67 VAN 1962)**UITLEWERINGSVERDRAG TUSSEN DIE REPUBLIEK VAN SUID-AFRIKA EN KANADA**

Ek, Penuell Mpapa Maduna, Minister vir Justisie en Staatkundige Ontwikkeling gee, ingevolge artikel 2(3) *ter* van die Wet op Uitlewering, 1962 (Wet No. 67 van 1962), hiermee kennis dat die Parlement van die Republiek van Suid-Afrika op 3 April 2001 tot die bekragtiging van die Uitleweringsverdrag tussen die Republiek van Suid-Afrika en Kanada, soos in die Skedule uiteengesit, toegestem het.

P M MADUNA

MINISTER VIR JUSTISIE EN STAATKUNDIGE ONTWIKKELING

SKEDULE

TREATY
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA
AND
THE GOVERNMENT OF CANADA
ON
EXTRADITION

**THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND
THE GOVERNMENT OF CANADA**, hereby referred to as "the Contracting
Parties";

DESIRING to make more effective their co-operation in the prevention and
suppression of crime by concluding a Treaty on Extradition;

AFFIRMING their respect for each other's legal systems and judicial
institutions;

HAVE AGREED as follows:

ARTICLE 1

Obligation to Extradite

Each Contracting Party agrees to extradite to the other, in accordance with the provisions
of this Treaty, persons who are wanted for prosecution or the imposition or enforcement
of a sentence in the Requesting State for an extraditable offence.

ARTICLE 2

Extraditable Offences

1. For the purposes of this Treaty, extradition shall be granted for conduct which constitutes an offence under the laws of both Contracting Parties that is punishable by deprivation of liberty for a maximum term of one year or more or by a more severe punishment.
2. Where the request for extradition relates to a person sentenced to deprivation of liberty by a court of the Requesting State for an extraditable offence, extradition shall be granted if a period of at least six months of the sentence remains to be served.
3. For the purpose of this Article, in determining whether conduct is an offence against the law of the Requested State:
 - (a) it shall not matter whether the laws of the Contracting Parties place the conduct constituting the offence within the same category of offence or describe the offence by the same terminology;
 - (b) the totality of the conduct alleged against the person whose extradition is sought shall be taken into account and it shall not matter whether, under the laws of the Contracting Parties, the constituent elements of the offence differ.
4. An offence of a fiscal character, including an offence against a law relating to taxation, customs duties, foreign exchange control or any other revenue matter, is an extraditable offence. Provided that the conduct for which extradition is sought is an offence in the Requested State, extradition may not be refused on the ground that the law of the Requested State does not impose the same kind of tax or duty or does not contain a tax, duty, customs, or exchange regulation of the same kind as the law of the Requesting State.
5. An offence is extraditable whether or not the conduct on which the Requesting State bases its request occurred in the territory over which it has jurisdiction. However, where the law of the Requested State does not provide for jurisdiction over an offence in similar circumstances, the Requested State may, in its discretion, refuse extradition on this basis.
6. Extradition may be granted pursuant to the provisions of this Treaty in respect of an offence provided that:

- (a) it was an offence in the Requesting State at the time of the conduct constituting the offence; and
 - (b) the conduct alleged would, if it had taken place in the Requested State at the time of the making of the request for extradition, have constituted an offence against the law of the Requested State.
7. If the request for extradition relates to a sentence of both imprisonment and a pecuniary sanction, the Requested State may grant extradition for the enforcement of both the imprisonment and the pecuniary sanction.
8. If the request for extradition relates to a number of offences, each of which is punishable under the laws of both States, but some of which do not meet the other requirements of paragraphs 1 and 2, the Requested State may grant extradition for such offences provided that the person is to be extradited for at least one extraditable offence.

ARTICLE 3

Mandatory Refusal of Extradition

Extradition shall be refused in any of the following circumstances:

1. Where the offence for which extradition is requested is considered by the Requested State to be a political offence or an offence of a political character. For the purpose of this paragraph, the following conduct does not constitute a political offence or an offence of a political character:
- (a) conduct that constitutes an offence mentioned in a multilateral agreement to which Canada and the Republic of South Africa are parties and are obliged to extradite the person or submit the matter to appropriate authorities for prosecution;
 - (b) murder;
 - (c) inflicting serious bodily harm;
 - (d) sexual assault;
 - (e) kidnapping, abduction, hostage-taking or extortion;
 - (f) using explosives, incendiaries, devices or substances in circumstances in

which human life is likely to be endangered or serious bodily harm or substantial property damage is likely to be caused; and

- (g) an attempt or conspiracy to engage in, counseling, aiding or abetting another person to engage in, or being an accessory after the fact in relation to, the conduct referred to in any of paragraphs (a) to (f).
2. Where there are substantial grounds for believing that the request for extradition is made for the purpose of prosecuting or punishing the person by reason of that person's race, religion, nationality, ethnic origin, language, colour, political opinion, sex, sexual orientation, age, mental or physical disability or status or that the person's position may be prejudiced for any of those reasons.
 3. Where the prosecution for the offence for which extradition is requested would be barred by prescription under the law of the Requesting State.
 4. Where the offence for which extradition is requested constitutes an offence under military law, which is not an offence under ordinary criminal law.
 5. Where the person sought has been finally acquitted or convicted in the Requested State for the same offence for which extradition is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable.

ARTICLE 4

Discretionary Refusal of Extradition

Extradition may be refused in any of the following circumstances:

1. Where the offence for which extradition is requested is subject to the jurisdiction of the Requested State and that State will prosecute that offence.
2. Where the person sought is being prosecuted by the Requested State for the offence for which extradition is requested.
3. Where the offence carries the death penalty under the law of the Requesting State, unless that State undertakes that the death penalty will not be sought, or if a sentence of death is imposed it will not be carried out.
4. Where, in exceptional cases, the Requested State while also taking into account the seriousness of the offence and the interests of the Requesting State considers that because of the personal circumstances of the person sought, the extradition would be incompatible with humanitarian considerations.

5. Where the person sought was a young offender within the meaning of the law of the Requested State at the time of the offence and the law that will apply to that person in the Requesting State is not consistent with the fundamental principles of the law of the Requested State dealing with young offenders.
6. Where the person sought has been convicted in absentia unless the Requesting State undertakes that the person may appeal against the conviction or have a retrial.
7. Where the person sought has been finally acquitted or convicted in a third State for the same offence for which extradition is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable.

ARTICLE 5

Nationality

Extradition shall not be refused on the ground of the nationality of the person sought.

ARTICLE 6

Presentation of Requests

1. Requests for provisional arrest or extradition shall be made:
 - (a) in the case of Canada, to the Minister of Justice;
 - (b) in the case of the Republic of South Africa, to the Minister for Justice and Constitutional Development.
2.
 - (a) Requests for extradition shall be made in writing and communicated directly between the Departments responsible for Justice of the Contracting States; however, use of the diplomatic channel is not excluded.
 - (b) Requests for provisional arrest shall be communicated as outlined in subparagraph (a) or through the facilities of the International Police Organization (INTERPOL).

ARTICLE 7**Documents to be Submitted**

1. The following documents shall be submitted in support of a request for extradition:

(a) in all cases, whether the person is sought for prosecution or the imposition or enforcement of sentence:

(i) information about the description, identity, location and nationality of the person sought;

(ii) a statement prepared by a public official, including a judicial, prosecuting or corrections official, which describes briefly the conduct constituting the offence for which the extradition is requested, indicating the place and the date of the commission of the offence and which provides a description or a copy of the text of the legal provisions describing the offence and the applicable penalty. This statement shall also indicate:

(aa) that these legal provisions were in force both at the time of the commission of the offence and at the time of the extradition request;

(bb) whether or not the prosecution of the offence, the imposition or the enforcement of any applicable penalty is barred by reason of prescription; and

(cc) where the offence occurred outside the territory of the Requesting State, the legal provisions establishing its jurisdiction; and

(b) in the case of a person sought for prosecution for an offence:

(i) the original or a certified true copy of the order of arrest or of any document having the same force and effect, issued in the Requesting State;

(ii) a copy of the indictment, charge sheet or other charging document; and

(iii) in the case of a request submitted by the Republic of South Africa, a record of the case comprised of a summary of the evidence available to the Requesting State, including identification evidence that would be sufficient to justify the committal for trial

of the person sought, if the conduct had occurred in the Requested State. The record may include any report, statement or other relevant documentation.

A judicial or prosecutorial authority shall certify that the evidence summarized or contained in the record of the case is available for trial and is sufficient under the law of the Requesting State to justify prosecution; or

- (iv) in the case of a request submitted by Canada, a certificate issued by the prosecutor in charge of the prosecution of the case containing a summary of the available evidence and a statement that the evidence is sufficient under the law of the Requesting State to warrant the prosecution of the person sought.
- (c) in the case of a person sought for the imposition or enforcement of a sentence:
- (i) a statement by a judicial, prosecuting or corrections official describing the conduct for which the person was convicted and attaching a copy of the document that records the conviction and, where applicable, sentence of the person. This statement shall be certified by the judicial, prosecuting or corrections official to be accurate; and
 - (ii) if a portion of the sentence has already been served, a statement by a public official specifying the portion of the sentence which remains to be served.
2. In the case of a person convicted in absentia, the requirements relating to the submission of documents referred to in subparagraphs (a) and (b) of paragraph 1 shall apply. If, however, it is established that the charge, containing notice of the date and place of trial, or the judgement rendered in absentia has been personally served on the person sought, and that person has not appeared or availed himself or herself of the rights to appeal and retrial, the requirements relating to the submission of documents referred to in subparagraphs (a) and (c) of paragraph 1 shall apply.
3. Any translation produced in the Requesting State of documents submitted in support of a request for extradition shall be admitted for all purposes in extradition proceedings.

ARTICLE 8**Authentication of Supporting Documents**

Where the law of the Requested State requires authentication, documents shall be authenticated by a statement by the Minister responsible for Justice or a person designated by her or him under the seal of that Minister identifying the person who has signed the document, including that person's position or title.

ARTICLE 9**Language**

All documents submitted in accordance with this Treaty shall be in or translated into an official language of the Requested State.

ARTICLE 10**Additional Information**

If the Requested State considers that the information furnished in support of a request for extradition is not sufficient in accordance with this Treaty to enable extradition to be granted, that State may request that additional information be furnished within such time as it specifies.

ARTICLE 11**Waiver**

Extradition of a person may be granted pursuant to the provisions of this Treaty notwithstanding that the requirements of Article 7 have not been complied with provided that the person sought consents to being extradited.

ARTICLE 12**Provisional Arrest**

1. In case of urgency, the competent authorities of the Requesting State may apply by any means which allows for a written record for the provisional arrest of the person sought.
2. An application for provisional arrest shall include the following:
 - (a) information about the description, identity, location and nationality of the person sought;
 - (b) a statement that a request for extradition will follow;
 - (c) a description of the nature of the offence and applicable penalty, with a brief summary of the facts of the case, including date and place of the offence;
 - (d) a statement attesting to the existence of a warrant of arrest or a conviction to which this Treaty applies and details thereof;
 - (e) any other information which would justify provisional arrest in the Requested State.
3. The Requested State shall promptly inform the Requesting State of the measures taken pursuant to the application for provisional arrest.
4. Provisional arrest shall be terminated if the Requested State has not received the request for extradition and supporting documents through the channel provided for in Article 6 within sixty (60) days after the arrest. The competent authorities of the Requested State, insofar that it is permitted by the law of that State, may extend that delay with regards to the reception of the documents referred to in Article 7. However, the person sought may be granted bail at any time, subject to the conditions deemed necessary to ensure that the person does not leave the country.
5. The expiry of the sixty (60) day period does not preclude subsequent arrest and extradition if a request for extradition is subsequently received.

ARTICLE 13

Competing Requests

1. Where requests are received from two or more states for the extradition of the same person either for the same offence or for different offences, the Requested State shall determine to which of those States the person is to be extradited and shall notify those States of its decision.
2. In determining to which State a person is to be extradited, the Requested State shall have regard to all the relevant circumstances, and, in particular, to:
 - (a) if the requests relate to different offences, the relative seriousness of those offences;
 - (b) the time and place of commission of each offence;
 - (c) the respective dates of the requests;
 - (d) the nationality of the person sought;
 - (e) the ordinary place of residence of the person;
 - (f) whether the requests were made pursuant to an extradition treaty;
 - (g) the interests of the respective States; and
 - (h) the nationality of the victim.

ARTICLE 14

Surrender

1. The Requested State shall, as soon as a decision on the request for extradition has been made, communicate that decision to the Requesting State. Reasons shall be given for any complete or partial refusal of an extradition request.
2. Where extradition is granted, the Requested State shall surrender the person in accordance with arrangements agreed to between the competent authorities of the Contracting Parties.
3. The Requesting State shall receive the person within such reasonable period as the Requested State specifies and, if the person is not removed within that period, the Requested State may refuse to extradite that person for the same offence.

4. If circumstances beyond its control prevent a Contracting Party from surrendering or removing the person to be extradited it shall notify the other Contracting Party. The Contracting Parties shall decide upon a new date of surrender and the provisions of paragraph 3 of this Article shall apply.

ARTICLE 15

Postponed or Temporary Surrender

1. Where the person sought is being proceeded against or is serving a sentence in the Requested State for an offence other than that for which extradition is requested, the Requested State may surrender the person sought or postpone surrender until the conclusion of the proceedings or the service of the whole or any part of the sentence imposed. The Requested State shall inform the Requesting State of any postponement.
2. To the extent permitted by its law, where a person referred to in paragraph 1 of this Article has been found extraditable, the Requested State may temporarily surrender the person sought for the purposes of prosecution to the Requesting State in accordance with conditions to be determined between the Contracting Parties. The person so surrendered shall be kept in custody in the Requesting State and shall be returned to the Requested State after the conclusion of the proceedings against that person. A person who is returned to the Requested State following a temporary surrender shall be finally surrendered to the Requesting State to serve any sentence imposed, in accordance with the provisions of this Treaty.

ARTICLE 16

Surrender of Property

1. The Requested State shall, in so far as its law permits and at the request of the Requesting State, seize and surrender property that may be used in the prosecution of the offence and which, at the time of the arrest, is found in the possession of the person claimed or is discovered subsequently.
2. The property mentioned in paragraph 1 of this Article shall be surrendered even if extradition having been granted, cannot be carried out owing to the death or escape of the person sought.

3. Where the property referred to in paragraphs 1 and 2 of this Article is required in the Requested State in connection with civil or criminal proceedings, the Requested State may temporarily retain or surrender it over on condition that it be returned.
4. Any rights that the Requested State or third parties may have acquired in the property shall be preserved. Where these rights exist, the property shall be returned without charge to the Requested State as soon as possible after the trial.

ARTICLE 17

Rule of Specialty

1. A person who has been extradited shall not be prosecuted, sentenced or detained for any offence committed prior to the surrender other than that for which that person was extradited, nor shall the person's liberty be restricted for any other reason, except in the following cases:
 - (a) where the Requested State consents;
 - (b) where the person, having had an opportunity to leave the Requesting State, has not done so within thirty (30) days of final discharge, or has voluntarily returned to that State after having left it; or
 - (c) where the person extradited consents before a judicial authority in the Requesting State.
2. A request for the consent of the Requested State under paragraph 1 of this Article shall, if required by the Requested State, be accompanied by the relevant documents required by Article 7 as well as a record of any statement made by the extradited person in respect of the offence concerned.
3. If the charge for which the person was extradited is subsequently changed, that person may be prosecuted or sentenced provided the offence under its revised description is:
 - (a) based on substantially the same facts contained in the extradition request and its supporting documents;
 - (b) punishable by the same maximum penalty as, or a lesser maximum penalty than, the offence for which the person was extradited; and
 - (c) substantially the same in nature to the original offence.

ARTICLE 18**Re-extradition to a Third State**

1. Where a person has been surrendered to the Requesting State, that State shall not extradite the person to any third State for an offence committed before that person's surrender unless:
 - (a) the Requested State consents to that extradition; or
 - (b) the person has had an opportunity to leave the Requesting State and has not done so within thirty (30) days of final discharge in respect of the offence for which that person was surrendered by the Requested State or if the person has voluntarily returned to the Requesting State after having left it.
2. The Requested State may request the production of the documents submitted by the third State in relation to any consent pursuant to sub-paragraph 1(a) of this Article.

ARTICLE 19**Transit**

1. To the extent permitted by its law, transit through the territory of one of the Contracting Parties shall be granted on a request in writing by the other Contracting Party. The request for transit:
 - (a) may be transmitted by any means affording a record in writing; and
 - (b) shall contain the information referred to in paragraph 2 of Article 12, and the particulars of the transit and ultimate proposed surrender.

2. No authorization for transit shall be necessary when air travel is used and no landing is scheduled in the territory of the transit State. In the case of an unscheduled landing, the transit State may require the request for transit provided for in paragraph 1. To the extent permitted by its law, the transit State shall detain the person in transit until the request is received and the transit is carried out, provided that the request is received within twenty four (24) hours after the unscheduled landing.

ARTICLE 20

Expenses

1. The Requested State shall make all necessary arrangements for and meet the cost of any proceedings arising out of a request for extradition.
2. The Requested State shall bear the expenses incurred in its territory in the arrest of the person whose extradition is sought, and in the maintenance in custody of the person until surrender to the Requesting State.
3. The Requesting State shall bear the expense incurred in conveying the person extradited from the territory of the Requested State.

ARTICLE 21

Conduct of Proceedings

1. In the case of a request for extradition presented by the Republic of South Africa, the Attorney General of Canada shall conduct the extradition proceedings before Canadian courts.
2. In the case of a request for extradition presented by Canadian authorities, the extradition proceedings shall be conducted in accordance with the law of the Republic of South Africa.

ARTICLE 22**Entry into Force, Amendment and Termination**

1. This Treaty shall enter into force on the date on which the Contracting Parties have notified each other in writing that their respective legal requirements have been met. The effective date of entry into force will be the date of last notification.
2. This Treaty shall apply to any offence specified in Article 2 committed before or after this Treaty enters into force.
3. This Treaty may be amended by mutual consent.
4. Either Contracting Party may terminate this Treaty. The termination shall take effect six (6) months from the date on which it was notified to the other Contracting Party.
5. The Parties may also terminate this Treaty by mutual consent on such terms and conditions as may be agreed to between the Parties.

ARTICLE 23**Consultation**

The Department of Justice of Canada and the Department for Justice and Constitutional Development of the Republic of South Africa or persons designated by the respective Departments may consult with each other directly or through the facilities of the International Police Organization (INTERPOL) in connection with the processing of individual cases and in furtherance of efficient implementation of this Treaty.

IN WITNESS THEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

DONE in duplicate at Durban, on this 12th day of November 1999, in the English and French languages, each language version being equally authentic.

N C Dlamini Zuma
(Minister of Foreign Affairs)

L Axworthy
(Minister of Foreign Affairs)

**FOR THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA**

**FOR THE GOVERNMENT
OF CANADA**

No. R. 423

18 May 2001

**NATIONAL PROSECUTING AUTHORITY ACT, 1998
(ACT NO. 32 OF 1998): REGULATIONS**

The Minister for Justice and Constitutional Development has, under section 40, read with sections 16(3) and 25(2), of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998), made the regulations in the Schedule.

SCHEDULE

Definition

1. In these regulations any expression to which a meaning has been assigned to in the Act shall bear that meaning and, unless the context otherwise indicates, "the Act" means the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998).

Legal qualifications

2. The appropriate legal qualifications for the appointment of a person as a prosecutor in a lower court as contemplated in section 16(3) of the Act are a recognised three-year legal degree or diploma obtained at a university in the Republic of South Africa, including, but not limited to, the degrees *baccalaureus iuris* or *baccalaureus procurationis* or the *diploma iuris*, which includes at least a course in each of the following: Law of Evidence,

Civil Procedure, Criminal Procedure, Criminal Law and the Interpretation of Statutes: Provided that, for purposes of the appointment of a person as prosecutor in a lower court after 1 January 2006, a legal diploma will not be regarded as an appropriate legal qualification.

3. The appropriate legal qualifications for any prosecutor to have the right to appear in any court in the Republic of South Africa as contemplated in section 25(2) of the Act are a recognised three-year legal degree or diploma obtained at a university in the Republic of South Africa, including, but not limited to, the degrees *baccalaureus iuris* or *baccalaureus procurationis* or the *diploma iuris*, which includes at least a course in each of the following: Law of Evidence, Civil Procedure, Criminal Procedure, Criminal Law and the Interpretation of Statutes: Provided that a legal diploma will with effect from 1 January 2006 not be regarded as a legal qualification as contemplated in section 25(2)(a) of the Act: Provided further that a prosecutor who holds a legal diploma and has the right to appear in any court in the Republic as contemplated in section 25(2) of the Act on 31 December 2005, will continue to have the right to so appear."

Short title and commencement

4. These regulations shall be called the Regulations on the Legal Qualifications for Prosecutors, 2001, and shall come into operation on 18 May 2001.

No. R. 423

18 Mei 2001

**WET OP DIE NASIONALE VERVOLGINGSGESAG, 1998
(WET NO. 32 VAN 1998): REGULASIES**

Die Minister vir Justisie en Staatkundige Ontwikkeling het, kragtens artikel 40, gelees met artikels 16(3) en 25(2), van die Wet op die Nasionale Vervolgingsgesag, 1998 (Wet No. 32 van 1998), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies het 'n uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken "die Wet" die Wet op die Nasionale Vervolgingsgesag, 1998 (Wet No. 32 van 1998).

Regskwalifikasies

2. Die gepaste regskwalifikasies vir die aanstelling van 'n persoon as aanklaer in 'n laerhof soos bedoel in artikel 16(3) van die Wet is 'n erkende drie-jaar-regsgraad of -diploma aan 'n universiteit in die Republiek van Suid-Afrika behaal, insluitende, maar nie beperk nie tot, die grade *baccalaureus iuris* of *baccalaureus procurationis* of die *diploma iuris*, wat minstens 'n kursus in elk van die volgende insluit: Bewysreg, Siviele Prosesreg, Strafprosesreg, Strafred en Uitleg van Wette: Met dien verstande dat 'n regsdiploma nie as 'n gepaste regskwalifikasie geag sal word vir doeleindes van die aanstelling van 'n persoon as aanklaer in 'n laerhof na 1 Januarie 2006 nie.

3. Die gepaste regs kwalifikasies vir 'n aanklaer om die reg te hê om in enige hof in die Republiek van Suid-Afrika te verskyn soos bedoel in artikel 25(2) van die Wet, is 'n erkende drie-jaar-regsgraad of -diploma aan 'n universiteit in die Republiek van Suid-Afrika behaal, insluitende, maar nie beperk nie tot, die grade *baccalaureus iuris* of *baccalaureus procurationis* of die *diploma iuris*, wat minstens 'n kursus in elk van die volgende insluit: Bewysreg, Siviele Prosesreg, Strafprosesreg, Strafreë en Uitleg van Wette: Met dien verstande dat 'n regsdiploma met ingang van 1 Januarie 2006 nie as 'n regs kwalifikasie soos bedoel in artikel 25(2)(a) van die Wet geag sal word nie: Met dien verstande verder dat 'n aanklaer wat oor 'n regsdiploma beskik en op 31 Desember 2005 die reg het om in enige hof in die Republiek te verskyn soos bedoel in artikel 25(2) van die Wet, sal voortgaan om die reg om so te verskyn te hê."

Kort titel en inwerkingtreding

4. Hierdie regulasies heet die Regulasies rakende die Regs kwalifikasies vir Aanklaers, 2001, en tree in werking op 18 Mei 2001.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID****No. R. 388****18 May 2001**

LABOUR RELATIONS ACT, 1995

**LEATHER INDUSTRY OF SOUTH AFRICA: RENEWAL OF PERIOD OF OPERATION OF GENERAL
GOODS AND HANDBAG SECTION COLLECTIVE AGREEMENT**

I, Thembinkosi Mkalipi, Executive Manager: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32 (6) (a) (ii) of the Labour Relations Act, 1995, declare the provisions of Government Notices Nos. R. 46 of 28 January 2000, R. 647 of 30 June 2000 and R. 1173 of 24 November 2000 to be effective from the date of publication of this notice and for the period ending 30 June 2002.

T. MKALIPI**Executive Manager: Collective Bargaining****No. R. 388****18 Mei 2001**

WET OP ARBEIDSVERHOUDINGE, 1995

**LEERNYWERHEID VAN SUID-AFRIKA: HERNUWING VAN TYDPERK VAN ALGEMENE GOEDERE
EN HANDSAKSEKSIE KOLLEKTIEWE OOREENKOMS**

Ek, Thembinkosi Mkalipi, Uitvoerende Bestuurder: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verklaar hierby, kragtens artikel 32 (6) (a) (ii) van die Wet op Arbeidsverhoudinge, 1995, dat die bepalings van Goewermenskennisgewings Nos. R. 46 van 28 Januarie 2000, R. 647 van 30 Junie 2000 en R. 1173 van 24 November 2000, van krag is vanaf die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 Junie 2002 eindig.

T. MKALIPI**Uitvoerende Bestuurder: Kollektiewe Bedinging****No. R. 389****18 May 2001**

LABOUR RELATIONS ACT, 1995

**NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA: RENEWAL OF
TANNING SECTION COLLECTIVE AGREEMENT**

I, Thembinkosi Mkalipi, Executive Manager: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32 (6) (a) (ii) of the Labour Relations Act, 1995, declare the provisions of Government Notices Nos. R. 1318 of 6 November 1998, R. 287 of 12 March 1999, R. 1017 of 27 August 1999, R. 47 of 28 January 2000 and R. 555 of 9 June 2000, to be effective from the date of publication of this notice and for the period ending 30 June 2002.

T. MKALIPI**Executive Manager: Collective Bargaining****No. R. 389****18 May 2001**

UMTHETHO WOBUDLELWANO KWEZEMISENBENZI, KA 1995

**UMKHANDALU WOKUXOXISANA EZIMBONINI ZEZIKHUMBA ENINGIZIMU AFRIKA: UKUVUSELELWA
KWESIVUMELWANO SIKAWONKEWONKE SENGXENYE YOKUSHUKWA KWEZIKHUMBA**

Mina, Thembinkosi Mkalipi, uMqondisi: ukuXoxisana kukaWonkewonke, okuvunyelwe nguNgqongqoshe wezokeSebenza, ngokwesigaba 32 (6) (a) (ii) soMthetho wobuDlelwano kweseMisebenzi, ka 1995, ngimemezela imiyhetho kaHulumeni enguNombolo R. 1318 womhlaka 6 Novemba 1998, R. 287 womhla 12 Mashi 1999, R. 1017 womhlaka 27 Agusti 1999, R. 47 womhlaka 28 Januari 2000, R. 555 womhlaka 9 Juni 2000 ukuthi iqale ukusebenza ngomhla ekubhengezwe ngawo lesisaziso kude kufinyelele esikhathi esiyophela ngomhla ka 30 Juni 2002.

T. MKALIPI**Umqondisi: Ukuxoxisana Kukawonkewonke**

No. R. 392

18 May 2001

LABOUR RELATIONS ACT, 1995

CONTRACT CLEANING INDUSTRY (NATAL): EXTENSION OF RE-ENACTMENT AND AMENDMENT OF MAIN AND PROVIDENT FUND COLLECTIVE AGREEMENT TO NON-PARTIES

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the Bargaining Council for the Contract Cleaning Industry (Natal), and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 28 May 2001, and for the period ending 28 February 2002.

M. M. S. MDLADLANA

Minister of Labour

No. R. 392

18 Mei 2001

WET OP ARBEIDSVIRHOUDINGE, 1995

KONTRAKSKOONMAAKBEDRYF (NATAL): UITBREIDING VAN HERBEKRAKTIGING EN WYSIGING VAN HOOF EN VOORSORGFONDS KOLLEKTIEWE OOREENKOMS NA NIE-PARTYE

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die Kollektiewe Ooreenkoms wat in die Engelse Bylae hiervan verskyn en wat in die Bedingsraad vir die Kontraskoonmaakbedryf (Natal) aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie bedryf, met ingang van 28 Mei 2001 en vir die tydperk wat op 28 Februarie 2002 eiendig.

M. M. S. MDLADLANA

Minister van Arbeid

SCHEDULE**BARGAINING COUNCIL FOR THE CONTRACT CLEANING INDUSTRY (NATAL)****RE-ENACTMENT AND AMENDMENT OF MAIN AND PROVIDENT FUND COLLECTIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and between the

National Contract Cleaners' Association (Natal Branch)

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

National General Workers' Union (NAGWU)**South African Transport and Allied Workers' Union (SATAWU)**

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being the parties to the Bargaining Council for the Contract Cleaning Industry (Natal).

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Contract Cleaning Industry in the Province of Natal as it existed immediately prior to the date of commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993)—

- (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade unions; and
- (b) by all employers and employees, other than those referred to in paragraph (a), who are engaged in the Contract Cleaning Industry in the area specified.

(2) The provisions of this Agreement do not apply to non-parties in respect of clauses 1 (1) (a), 2, 3 and 11.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Act and shall remain in force until 28 February 2002.

3. SPECIAL PROVISIONS

The provisions of clauses 6, 11.3, 17.2 and 19 of the Agreement published under Government Notice No. R. 251 of 26 February 1999 as amended and extended by Government Notices Nos. R. 48 of 28 January 2000 and R. 180 of 25 February 2000 (hereinafter referred to as the "Former Agreement") as further re-enacted, extended and amended from time to time, shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions of clauses 3 to 5, 7 to 11.2, 11.4 to 16, 17.1, 18 and 20 to 32 of the former agreement (as further extended, renewed, amended and re-enacted from time to time), shall apply to employers and employees.

5. CLAUSE 3: DEFINITIONS

- (1) Insert the following definition of "monthly wage" after the definition of "military service":

"monthly wages" shall mean the hours normally worked in a week multiplied by the rate applicable as stipulated in Clause 4 and multiplied by 4.33.

- (2) In the definition of "night work", substitute "20:00" and 06:00," for "21:00 and 05:00;"

6. CLAUSE 4: REMUNERATION

- (1) Substitute the following for clause 4 (1):

"(1) An employer shall pay his employees for ordinary hours worked in the regions concerned at the following rates:

- (a) Magisterial District of Durban, Pinetown, Inanda and Chatsworth: R6,69 per hour (or part thereof), calculated on a *pro rata* basis for all employees.
- (b) Municipal Areas of Empangeni and Richards Bay and the Magisterial District of Pietermaritzburg: R5,80 per hour (or part thereof), calculated on a *pro rata* basis for all employees.
- (c) The rest of Natal: R5,72 per hour (or part thereof) calculated on a *pro rata* basis for all employees.

- (2) "4.4 An employer shall give the first option of work on any contract to any employees in his/her employ in order to enable such employees to increase their hours of work up to the maximum prescribed. Provided that the application of this clause will under no circumstances create an expectation of continued employment.

Any dispute relating to this sub-clause shall be referred to conciliation, and if unresolved to arbitration in accordance with the Council constitution, or if applicable, the Labour Relations Act, 1995."

- (3) "4.5 An annual incentive bonus will be paid between 30 November and 15 December each year. The bonus will be as follows:

- (a) An amount equivalent to the employee's weekly wage as at the 30th November each year;
- (b) in the year 2001 the bonus will be pro-rata from the date of promulgation to the 30th November, calculated on the number of full calendar months service divided by 12 and multiplied by his weekly wage as at the 30th November;
- (c) should an employee be employed after the 1st December each year, bonus will be pro-rata calculated on the number of full calendar months service divided by 12 and multiplied by his weekly wage as at the 30th November;
- (d) should an employee resign or be dismissed for misconduct, no bonus pro-rata or otherwise would be payable.

7. CLAUSE 5: PAYMENT OF REMUNERATION

Insert the following in sub-clause 2 (b):

"(xi) Night shift allowance."

8. CLAUSE 7: REGULATION OF WORKING TIME

In subclause 7.5, substitute the following for paragraph (b):

- "(b) An employer must pay an employee at least one and one-half times the employee's wage for overtime worked in accordance with the provisions of the Basic Conditions of Employment Act as amended from time to time."

9. CLAUSE 17: TRADE UNION SUBSCRIPTIONS

In subclause 7.1 (c), substitute "15th" for "20th".

10. CLAUSE 18: COUNCIL FUNDING

In subclause 18.1, insert the following paragraph (d):

- (d) When forwarding the combined levies referred to in paragraph (c) above, will send the monies together with the remittance advice as prescribed by Council, with all sections of such remittance advice fully completed.

11. CLAUSE 19: SHOP STEWARD RIGHTS**(1) Substitute the following for subclause 19.2:**

In any workplace in which at least 10 members of a representative trade are employed, those members are entitled to elect from among themselves—

- (a) if there are 10 members of the trade union employed in the workplace, one trade union representative;
- (b) if there are more than 10 members of the trade union employed in the workplace, two trade union representatives;
- (c) if there are more than 50 members of the trade union employed in the workplace, two trade union representatives for the first 50 members, plus a further one trade union representative for every additional 50 members up to a maximum of seven trade union representatives;
- (d) if there are more than 300 members of the trade union employed in the workplace, seven trade union representatives for the first 300 members, plus one additional trade union representative for every 100 additional members up to a maximum of 10 trade union representatives;
- (e) if there are more than 600 members of the trade union employed in the workplace, seven trade union representatives for the first 600 members, plus one additional trade union representative for every 200 additional members up to a maximum of 12 trade union representatives; and
- (f) if there are more than 1 000 members of the trade union employed in the workplace, 12 trade union representatives for the first 1 000 members, plus one additional trade union representative for every 500 additional members up to a maximum of 20 trade union representatives.”

(2) In subclause 19.4, substitute the following for paragraph (a) (i):

“(i) Six days’ paid leave per year in the case of an office-bearer of a representative trade union.”

12. CLAUSE 30: PROVIDENT FUND**(1) Insert the following clause 30.12:**

“Should a company not comply with the provisions of the provident fund by not registering all the eligible employees that were employed on or after the 17th April 1995, the company shall be liable as follows:

- (a) Back pay both the employer and employee contributions of the eligible employees from the date they became eligible as per clause 30.2;
- (b) the employer may deduct the employee’s portion of the contribution from the eligible employee’s wages but this must not exceed 10% of the employee’s monthly wage and the employer may not add interest to the contributions owed. Should the employee, on ceasing to work for that employer, not have reimbursed the employer for the full back payment of the employee portion, the employer will have recourse against the employee’s savings being paid to him/her from the provident fund;
- (c) should a valid claim in terms of the rules for death, disability and/or funeral benefits have arisen during the period the eligible employee was not registered then the employer must pay out that claim to the employee or the employee’s family;
- (d) should a company not pay across the contributions to the administrators in terms of clause 30.5 (d):
 - (i) The company will be liable for a penalty of 10% per month of the contributions, which penalty will be paid to the Bargaining Council for the Contract Cleaning Industry (Natal);
 - (ii) and the matter shall be reported to the Financial Services Board;
- (e) where applicable clause 31.11 will apply in addition to this clause.

13. CLAUSE 31: DISPUTE ABOUT INTERPRETATION, APPLICATION OR ENFORCEMENT OF AGREEMENT

Clause 31.11 to be added:

- 31.11 Should a company be found to be not complying with the provisions of this agreement, the arbitrator may impose fines as per the following tables:

TABLE ONE: MAXIMUM PERMISSIBLE FINE NOT INVOLVING AN UNDERPAYMENT

No previous failure to comply	R100 per employee in respect of whom the failure to comply occurs
A previous failure to comply in respect of the same provision	R200 per employee in respect of whom the failure to comply occurs
A previous failure to comply with the previous 12 months or two previous failures to comply in respect of the same provision within three years	R300 per employee in respect of whom the failure to comply occurs

Three previous failures to comply in respect of the same provision within three years	R400 per employee in respect of whom the failure to comply occurs
Four previous failures to comply in respect of the same provision within three years	R500 per employee in respect of whom the failure to comply occurs

TABLE TWO: MAXIMUM PERMISSIBLE FINE INVOLVING AN UNDERPAYMENT

No previous failure to comply	25% of the amount due, including any interest owing on the amount at the date of the order
A previous failure to comply in respect of the same provision within three years	50% of the amount due, including any interest owing on the amount at the date of the order
A previous failure to comply in respect of the same provision within a year, or two previous failures to comply in respect of the same provision within three years	75% of the amount due, including any interest owing on the amount at the date of the order
Three previous failures to comply in respect of the same provision within three years	100% of the amount due, including any interest owing on the amount at the date of the order
Four or more previous failures to comply in respect of the same provision within three years	200% of the amount due, including any interest owing on the amount at the date of the order

14. CLAUSE 32: CERTIFICATE OF COMPLIANCE

Substitute the term "three months" with the term "six months".

Signed at Durban this 30th day of March 2001.

M. FUTCHER

for National Contract Cleaners Association (KwaZulu-Natal Branch)

P. BUTHELEZI

for SATAWU

Z. DLUDLA

for NAGEWU

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