

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 8895

Regulasiekoerant

Vol. 515

**Pretoria, 30 May
Mei 2008**

No. 31084

CONTENTS

INHOUD

No.	Page No.	Gazette No.	No.	Bladsy No.	Koerant No.
GOVERNMENT NOTICES			GOEWERMENTSKENNISGEWINGS		
Agriculture, Department of			Arbeid, Departement van		
<i>Government Notices</i>			<i>Goewermentskennisgewings</i>		
R. 570			R. 582		
Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act (36/1947): Proposed amendment of regulations relating to stock remedies	4	31084	Labour Relations Act (66/1995): Cancellation of Government Notice: National Bargaining Council for the Clothing Manufacturing Industry: Main Collective Agreement.....	15	31084
R. 571			R. 583		
do.: Proposed amendment of regulations relating to fertilizers.....	5	31084	do.: National Bargaining Council for the Clothing Manufacturing Industry: Extension to Non-parties of National Main Collective Re-enacting and Amending Agreement.....	16	31084
R. 572			R. 584		
do.: Proposed amendment of regulations relating to pest control operators	6	31084	do.: Cancellation of Government Notices: National Bargaining Council for the Clothing Manufacturing Industry: Collective Fund Agreement for the Northern Region.....	34	31084
R. 573			R. 585		
do.: Proposed amendment of regulations relating to agricultural remedies.....	7	31084	do.: National Bargaining Council for the Clothing Manufacturing Industry: Extension to Non-parties of Collective Fund Re-enacting and Amending Agreement for the Northern Region.....	35	31084
Health, Department of			Gesondheid, Departement van		
<i>Government Notices</i>			<i>Goewermentskennisgewings</i>		
R. 580			R. 580		
Health Professions Act (56/1974): Regulations: Qualifications for registration of dental assistants: Amendment.....	8	31084	Wet op Gesondheidsberoep (56/1974): Regulasies: Kwalifikasies vir registrasie van tandheelkundige assistente: Wysiging.....	9	31084
R. 581			R. 581		
do.: do.: Registration of student dental assistants	11	31084	do.: do.: Registrasie van student tandheelkundige assistente.....	13	31084
Labour, Department of			Handel en Nywerheid, Departement van		
<i>Government Notices</i>			<i>Goewermentskennisgewings</i>		
R. 582			R. 574		
Labour Relations Act (66/1995): Cancellation of Government Notice: National Bargaining Council for the Clothing Manufacturing Industry: Main Collective Agreement.....	15	31084	National Building Regulations and Building Standards Act (103/1977): National Building Regulations	45	31084
R. 583			R. 575		
do.: National Bargaining Council for the Clothing Manufacturing Industry: Extension to Non-parties of National Main Collective Re-enacting and Amending Agreement.....	16	31084	Standards Act (29/1993): Proposed introduction of a compulsory specification for preservative treatment of timber.	69	31084
R. 584			R. 576		
do.: Cancellation of Government Notices: National Bargaining Council for the Clothing Manufacturing Industry: Collective Fund Agreement for the Northern Region.....	34	31084	do.: Proposed introduction of a compulsory specification for lamp controlgear ...	75	31084
R. 585			R. 577		
do.: National Bargaining Council for the Clothing Manufacturing Industry: Extension to Non-parties of Collective Fund Re-enacting and Amending Agreement for the Northern Region.....	35	31084	do.: Proposed amendment of the compulsory specification for electrical and electronic apparatus	80	31084
Trade and Industry, Department of			Landbou, Departement van		
<i>Government Notices</i>			<i>Goewermentskennisgewings</i>		
R. 574			R. 570		
National Building Regulations and Building Standards Act (103/1977): National Building Regulations	45	31084	Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act (36/1947): Proposed amendment of regulations relating to stock remedies	4	31084
R. 575			R. 571		
Standards Act (29/1993): Proposed introduction of a compulsory specification for preservative treatment of timber.	69	31084	do.: Proposed amendment of regulations relating to fertilizers.....	5	31084
R. 576			R. 572		
do.: Proposed introduction of a compulsory specification for lamp controlgear ...	75	31084	do.: Proposed amendment of regulations relating to pest control operators	6	31084
R. 577			R. 573		
do.: Proposed amendment of the compulsory specification for electrical and electronic apparatus.....	80	31084	do.: Proposed amendment of regulations relating to agricultural remedies.....	7	31084
R. 578					
do.: Regulations: Payment of levy and the issue of sales permits in regard to compulsory specifications: Amendment..	88	31084			
R. 579					
do.: Proposed amendment of the compulsory specification for personal floatation aids.....	91	31084			

IMPORTANT ANNOUNCEMENT

Closing times **PRIOR TO PUBLIC HOLIDAYS** for
**GOVERNMENT NOTICES, GENERAL
 NOTICES, REGULATION NOTICES
 AND PROCLAMATIONS** **2008**

The closing time is 15:00 sharp on the following days:

- ▶ **12 June**, Thursday, for the issue of Friday **20 June 2008**
- ▶ **26 June**, Thursday, for the issue of Friday **4 July 2008**
- ▶ **18 September**, Thursday, for the issue of Friday **26 September 2008**
- ▶ **11 December**, Thursday, for the issue of Friday **19 December 2008**
- ▶ **15 December**, Monday, for the issue of Wednesday **24 December 2008**
- ▶ **19 December**, Friday, for the issue of Friday **2 January 2009**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is accepted, a double tariff will be charged

The copy for a SEPARATE *Government Gazette* must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

Sluitingstye **VOOR VAKANSIEDAE** vir
**GOEWERMENTS-, ALGEMENE- &
 REGULASIEKENNISGEWINGS
 ASOOK PROKLAMASIES** **2008**

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **12 Junie**, Donderdag, vir die uitgawe van Vrydag **20 Junie 2008**
- ▶ **26 Junie**, Donderdag, vir die uitgawe van Vrydag **4 Julie 2008**
- ▶ **18 September**, Donderdag, vir die uitgawe van Vrydag **26 September 2008**
- ▶ **11 Desember**, Donderdag, vir die uitgawe van Vrydag **19 Desember 2008**
- ▶ **15 Desember**, Maandag, vir die uitgawe van Woensdag **24 Desember 2008**
- ▶ **19 Desember**, Vrydag, vir die uitgawe van Vrydag **2 Januarie 2009**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n APARTE *Staatskoerant* verlang word moet die kople drie kalenderweke voor publikasie ingedien word

GOVERNMENT NOTICES

GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 570

30 May 2008

FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT, 1947 (ACT No. 36 OF 1947)

PROPOSED AMENDMENT OF REGULATIONS RELATING TO STOCK REMEDIES

I, Lulama Xingwana, Minister of Agriculture, acting under section 23 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), hereby -

- (a) make known that I intend to amend the regulations in the schedule; and
- (b) invite interested persons to submit any objections to or representations concerning the proposed regulation in writing to the Registrar: Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies, Private Bag X343, Pretoria, 0001, within four weeks from date of publication hereof.

L Xingwana,
Minister of Agriculture.

SCHEDULE

Definitions

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 956 of 29 September 2006.

Substitution of Regulation 3(1)

2. The regulations are hereby amended by the substitution of regulation 3(1) by the following regulation:

"3. (1) Subject to the provisions of sections 4 and 4A of the Act, a registration in terms of section 3 of the Act shall be valid up to 30 June of a three year registration cycle."

Substitution of Regulation 27(2)

3. The Regulations are hereby amended by the substitution of regulation 27(2) by the following regulation:

"27. (2) Any fee payable in terms of these regulations must be paid by means of a cheque, postal order, money order in favour of the Director-General: Agriculture, Reference: Stock Remedies; if such payment is delivered by hand, they may be paid in cash in which case a receipt shall be issued, and if such fees are paid electronically through an electronic transfer account, payment shall be made as follows:

Account Name:	NDA-ACT36 of 1947
Account Number:	11203102
Reference:	15ST
Branch Code:	010845
Branch Name:	Arcadia
Bank Name:	Standard Bank

No. R. 571

30 May 2008

FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK
REMEDIES ACT, 1947 (ACT No. 36 OF 1947)

**PROPOSED AMENDMENT OF REGULATIONS
RELATING TO FERTILIZERS**

I, Lulama Xingwana, Minister of Agriculture, acting under section 23 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), hereby -

- (a) make known that I intend to amend the regulations in the schedule; and
- (b) invite interested persons to submit any objections to or representations concerning the proposed regulation in writing to the Registrar: Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies, Private Bag X343, Pretoria, 0001, within four weeks from date of publication hereof.

L Xingwana,
Minister of Agriculture.

SCHEDULE

Definitions

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 250 of 23 March 2007.

Substitution of Regulation 3(1)

2. The regulations are hereby amended by the substitution of regulation 3(1) by the following regulation:
 - "3. (1) Subject to the provisions of sections 4 and 4A of the Act, fertilizer registration in terms of section 3 of the Act shall be valid up to 31 December of a three year registration cycle."

Substitution of Regulation 20(2)

3. The Regulations are hereby amended by the substitution of regulation 20(2) by the following regulation:
 - "20. (2) Any fee payable in terms of these regulations must be paid by means of a cheque, postal order, money order in favour of the Director-General: Agriculture, Reference: Fertilizers; if such payment is delivered by hand, they may be paid in cash in which case a receipt shall be issued, and if such fees are paid electronically through an electronic transfer account, payment shall be made as follows:

Account Name:	NDA-ACT36 of 1947
Account Number:	11203102
Reference:	12F
Branch Code:	010845
Branch Name:	Arcadia
Bank Name:	Standard Bank

No. R. 572

30 May 2008

FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK
REMEDIES ACT, 1947 (ACT No. 36 OF 1947)

**PROPOSED AMENDMENT OF REGULATIONS
RELATING TO PEST CONTROL OPERATORS**

I, Lulama Xingwana, Minister of Agriculture, acting under section 23 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), hereby -

- (a) make known that I intend to amend the regulations in the schedule; and
- (b) invite interested persons to submit any objections to or representations concerning the proposed regulation in writing to the Registrar: Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies, Private Bag X343, Pretoria, 0001, within four weeks from date of publication hereof.

L Xingwana,
Minister of Agriculture.

SCHEDULE

Definitions

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 8783 of 1 July 1983.

Substitution of Regulation 3(1)

2. The regulations are hereby amended by the substitution of regulation 3(1) by the following regulation:

- "3. (1) Subject to the provisions of sections 4 and 4A of the Act and subregulation (3), a registration in terms of section 3 of the Act shall in the case of pest control operators be valid until 30 June of a three year registration cycle."

Substitution of Regulation 18(2)

3. The Regulations are hereby amended by the substitution of regulation 18(2) by the following regulation:

- "18. (2) Any fee payable in terms of these regulations must be paid by means of a cheque, postal order, money order in favour of the Director-General: Agriculture, Reference: Pest Control Operators; if such payment is delivered by hand, they may be paid in cash in which case a receipt shall be issued, and if such fees are paid electronically through an electronic transfer account, payment shall be made as follows:

Account Name:	NDA-ACT36 of 1947
Account Number:	11203102
Reference:	16PC
Branch Code:	010845
Branch Name:	Arcadia
Bank Name:	Standard Bank

No. R. 573**30 May 2008****FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK
REMEDIES ACT, 1947 (ACT No. 36 OF 1947)****PROPOSED AMENDMENT OF REGULATIONS
RELATING TO AGRICULTURAL REMEDIES**

I, Lulama Xingwana, Minister of Agriculture, acting under section 23 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), hereby -

- (a) make known that I intend to amend the regulations in the schedule; and
- (b) invite interested persons to submit any objections to or representations concerning the proposed regulation in writing to the Registrar: Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies, Private Bag X343, Pretoria, 0001, within four weeks from date of publication hereof.

L Xingwana,
Minister of Agriculture.

SCHEDULE**Definitions**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 935 of 22 September 2006.

Substitution of Regulation 3(1)

2. The regulations are hereby amended by the substitution of regulation 3(1) by the following regulation:

"3. (1) Subject to the provisions of sections 4 and 4A of the Act, a registration in terms of section 3 of the Act shall be valid up to 31 May of a three year registration cycle."

Substitution of Regulation 27(2)

3. The Regulations are hereby amended by the substitution of regulation 27(2) by the following regulation:

"27. (2) Any fee payable in terms of these regulations must be paid by means of a cheque, postal order, money order in favour of the Director-General: Agriculture, Reference: Agricultural remedies; if such payment is delivered by hand, they may be paid in cash in which case a receipt shall be issued, and if such fees are paid electronically through an electronic transfer account, payment shall be made as follows:

Account Name:	NDA-ACT36 of 1947
Account Number:	11203102
Reference:	14AR
Branch Code:	010845
Branch Name:	Arcadia
Bank Name:	Standard Bank

**DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID**

No. R. 580

30 May 2008

HEALTH PROFESSIONS ACT, 1974 (ACT 56 of 1974)

**REGULATIONS RELATING TO THE QUALIFICATIONS FOR REGISTRATION OF
DENTAL ASSISTANTS: AMENDMENT**

The Minister of Health has, under section 61(5), read with section 24 of the Health Professions Act, 1974 (Act No. 56 of 1974), and in consultation with the Health Professions Council of South Africa, amended the regulations promulgated by Government Notice No. R. 338 of 15 April 2005 as corrected by Government Notice No. R. 793 of 12 August 2005 as reflected in the Schedule.

SCHEDULE

Definitions

1. In this schedule, "the regulations" means regulations relating to the qualifications for registration of dental assistants as published under Government Notice No. R. 338 of 15 April 2005 as corrected by Government Notice No. R. 793 of 12 August 2005, and any word or expression to which a meaning has been assigned in the regulations shall have that meaning, unless the context otherwise indicates.

Amendment of Regulation 2 of the regulations.

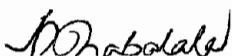
2. Regulation 2 of the regulations is hereby amended:

2.1. by the substitution for subregulation (2) of the following subregulation:

"(2) Notwithstanding anything to the contrary contained in these regulations, any person who worked as a dental assistant, prior to date of publication of these amendment regulations, for a minimum period of five years without being registered as such may apply to the board for registration as a dental assistant, and the board may at its discretion exempt such person from the requirements of subregulation(1); Provided that no person shall qualify for this exemption after three months from date of publication of these amendment regulations."

2.2. by the insertion of the following subregulation (2A) after subregulation (2):

"(2A). An application referred to in subregulation (2) must be accompanied by a certificate of service duly signed by the employing dentist or human resource department of an approved employing institution, indicating the exact period of employment of the applicant."



MINISTER OF HEALTH

No. R. 580

30 Mei 2008

WET OP GESONDHEIDSBEROEPE, 1974 (WET NO. 56 VAN 1974)**REGULASIES BETREFFENDE DIE KWALIFIKASIES VIR REGISTRASIE VAN
TANDHEELKUNDIGE ASSISTENTE: WYSIGING**

Die Minister van Gesondheid het kragtens artikel 61(5) gelees met artikel 24 van die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974), en in oorleg met die Raad op Gesondheidsberoepe van Suid-Afrika, die regulasies gewysig wat uitgevaardig is by Goewermentskennisgewing No. R. 338 van 15 April 2005, soos gewysig by Goewermentskennisgewing No. R. 793 van 12 Augustus 2005, soos weerspieël in die Bylae.

BYLAE**Woordomskrywing**

1. In hierdie bylae beteken "**die regulasies**" die regulasies betreffende die kwalifikasies vir registrasie van tandheelkundige assistente soos afgekondig by Goewermentskennisgewing No. R. 338 van 15 April 2005 soos gewysig by Goewermentskennisgewing No. R. 793 van 12 Augustus 2005, en het enige woord of uitdrukking waaraan daar in die regulasies 'n betekenis geheg is, sodanige betekenis, tensy uit die samehang anders blyk.

Wysiging van Regulasie 2 van die regulasies.

2. Regulasie 2 van die regulasies word hierby gewysig -


2.1. deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) Ondanks andersluidende bepalings in hierdie regulasies, kan enige persoon wat voor die datum van publikasie van hierdie wysigingsregulasies vir 'n minimumtydperk van vyf jaar sonder registrasie as tandheelkundige assistent gewerk het, aansoek doen by die beroepsraad vir registrasie as 'n tandheelkundige assistent, en die beroepsraad kan na goeë dunde sodanige persoon van die vereistes van subregulasie (1) vrystel: Met dien verstande dat niemand na die

publikasiedatum van hierdie wysigingregulasies vir hierdie vrystelling mag kwalifiseer nie.” ;

2.2. deur na subregulasie (2) die volgende subregulasie (2A) in te voeg:

“(2A). ‘n Aansoek bedoel in subregulasie (2) moet vergesel gaan van ‘n dienssertifikaat behoorlik onderteken deur die werkgewende tandarts of mensehulpbrondepartement van ‘n goedgekeurde indiensnemende instelling, en waarop die presiese dienstdperk van die aansoeker aangedui word.”.



MINISTER VAN GESONDHEID

No. R. 581

30 May 2008

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO THE REGISTRATION OF STUDENT DENTAL ASSISTANTS**

The Minister of Health has, under section 61(1)(a) of the Health Professions Act, 1974 (Act No. 56 of 1974), and in consultation with the Health Professions Council of South Africa, made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall bear such meaning, and unless the context otherwise indicates -

“approved educational institution” means an education and training institution which has been granted recognition and approval by the board for the teaching and training of students in oral health following an evaluation process as determined by the board;

“board” means the Professional Board for Dental Therapy and Oral Hygiene established in terms of section 15 of the Act;

“section” means a section of the Act;

“student” means a person registered as such under the Act;

“the Act” means the Health Professions Act, 1974 (Act No.56 of 1974)

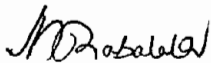
Registration as a student dental assistant

2. A student at an approved educational institution or a person who worked as a dental assistant without being registered prior to the date of publication of these regulations, for a period of less than five years shall submit to the registrar an application for registration as a student dental assistant on a form provided by the board in accordance with the provisions of regulation 3, and -
 - (1) in the case of students commencing attendance at an approved educational institution, within four (4) months following such commencement; or

- (2) in the case of persons who have worked as dental assistants prior to the date of publication of these regulations for a period of less than five years, within four (4) months from the date of promulgation of these regulations.

Requirements for registration

3. An application by a student for registration as a student dental assistant shall be accompanied by-
- (a) a certified copy of such student's identity or birth certificate or, if the student is unable to furnish either of these documents, such other proof of his or her age and correct names as may be acceptable to the registrar;
 - (b) a certificate to prove that such student has commenced study in a subject or subjects at an approved educational institution or in the case of an application by a person who has worked as a dental assistant for a period of less than five years, a certificate issued by the employer of such person to prove that such person has worked for the said period; and
 - (c) the prescribed registration fee.
4. A person registered as a student dental assistant in terms of regulation 2(2) must enrol for a formal qualification for registration as a dental assistant with an approved educational institution within a period of one year from the date of registration as a student dental assistant, failing which, the registration as a student dental assistant shall lapse.



MINISTER OF HEALTH

No. R. 581

30 Mei 2008

WET OP GESONDHEIDSBEROEPE, 1974 (WET NO. 56 VAN 1974)**REGULASIES BETREFFENDE DIE REGISTRASIE VAN STUDENT TANDHEELKUNDIGE ASSISTENTE**

Die Minister van Gesondheid het kragtens artikel 61(1)(a) van die Wet op Gesondheidsberoep, 1974 (Wet No. 56 van 1974), en in oorleg met die Raad vir Gesondheidsberoep van Suid-Afrika, die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie regulasies het 'n woord of uitdrukking waaraan daar in die Wet 'n betekenis geheg is, sodanige betekenis en, tensy uit die samehang anders blyk, beteken –

“artikel” 'n artikel van die Wet;

“beroepsraad” die Beroepsraad vir Tandheelkundige Terapie en Mondhigiëne ingestel kragtens artikel 15 van die Wet;

“die Wet” die Wet op Gesondheidsberoep, 1974 (Wet No. 56 van 1974);

“goedgekeurde opvoedkundige inrigting” 'n opvoedkundige en opleidingsinrigting wat erkenning en goedkeuring deur die beroepsraad verleen is vir die onderrig en opleiding van studente in mondhigiëne wat volg op 'n evaluasieproses soos bepaal deur die beroepsraad;

“student” 'n persoon as sodanig geregistreer.

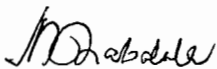
Registrasie as 'n student tandheelkundige assistent

2. 'n Student aan 'n goedgekeurde opvoedkundige inrigting of 'n persoon wat vir 'n tydperk van minder as vyf jaar as 'n tandheelkundige assistent gewerk het sonder dat hy of sy geregistreer was voor die datum van publikasie van hierdie regulasies, moet by die registrateur 'n aansoek indien om registrasie as 'n student tandheelkundige assistent op 'n vorm wat deur die beroepsraad verskaf word ooreenkomstig die bepalings van regulasie 3, en -

- (1) in die geval van studente wat bywoning begin aan 'n goedgekeurde opvoedkundige instelling, binne vier (4) maande na sodanige aanvang; of
- (2) in die geval van persone wat vir 'n tydperk van minder as vyf jaar as tandheelkundige assistente gewerk het voor die datum van publikasie van hierdie regulasies, binne vier (4) jaar vanaf die datum van uitvaardiging van hierdie regulasies.

Vereistes vir registrasie

3. 'n Aansoek deur 'n student om registrasie as 'n student tandheelkundige assistent moet vergesel gaan van -
 - (a) 'n geregistreerde afskrif van sodanige student se identiteits- of geboortesertifikaat of, indien die student nie in staat is om enige van hierdie dokumente te verskaf nie, sodanige ander bewys van sy of haar ouderdom en korrekte name soos wat aanvaarbaar is vir die registrateur;
 - (b) 'n sertifikaat om te bewys dat sodanige student begin het met studie in 'n vak of vakke aan 'n goedgekeurde opvoedkundige instelling of in die geval van 'n aansoek deur 'n persoon wat as tandheelkundige assistent gewerk het vir 'n tydperk van minder as vyf jaar, 'n sertifikaat uitgereik deur die werkgewer van sodanige persoon om te bewys dat sodanige persoon vir genoemde tyd gewerk het; en
 - (c) die voorgeskrewe registrasiegeld.
4. 'n Persoon geregistreer as 'n student tandheelkundige assistent ingevolge regulasie 2(2), moet inskryf vir 'n formele kwalifikasie vir registrasie as 'n tandheelkundige assistent by 'n goedgekeurde opvoedkundige instelling binne 'n tydperk van een jaar vanaf datum van registrasie as 'n student tandheelkundige assistent, anders sal die registrasie as 'n student tandheelkundige assistent verval.



MINISTER VAN GESONDHEID

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 582

30 May 2008

LABOUR RELATIONS ACT, 1995

CANCELLATION OF GOVERNMENT NOTICE

**NATIONAL BARGAINING COUNCIL FOR THE CLOTHING
MANUFACTURING INDUSTRY: MAIN COLLECTIVE AGREEMENT**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of section 32(7) of the Labour Relations Act, 1995, cancel Government Notice No. R. 1053 of 9 November 2007 with effect from 2 June 2008.

**M M S MDLADLANA
MINISTER OF LABOUR**

No. R. 583

30 May 2008

LABOUR RELATIONS ACT, 1995**NATIONAL BARGAINING COUNCIL FOR THE CLOTHING
MANUFACTURING INDUSTRY: EXTENSION TO NON-PARTIES
OF NATIONAL MAIN COLLECTIVE RE-ENACTING AND AMENDING
AGREEMENT**

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 National Bargaining Council for the Clothing Manufacturing Industry, 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 2 June 2008 and for the period ending 31 August 2012.

M M S MDLADLANA
MINISTER OF LABOUR

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE CLOTHING
MANUFACTURING INDUSTRY
NATIONAL MAIN COLLECTIVE AGREEMENT**

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

Cape Clothing Manufacturers' Association

Consolidated Association of Employers of Southern Africa Region

Eastern Province Clothing Manufacturers' Association

Free State and Northern Cape Clothing Manufacturers' Association

Natal Clothing Manufacturers' Association

Northern Decentralised Clothing Manufacturers' Association

Transvaal Clothing Manufacturers' Association

Lower South Coast Clothing Manufacturers' Association

Northern KwaZulu-Natal Clothing Manufacturers' Association

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

Southern African Clothing and Textile Workers' Union

(hereinafter referred to as the "employees" or the "trade union"), of the other
part, being the parties to the National Bargaining Council for the Clothing
Manufacturing Industry,

1. SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed in the Clothing
Manufacturing Industry in all areas of the Republic of South Africa as
individually provided for in each of the following Parts:

Part A Provisions for the Eastern Cape Region

Part B Provisions for the Free State and Northern Cape Region

Part C Provisions for the KwaZulu-Natal Region
Part D Provisions for the Northern Region (Clothing)
Part E Provisions for the Northern Region (Knitting)
Part F Provisions for the Western Cape Region (Clothing)
Part G Provisions for the Western Cape Region (Country Areas)
Part H Provisions for the Western Cape Region (Knitting)
Part I Provisions for the Non-Metro Areas

- (b) by the employers and employees in the Clothing Industry who are members of the employers' organisations and the trade union, respectively.
- (2) Clauses 1 (1) (b), 2 and 3 of this Agreement shall not apply to employers and employees who are not members of the employers' organisations and the trade union respectively.

2. PERIOD OF OPERATION OF THIS AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 (2) of the Act, and shall remain in force until 31 August 2012. This Agreement shall bind the Parties and their members and shall remain effective beyond the expiry date determined by the Minister or until the Parties agree otherwise.

3. SPECIAL PROVISIONS

The provisions contained in clauses 11.1(1) and (5), 14.4B and 14.6(5) of Part A; clauses 19B, 23A(1) and (5) and 34(5) of Part B; clauses 4(5), 23B, 27(1) and (4) and 38(5) of Part C; clauses 19B, 22(5), 25(1) and 26A(1) and (2) of Part D; clauses 13A(1) and (2), 16B and 28(5) of Part E; clauses 11(4)(b), 14(1) and (5), 19B, 26(13)(a) to 26(13)(g)(v) and 37(5) of Part F; clauses 11(4)(b), 14(1) and (5), 19B, 26(13)(a) to 26(13)(g)(v) and 37(5) of Part G; clauses 11(4)(b), 14(1) and (5), 19B, 26(13)(a) to 26(13)(g)(v) and 37(5) of Part H and clause 34 (5) of Part I of the Agreement published under Government Notices Nos. R1154 of 15 December 2005, R. 884 of 8 September 2006, R. 1079 of 3 November 2006, R. 844 of 14 September 2007 and R. 1053 of 9 November 2007 (hereinafter referred to as the "Former Agreement"), as further amended, extended and re-enacted from time to time, shall apply to employers and employees who are members of the parties to the collective agreement.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 10, 11.1(2) to (4), 11.2 to 14.4A, 14.5 to 14.6(4), and 14.6(6) to 18 of Part A; clauses 3 to 19A, 20 to 22, 23A(2) to (4), 23B to 34(4) and 34(6) to 38 of Part B; clauses 3 to 4(4), 4(6) to 23A, 24 to 26,

27(2) and (3), 27(5) to 38(4) and 38(6) to 41 of Part C; clauses 3 to 19A, 20 to 22(4), 22(6) to 24, 25(2) to (12) and 26A(3) to 29 of Part D; clauses 3 to 12, 13A(3) to 16A, 17 to 28(4) and 28(6) to 33 of Part E; clauses 3 to 11(4)(a), 11(5) to 13, 14(2) to (4), 15 to 19A, 20 to 26(12), 26(13)(g)(vi) to 37(4) and 37(6) to 45 of Part F; clauses 3 to 11(4)(a), 11(5) to 13, 14(2) to (4), 15 to 19A, 20 to 26(12), 26(13)(g)(vi) to 37 (4) and 37(6) to 45 of Part G; clauses 3 to 11(4)(a), 11(5) to 13, 14(2) to (4), 15 to 19A, 20 to 26 (12), 26(13)(g)(vi), to 37(4) and 37(6) to 45 of Part H; clauses 3 to 34(4) and 34(6) to 42 of Part I of the Former Agreement (as further amended, extended and re-enacted from time to time), shall apply to employers and employees.”.

5. PART B OF THE FORMER AGREEMENT: PROVISIONS FOR THE FREE STATE & NORTHERN CAPE REGION

5. 1: SCOPE OF APPLICATION OF THIS PART OF THE AGREEMENT

Insert the following new sub-clause (3) with effect from 1 December 2007:

“(3) The Table of contents of this Part B of the Main Collective Agreement is as follows:

CLAUSE NO:	DESCRIPTION
1.	Scope of Application of this part of the agreement
2.	Period of operation of this part of the agreement.....
3.	Definitions
4.	Remuneration
5.	Incentive Bonus Scheme
6.	Short Time
7.	Payment of Amounts due to Employees
8.	Proportion of Ratio of Employees
9.	Hours of Work.....
10.	Overtime and Sunday work.....
11.	Outwork
12.	Registration of an Employer.....
13.	Paid Holidays and Annual Leave

14.	Termination of Employment
15.	Premiums.....
16.	Tools
17.	Contracts
18.	Engagement, Transfer and Termination Forms
19.	Exemptions
20.	Council Funds
21.	Medical Benefit Society.....
22.	Extract from Wage Registers
23.	Trade Union Labour
24.	Powers of Designated Agents.....
25.	Prohibition of Employment of Children and of Forced Labour.....
26.	Exhibition of Agreement.....
27.	Overalls.....
28.	Safeguard of Workers' Earnings
29.	Provident Fund
30.	Administration and Interpretation of Agreement.....
31.	Severance Pay
32.	Maternity Benefits
33.	Procedure to Enforce Compliance with this Part of the Agreement
34.	Dispute Procedure
35.	Industry Protection Fund.....
36.	Frequency of Negotiations and Industrial Action.....
37.	Atypical Work, Outsourcing and Subcontracting.....
38.	Productivity

6. CLAUSE 29 OF THE FORMER AGREEMENT: PROVIDENT FUND

- 6.1 With effect from 1 December 2007, in sub-clause (1), insert the following expression to the end of the second paragraph:

“The administration and management of, and contributions and benefits paid by the Fund will be governed by the provisions of this part of the agreement, and any Rules of the Fund (agreed by the Administrative Committee), and reduced to writing.”

- 6.2 In clause 29, insert the following new sub-clause (4):
“(4) Benefits:

- (a) The Fund shall pay benefits in the event of a member leaving the Fund by withdrawal, retrenchment, death, retirement or ill-health, in accordance with the Rules of the Fund.
- (b) There shall be no waiting period for payment of benefits, nor shall a vesting scale or forfeiture rules apply.
- (c) Notwithstanding anything to the contrary in the Rules of the Fund, the death benefit provided to metro members will be R10 000, plus the value of their account in the Fund. The benefit to non-metro members will be limited to their member share.
- (d) The Administrative Committee may augment the members share of all members of the Fund by the declaration of a bonus, subject to confirmation from an actuary that the bonus will not place the Fund in a financially unsound position.”

- 6.3 In clause 29, insert the following new sub-clause (5):

“(5) Fund Accounts:

The Administrative Committee may, upon advise from their advisors, establish such accounts in the Fund as may be deemed appropriate to ensure the sound ongoing functioning of the Fund, and may credit such amounts to those accounts at establishment as their advisors deem appropriate, subject to the establishment of the accounts with these recommended amounts not placing the Fund in a financially unsound position. It is required that the Rules of the Fund reflect these reserve accounts, and specify the provisions for the operation of these accounts. These reserve accounts must at all times be operated in compliance with any applicable legislation.”

7. CLAUSE 29 OF THE FORMER AGREEMENT: PROVIDENT FUND

With effect from 1 April 2008, Clause 29 Provident Fund is amended as follows:

- 7.1 In sub-clause (1), first paragraph, substitute the expression "dissolved" for the expression "continued".
- 7.2 In sub-clause (1), insert the following sub-clauses (a), (b), and (c) after the first paragraph:
 - (a) The assets and the liabilities of the Fund on that date will be transferred to the Provident Fund for the Clothing Industry (Northern Areas), to be renamed to the Provident Fund for the Clothing Industry (Northern Chamber) on 1 April 2008, (hereinafter in referred to as the Northern Chamber Fund) and the Fashion Industry Protection Fund, each split between the two funds as recommended by an Actuary appointed for this purpose, and agreed to by the Administrative Committee, in consultation with their advisor;
 - (b) If the actual transfer of assets (and therefore liabilities) takes place on a date other than 1 April 2008, the liabilities shall be increased by interest as recommended by the actuary and approved by the Administrative Committee, and the full value of assets as at 1 April 2008, with further investment returns to the date of transfer, less any expenses, shall be transferred;
 - (c) The Fund (the Provident Fund for the Clothing Industry (Free State and Northern Cape)) shall then be known as the Former Fund, where appropriate;
 - (d) The Northern Chambers Fund shall be read to be the Fund in the balance of these Rules, from 1 April 2008, where appropriate;
 - (e) The administration and management of, and contributions and benefits paid by the Northern Chambers Fund will be governed by a collective agreement to be gazetted and an agreed set of Rules for that fund, the Rules ultimately being registered with the Registrar of Pension Funds in terms of the Pension Funds Act. However, the provisions of that Fund are briefly summarised in sub-clause (2);
 - (f) For each member of the Fund, the balance held in that member's account in the Fund on 1 April 2008 will be

transferred to an account established for that member in the Northern Chambers Fund;

- (g) The mechanism used for the dissolution of the Fund is the Transfer of Fund provision contained in sub-clause 30(2) in this Part of main agreement. The transfer of assets and liabilities between this provident fund and the Fashion Industry Protection Fund is a once-off transfer;
- (h) A notice to the Registrar of Labour should be given in terms of a Section 14 transfer. The Registrar may gazette the notice of dissolution of the two funds; and
- (i) Any requirements of a fiscal nature shall be fulfilled.

7.3 In sub-clause (1), substitute the expression "Northern Chamber Fund" for the expression "Fund".

7.4 In sub-clause (1), insert the expression "and the Fund shall no longer provide the benefits to employees.", behind the wording "benefits to employees."

7.5 In sub-clause (2), substitute existing sub-clause with the following new sub-clause:

"(2) The Fund (and the Northern Chambers Fund with effect from 1 April 2008, upon which date all below will cease in the Fund, given the full transfer of the Fund to that fund and the Clothing Industry Protection Fund, and read as such) shall consist of:"

7.6 In sub-clause (2), insert the following new sub-clauses (e) and (f):

"(e) Any values transferred as a result of an amalgamation, merger, or a bulk transfer of assets and a liabilities as a result of sub-clause 1 (5) above;

(f) Any values transferred from any other retirement provision, with the approval of the Administrative Committee (or its successor) subject to meeting the fiscal requirements by an individual member."

7.7 In sub-clause (3)(b), substitute the expression "seventh" for the expression "tenth" and the expression "The interest received shall be added to the interest income of the Fund and form part of the general investment returns of the Fund.", for the expression " : Provided that the Council shall be entitled in it absolute discretion to waive the payment of such interest or part thereof. At the discretion of the Council, the interest may accrue to the general fund of the Council."

- 7.8 In clause 29, insert the following new sub-clause (6):
- “(6) Members of the Fund (and the Northern Chambers Fund with effect from 1 April 2008, upon which date all members and their benefit entitlements of the Fund transfer to that fund, and read as such) shall consist of:
- (a) Active members, for whom contributions are made on a regular basis;
 - (b) Inactive members, who are currently dormant in the Fund, because they are not currently employed in the industry as defined in Clause 3, but who are expected to return to the industry; and
 - (c) Unclaimed members who last paid a contribution to the Fund more than six months ago, are no longer employed in the industry, and have not come forward to claim their benefit in the Fund, except that, where the Unclaimed Members of the Former Fund are transferred to the Northern Chamber Fund on 1 April 2008, and become Unclaimed Members of that fund on that date, any tax obligations which lay with the Former Fund in relation to these Unclaimed Members are transferred to that Fund.”
- 7.9 In sub-clause (4) substitute existing sub-clause with the following new sub-clause:
- “(4) Benefits “(subject to the transfer of all benefit entitlement to the Northern Chambers Fund upon the merger and dissolution of the Fund):”
- 7.10 In sub-clause (4), insert the following new sub-clauses (e) and (f):
- “(e) On 1 April 2008 the severance benefit offset as described in sub-clause 31(4) shall cease, and a value is to be calculated by the Actuary and recommended to the Administrative Committee as the amount which gives recognition to the expected present value of the severance benefit offset that the employer would have enjoyed had the benefit not been discontinued. Upon acceptance of the recommendation by the Actuary, this amount will be transferred to the account established in the Fashion Industry Protection Fund for the employer of that member, to be dealt with in accordance with the provisions of this agreement that relates to that fund.

- (f) On 1 April 2008 the enhanced Provident Fund benefit at retirement due in terms of the Rules of the Fund shall cease, and a value is to be calculated for each member by the Actuary and recommended to the Administrative Committee as the amount which gives recognition to the expected present value of the enhanced retirement benefit that the member may have enjoyed had he reached retirement, and the benefit not been discontinued. Upon acceptance of the recommendation by the Actuary, this amount will be added to the members share of each active member of the Fund. For any dormant member who has reached retirement age, that dormant member shall be assumed to retire on that date, and have their benefit enhanced appropriately."

8. CLAUSE 30 OF THE FORMER AGREEMENT: ADMINISTRATION AND INTERPRETATION OF AGREEMENT

- 8.1 In Clause 30, with effect from 1 April 2008, renumber first paragraph to read (1) and insert the following new sub-clause (2)(a), (b), (c), (d), (e) and (f):

- "(2) Notwithstanding anything to the contrary in this Part of the Agreement, the Council or Regional Chamber may formally dissolve any funds established or constituted by the Council for the benefit of the employees of the Region, subject to the following:
- (a) Such dissolution may take the form of a transfer, merger, amalgamation or split;
 - (b) On the dissolution date, all contributions to the fund shall cease, and accrual of benefits shall terminate;
 - (c) On the dissolution date, all the cash, assets and liabilities, members and unclaimed benefits, rights, and benefit obligations in terms of that clause / those clauses of the agreement / and Rules that govern that fund are transferred to another fund/s and / or society duly constituted for substantially the same purpose or to give the same effect as the fund being dissolved;
 - (d) In the event of such decision, all amounts standing to the effect to the personal credit of stakeholders of the fund being dissolved shall be transferred to their credit under the new fund/s and / or society, and the benefits due to such stakeholders shall not be changed in any way by virtue of

such transfer, except where specifically provided for by agreement by the parties;

- (e) Notice of the dissolution of the Fund shall be provided to the Registrar: Labour, who shall gazette such notice, and such further regulatory action as is required shall be complied with; and
- (f) Any requirements of a fiscal nature shall be fulfilled.”

9. CLAUSE 31 OF THE FORMER AGREEMENT: SEVERANCE PAY

9.1 In sub-clause 31(4), with effect from 1 April 2008, substitute sub-clause (4) with the following new sub-clause:

“(4) Until 1 April 2008, where an employee aged 50 years or older, subject to sub-clause (5) below, is retrenched, such employee shall receive the stipulated enhanced Provident Fund benefits due in terms of the rules (if any) read the constitution of the fund. With effect from 1 April 2008, the benefit enhancement will cease, as described in sub-clause 4 (f) above. Until 1 April 2008, the employer’s liability in respect of retrenchment benefits for such employee shall be limited to the payment of the difference between the said enhanced Provident Fund benefit and the amount of severance pay reflected in sub-clause (1) above where the enhanced Provident Fund benefit is less than the severance pay. With effect from 1 April 2008, the employer’s liability in respect of retrenchment benefits will be the amount of severance pay reflected in sub-clause (1) above. However, to the extent that the employer is compliant, the employer may claim an offset from the Fashion Industry Protection Fund as is provided for in sub-clause 35 (21).”

10. PART D OF THE FORMER AGREEMENT: PROVISIONS FOR THE NORTHERN REGION (CLOTHING)

10.1 CLAUSE 14: SEVERANCE PAY

In sub-clause 14(4), with effect from 1 April 2008, substitute sub-clause (4) with the following new sub-clause:

“(4) Until 1 April 2008, where an employee aged 50 years or older, subject to sub-clause (5) below, is retrenched, such employee shall receive the stipulated enhanced Provident Fund benefits due in terms of the rules of the Fund. With effect from 1 April 2008, the benefit enhancement will cease, as described in sub-clause 9 A (9) (c) of the Consolidated Collective Fund Agreement for the Northern

Region. Until 1 April 2008, the employer’s liability in respect of retrenchment benefits for such employee shall be limited to the payment of the difference between the said enhanced Provident Fund benefit and the amount of severance pay reflected in sub-clause (1) above where the enhanced Provident Fund benefit is less than the severance pay. With effect from 1 April 2008, the employer’s liability in respect of retrenchment benefits will be the amount of severance pay reflected in sub-clause (1) above. However, to the extent that the employer is compliant, the employer may claim an offset from the Fashion Industry Protection Fund as is provided for in sub-clause 6 (21) of the Consolidated Collective Fund Agreement for the Northern Region.”

11. PART E OF THE FORMER AGREEMENT: PROVISIONS FOR THE NORTHERN REGION (KNITTING)

11.1 CLAUSE 1: SCOPE OF APPLICATION OF THIS AGREEMENT

Insert the following new sub-clause (3) with effect from 1 December 2007:

“(3) The Table of contents of this Part E of the Main Collective Agreement are as follows:

CLAUSE NO:	DESCRIPTION
1.	SCOPE OF APPLICATION OF THIS PART OF THE AGREEMENT
2.	PERIOD OF OPERATION OF THIS PART OF THE AGREEMENT
3.	DEFINITIONS
4.	REMUNERATION
5.	PAYMENT OF AMOUNTS DUE TO EMPLOYEES
6.	HOURS OF WORK
7.	OVERTIME AND SUNDAY WORK.....
8.	ANNUAL LEAVE AND PAID HOLIDAYS
9.	TERMINATION OF EMPLOYMENT
10.	ENGAGEMENT IN EMPLOYMENT
11.	COUNCIL FUNDS

12.	EXTRACTS FROM WAGE REGISTERS.....
13.	TRADE UNION LABOUR.....
14.	PROHIBITION OF EMPLOYMENT OF CHILDREN AND OF FORCED LABOUR
15.	REGISTRATION OF AN EMPLOYER
16.	EXEMPTIONS
17.	POWERS OF DESIGNATED AGENTS
18.	FIXED-TERM CONTRACTS
19.	MEDICAL BENEFIT SOCIETY
20.	SICK PAY FUND
21.	SHORT TIME.....
22.	KNITTING INDUSTRY PROVIDENT FUND (NORTHERN AREAS)
23.	SAFEGUARD OF WORKERS' EARNINGS
24.	SEVERANCE PAY.....
25.	OVERALLS.....
26.	AGENCY SHOP: EMPLOYERS' ORGANISATION
27.	PROCEDURE TO ENFORCE COMPLIANCE WITH THIS PART OF THE AGREEMENT
28.	DISPUTE PROCEDURE.....
29.	EXHIBITION OF AGREEMENT
30.	INDUSTRY PROTECTION FUND
31.	FREQUENCY OF NEGOTIATIONS AND INDUSTRIAL ACTION
32.	ATYPICAL WORK, OUTSOURCING AND SUBCONTRACTING.....
33.	PRODUCTIVITY

“

12. CLAUSE 22 OF THE FORMER AGREEMENT: KNITTING INDUSTRY PROVIDENT FUND (NORTHERN AREAS)

12.1 In sub-clause (3), insert the following new sub-clause (f):

“(f) Fund Accounts

The Administrative Committee may, upon advice from their advisors, establish such accounts in the Fund as may be deemed appropriate to ensure the sound ongoing functioning of the Fund, and may, having received advice from their advisors, credit such amounts to those accounts at establishment as the Administrative Committee determines, subject to the establishment of the accounts with these recommended amounts not placing the Fund in a financially unsound position. The Rules of the Northern Chamber Fund will reflect these reserve accounts, and will specify the provisions for the operation of these accounts. These reserve accounts will at all times be operated in compliance with any applicable legislation.”

- 12.2 In sub-clause (8), substitute the sub-clause (8) with the following new sub-clause:
- “(8) Payment of interest: In addition to the refund of contributions and the payment of such benefits as may have accrued to him, a member shall be entitled to interest, the rate of which shall be determined by the Administrative Committee, upon the advice of the Actuary, and will be related to the investment returns earned on the assets of the Fund. The interest accruing to members shall be credited to the members’ accounts and paid to them, together with the refund of contributions and any other benefits which may be due.”
- 12.3 In sub-clause (11), with effect from 1 April 2008, substitute the expression “Council or” for the expression “Councilor”, the expression “and” for the expression “land” and the expression “fund/s and/or” for the expression “fund or”.
- 12.4 In sub-clause (11), insert the following wording “except where particularly provided for by agreement by the parties:” after the sentence “shall in no way be diminished by virtue of such transfer.”
- 12.5 In sub-clause (11), insert the following new sub-clause (a) and (b):
- “(a) On the dissolution date, all contributions to the fund shall cease, and accrual of benefits shall terminate.
- (b) Notice of the dissolution of the Fund shall be provided to the Registrar of Labour, who shall gazette such notice and such further regulatory action as is required shall be complied with.”
- 12.6 In sub-clause 22(1), substitute the expression “dissolved with effect from 1 April 2008” for the expression “continued”.

12.7 In sub-clause (1), insert the following new sub-clauses (a), (b), (c), (d), (e), (f) and (g):

- “(a) The assets and the liabilities of the Fund on that date will be transferred to the Provident Fund for the Clothing Industry (Northern Areas), to be renamed the Provident Fund for the Clothing Industry (Northern Chamber) on 1 April 2008, (hereinafter referred to as the “Northern Chamber Fund”) and to the Fashion Industry Protection Fund, provided that the split between the Northern Chamber Fund and the Fashion Industry Protection Fund shall be as recommended by an Actuary appointed for this purpose, and agreed to by the Administrative Committee, in consultation with their advisor;
- (b) If the actual transfer of assets and liabilities takes place on a date other than 1 April 2008, the liabilities shall be increased by interest as recommended by the actuary and approved by the Administrative Committee, and the full value of assets as at 1 April 2008, with further investment returns to the date of transfer, less any expenses, shall be transferred;
- (c) The administration and management of, and contributions and benefits paid by the Northern Chamber Fund will be governed by the collective agreement to be gazetted and an agreed set of Rules for the Northern Chamber Fund, the Rules ultimately being registered with the Registrar of Pension Funds in terms of the Pension Funds Act;
- (d) For each member of the Fund, the balance held in that member’s account in the Fund on 1 April 2008 will be transferred to an account established for that member in the Northern Chamber Fund;
- (e) The mechanism used for the dissolution of the Fund is the Transfer of Fund provision contained in sub-clause 22(11) in this Part E of the Main Agreement. The transfer of assets and liabilities between the Fund and the Fashion Industry Protection Fund is a once-off transfer;
- (f) Notice of the dissolution of the Fund shall be provided to the Registrar: Labour, who shall gazette such notice, and such further regulatory action as is required shall be complied with; and
- (g) Any requirements of a fiscal nature shall be fulfilled.”

12.8 In sub-clause 22(2), substitute the existing sub-clause (2) with the following new sub-clause:

- “(2) The Fund “(and the Northern Chambers Fund with effect from 1 April 2008, upon which date all below will cease in the Fund,

given the full transfer of the Fund to that fund and the Clothing Industry Protection Fund, and read as such) shall consist of-

- 12.9 In sub-clause 22(2), insert the following new sub-clause (h) and (i):
- “(h) Any values transferred as a result of an amalgamation, merger, or a bulk transfer of assets and a liabilities as a result of sub-clause 1 (1) (a) above;
 - (i) Any values transferred from any other retirement provision, with the approval of the Administrative Committee (or its successor) subject to meeting the fiscal requirements by an individual member.”
- 12.10 In sub-clause (22)(4), substitute the sub-clause with the following new sub-clause (4):
- “(4) Members of the Fund (and the Northern Chambers Fund with effect from 1 April 2008, upon which date all members and their benefit entitlements of the Fund transfer to that fund, and read as such) shall consist of:
- (a) Active members, for whom contributions are made on a regular basis;
 - (b) Inactive members, who are currently dormant in the Fund, because they are not currently employed in the industry as defined in Clause 3, but who are expected to return to the industry; and
 - (c) Unclaimed members who last paid a contribution to the Fund more than six months ago, are no longer employed in the industry, and have not come forward to claim their benefit in the Fund, provided that where the Unclaimed Members of the Fund are transferred to the Northern Chamber Fund on 1 April 2008, and become Unclaimed Members of the Northern Chamber Fund on that date, any tax obligations which lay with the Fund in relation to these Unclaimed Members are transferred to the Northern Chamber Fund.”
- 12.11 In sub-clause 22(5)(e), substitute the expression “seventh” for the expression “tenth” and the expression “The interest received shall be added to the interest income of the Fund and form part of the general investment returns of the Fund.” for the expression “Provided that the Council or Regional Chamber shall be entitled in it absolute discretion to waive the payment of such interest or part thereof. At the discretion of the Council or Regional Chamber, the interest may accrue to the general fund of the Council or Regional Chamber.”

- 12.12 In sub-clause 22(6), substitute the sub-clause (6) with the following new sub-clause:
- “(6) Benefits (subject to the transfer of all benefit entitlement to the Northern Chambers Fund upon the merger and dissolution of the Fund):”
- 12.13 In sub-clause 22(6)(b), delete the following wording:
- “Payment shall not be made to a member before the expiration of three months, reckoned from the date of which he left the Industry (except at the discretion of the Administrative Committee).”
- 12.14 In sub-clause 22(7), delete sub-clauses (7)(a), (b), (c) and (d) and renumber (e) and (f) to read (a) and (b) respectively.
- 12.15 In sub-clause 22(7)(e) now renumbered (a), substitute the sub-clause with the following new sub-clause:
- “(e) 100% of the amount contributed on his behalf by his employer, less any allocation for expenses that have been made from the employer’s contribution;”
- 12.16 In sub-clause 22(9)(b)(i), insert the following new paragraphs:
- “On 1 April 2008 the retrenchment enhancement described above will cease, and a value is to be calculated by the Actuary and recommended to the Administrative Committee as the amount which gives recognition to the expected present value of the future severance benefit offset as described in Clause 24 that the employer would have enjoyed had the retrenchment enhancement benefit not been discontinued. Upon acceptance of the recommendation by the Actuary, this amount will be transferred to the account established in the Fashion Industry Protection Fund for the employer of that member, to be dealt with in accordance with the provisions of this agreement that relates to the Fashion Industry Protection Fund.
- On 1 April 2008 the retirement enhancement benefit shall cease, and a value is to be calculated for each member by the Actuary and recommended to the Administrative Committee as the amount which gives recognition to the expected present value of the previous enhanced retirement benefit that the member may have enjoyed had he reached retirement, and the benefit not been discontinued. Upon acceptance by the Administrative Committee of the recommendation by the Actuary, this amount will be added to the members’ share of each active member of the Fund. For any dormant member who has reached retirement age, that dormant member shall be assumed to retire on that date, and have their benefit enhanced appropriately.”

- 12.17 In sub-clause 22(9)(b)(ii), substitute the expression "R10 000,00 for the expression "R5 000,00"

13. CLAUSE 24: SEVERANCE PAY

- 13.1 In sub-clause (4) with effect from 1 April 2008, substitute sub-clause (4) with the following new sub-clause:

"Until 1 April 2008, where an employee who is aged 50 years or older, subject to sub-clause (5) below, is retrenched, such employee shall receive the stipulated enhanced benefits due in terms of clause 22 (9) (b) (i) of this part of the agreement. With effect from 1 April 2008, the benefit enhancement will cease, as described in sub-clause 4 (f) above. Until 1 April 2008, the employer's liability in respect of retrenchment benefits for such employee shall be limited to the payment of the difference between the said enhanced Provident Fund benefit and the amount of severance pay reflected in sub-clause (1) above where the enhanced Provident Fund benefit is less than the severance benefit. With effect from 1 April 2008, the employer's liability in respect of retrenchment benefits will be the amount of severance pay reflected in sub-clause (1) above. However, to the extent that the employer is compliant, the employer may claim an offset from the Fashion Industry Protection Fund as is provided for in sub-clause 30 (21)."

Signed at CAPE TOWN on behalf of the Parties this 7th day of APRIL 2008.

F OOSTHUYSEN
Chairperson

P J BRAND
Vice-Chairperson

S D NDUNA
General Secretary

No. R. 584

30 May 2008

LABOUR RELATIONS ACT, 1995**CANCELLATION OF GOVERNMENT NOTICES****NATIONAL BARGAINING COUNCIL FOR THE CLOTHING
MANUFACTURING INDUSTRY: COLLECTIVE FUND AGREEMENT FOR THE
NORTHERN REGION**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby, in terms of section 32(7) of the Labour Relations Act, 1995, cancel Government Notices Nos. R. 1175 of 15 October 2004, R. 971 of 7 October 2005, R. 886 of 8 September 2006, R. 1077 of 3 November 2006 and R. 973 of 19 October 2007 with effect from 2 June 2008.

M M S MDLADLANA
MINISTER OF LABOUR

No. R. 585

30 May 2008

LABOUR RELATIONS ACT, 1995**NATIONAL BARGAINING COUNCIL FOR THE CLOTHING
MANUFACTURING INDUSTRY: EXTENSION TO NON-PARTIES OF
COLLECTIVE FUND RE-ENACTING AND AMENDING AGREEMENT FOR
THE NORTHERN REGION**

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 National Bargaining Council for the Clothing Manufacturing Industry, 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 2 June 2008 and for the period ending 31 August 2012.

**M M S MDLADLANA
MINISTER OF LABOUR**

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE CLOTHING
MANUFACTURING INDUSTRY
COLLECTIVE FUND AMENDING AGREEMENT FOR THE NORTHERN
REGION**

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

Cape Clothing Association
Consolidated Association of Employers of Southern Africa Region
Eastern Province Clothing Manufacturers' Association
Free State and Northern Cape Clothing Manufacturers' Association
Natal Clothing Manufacturers' Association
Northern Decentralised Clothing Manufacturers' Association
Transvaal Clothing Manufacturers' Association
Lower South Coast Clothing Manufacturers' Association
Northern KwaZulu-Natal Clothing Manufacturers' Association

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

Southern African Clothing and Textile Workers' Union

(hereinafter referred to as the "employees" or the "trade union"), of the other
part, being the parties to the National Bargaining Council for the Clothing
Manufacturing Industry,

1. SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed in the Clothing Industry by all employers and employees who are engaged or employed in the operations referred to in the definition of "Clothing Industry" in clause 3 of this Agreement and who -
- (a) are members of the employers' organisation and the trade union, respectively and who are engaged or employed in the Industry;
 - (b) are subject to the scope of Part D of the National Main Collective Agreement of the National Council, being in the Province of the Transvaal, as it existed prior to the coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

- (c) are subject to the scope of Part I (Non-Metro) of the National Main Collective Agreement of the National Council, but only insofar as those areas of Part I that fall within the Provinces of the Free State, Gauteng, Limpopo, Mpumalanga and North West and in the Northern Cape Magisterial Districts of Barkly West, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kuruman, Phillipstown, Postmasburg, Prieska and Warrenton, are concerned but excluding those areas excluded by virtue of clauses 1(1)(b)(iii), (iv) and (v) of Part I of the National Main Collective Agreement of the National Council.
- (2) Notwithstanding the provisions of subclause (1)—
- (a) the terms of this Agreement shall apply only in respect of employees for whom wages are prescribed in Parts D and I of the Council's National Main Collective Agreement; and
- (b) the provision of clauses 5, 6, 7 and 9 of this Agreement shall apply in respect of any employee in the Industry for whom no wages are prescribed in Part D of the National Main Collective Agreement if such employee and his employer have mutually, and with the Council, agreed thereto in writing. This provision shall, however, not apply in respect of members who are subject to the scope of clause 1(1)(c) of this Agreement.
- For the purposes of subclause (2) (b), any reference to employees for whom wages are prescribed in Part D of the National Main Collective Agreement shall be deemed to include employees referred to in that Agreement and any reference to the wage prescribed for an employee shall be deemed to be a reference to such employee's actual wage.
- (3) Notwithstanding the provisions of subclauses (1) and (2), the terms of this Agreement shall apply in respect of employees who were contributors immediately prior to the coming into force of this Agreement.
- (4) Clauses 1(1)(a), 2(1) and 3 of this Agreement shall not apply to employers and employees who are non-members of the employers' organisation and trade union, respectively.

2. PERIOD OF OPERATION OF THIS AGREEMENT

- (1) This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 (2) of the Act, and shall remain in force until 31 August 2012. This Agreement shall bind the Parties and their members and shall remain effective beyond the expiry date determined by the Minister or until the Parties agree otherwise.

- (2) Upon the expiry of this Agreement or any extension thereof and in the event of a subsequent agreement not being negotiated within a period of two years from the expiry of this Agreement or any extension thereof, the Provident Fund established and continued in terms of clause 9 shall be liquidated as though the employees had left the Industry.

3. SPECIAL PROVISIONS

The provisions contained in clauses 8, 13(5) and 14B of the Agreement published under Government Notice R. 1175 of 15 October 2004, as amended, extended, renewed and re-enacted by Government Notices Nos. R. 971 of 7 October 2005, R. 886 of 8 September 2006, R. 1077 of 3 November 2006 and R. 973 of 19 October 2007 (hereinafter referred to as the "Former Agreement"), as further amended, extended, renewed and re-enacted from time to time, shall apply to employers and employees who are members of the parties to the collective agreement.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 7, 9 to 15A and 16 to 18 of the Former Agreement (as further as amended, extended, renewed and re-enacted from time to time), shall apply to employers and employees.

5. CLAUSE 9 OF THE FORMER AGREEMENT: PROVIDENT FUND

- 5.1 Amend the Agreement with effect from 1 December 2007 as follows:
- 5.1.1 In sub-clause 9 A (3)(e), substitute the expression "accounts" for the expression "accountants" where it appears in the second sentence.
- 5.1.2 In sub-clause 9 A (3), insert the following new sub-clause (h):
- "(h) Fund Accounts: The Benefit Funds' Committee may, having received advice from their advisors, establish such reserve accounts in the Fund as may be deemed appropriate to ensure the sound ongoing functioning of the Fund, and may credit such amounts to those accounts at establishment as their advisors agree would be appropriate, subject to the establishment of the accounts with these recommended amounts not placing the Fund in a financially unsound position. The Rules of the Fund shall reflect the existence of these reserve accounts, and specify the provisions for the operation of these accounts. These reserve accounts shall at all times be operated in compliance with any applicable legislation."

- 5.1.3 In sub-clause 9 A (4)(b), substitute the expression “;” for the expression “.”
- 5.1.4 In sub-clause 9 A (4), insert the following new sub-clauses (c), (d) and (e):
- “(c) Active members, for whom contributions are made on a regular basis;
 - (d) Inactive members, who are currently dormant in the Fund, because they are not currently employed in the industry as defined in Clause 3, but who are expected to return to the industry;
 - (e) Unclaimed benefits, in respect of members who last paid a contribution to the Fund more than six months ago, are no longer employed in the industry, and have not come forward to claim their benefit in the Fund.”
- 5.1.5 In sub-clause 9 A (6)(b), delete the following wording:
- “(b) Payments shall not be made to a contributor until such contributor has been out of the Industry for six months (except at the discretion of the Benefits Funds’ Committee).”
- 5.1.6 In sub-clause 9 A (7) (a), substitute the existing sub-clause (a) with the following new sub-clause:
- “(a) The benefit that shall be paid to a contributor on withdrawal shall be the total amount contributed plus 100% of the amount contributed on his behalf by his employer, less any allocation for expenses that may have been made from the employer’s contribution; or, in the case of the death of the contributor, the benefits shall be paid to his beneficiary.”
- 5.1.7 In sub-clause 9 A (7), delete sub-clause (b) and renumber 9 A (7)(c) and (d) to read 9 A (7)(b) and (c) respectively.
- 5.1.8 In sub-clause 9 A (9) (b) (ii), insert the following new expression “of R10 000,00” after the wording “death benefit” and before the wording “to the estate”.
- 5.2 Amend the following Agreement with effect from 1 April 2008:
- 5.2.1 Substitute the expression “Provident Fund for the Clothing Industry (Northern Chamber) for the expression “Clothing Industry Provident Fund (Northern Areas)”.
- 5.2.2 In sub-clause 9 A (1), insert the following new expression “(“the Fund”)” after the wording “(Northern Areas)”.

5.2.3 In sub-clause 9 A (1), insert the following new sub-clauses (a), (b) and (c)(i), (ii), (iii), (iv) and (v):

- “(a) With effect from 1 April 2008 the Fund will be renamed, the Provident Fund for the Clothing Industry (Northern Chamber).
- (b) The administration and management of, and contributions and benefits paid by, the Fund will be governed by a set of Rules, consistent with all collective agreements dealing with provisions for the Fund, and ultimately registered with Registrar of Pension Funds in terms of the PENSION FUNDS ACT.
- (c) With effect from 1 April 2008 the membership and a portion of the assets and liabilities of the Knitting Industry Provident Fund (Northern Areas), originally established on the 4th June 1971 in terms of Government Notice No R. 911 and the Provident Fund for the Clothing Industry (Free State and Northern Cape), originally established on the 1st pay day in September 1971 in terms of Government Notice No R. 321 (“the Former Funds”) are hereby transferred to the Fund. The assets and liabilities of each of these Funds shall be split between the Fund and the Fashion Industry Protection Fund as recommended by an Actuary appointed for this purpose, and agreed to by the Benefit Funds Committee, in consultation with their advisors, except that the Benefit Funds Committee must be satisfied that the assets to be transferred are adequate to meet the liabilities being transferred:
- (i) If the actual transfer takes place on a date later than 1 April 2008, the liabilities to be transferred shall be increased by interest as recommended by the actuary and advised by the Administrative Committee, and the value of the portion of the assets as at 1 April 2008, with further investment returns to the date of transfer, less any expenses, shall be transferred;
- (ii) The transfer of assets and liabilities to the Fashion Industry Protection Fund is a once-off transfer;
- (iii) Notice of the transfer of the Fund shall be provided in terms of a Section 14 transfer to the Registrar: Labour, who shall gazette such notice;
- (iv) Any further regulatory action as is required shall be complied with;
- (v) Any requirements of a fiscal nature shall be fulfilled.”

- 5.2.4 In sub-clause 9 A (2), insert the following new sub-clauses (e), (f) and (g):
- “(e) Any values transferred as a result of an amalgamation, merger, or a bulk transfer of assets and liabilities;
 - (f) Any values transferred from any other retirement provision, with the approval of the Benefit Funds’ Committee (or its successor) subject to meeting the fiscal requirements by an individual member;
 - (g) The assets transferred into the Fund resultant upon the transfer of the members and liabilities of the Former Funds.”
- 5.2.5 In sub-clause 9 A (4)(e), substitute the expression “,” for the expression “.”.
- 5.2.6 In sub-clause 9 A (4)(e), insert the following new wording at the end of the sub-clause (e):
- “except that, where the Unclaimed Benefits of the Former Funds are transferred to the Northern Chamber Fund on 1 April 2008, and become Unclaimed Benefits of the fund on that date, any tax obligations which lay with a Former Fund in relation to these Unclaimed Benefits are transferred to the Fund;”
- 5.2.7 In sub-clause 9 A (4), insert the following new sub-clause (f):
- “(f) The members of Former Funds who transferred into the Fund on 1 April 2008.”
- 5.2.8 In sub-clause 9 A (9), insert the following new sub-clause (c)(i)(aa) and (bb):
- “(i) On 1 April 2008 the benefit provided for in sub-clause 9 A (9)(b)(i) will be discontinued.
 - (aa) A value is to be calculated for each member of the Fund (immediately prior to the transfers in from the Former Funds) by an Actuary appointed for that purpose, and recommended to the Benefit Funds’ Committee as the amount which represents the expected present value of the enhanced benefit each member may have enjoyed had he reached retirement, and the benefit not been discontinued. Upon acceptance by the Benefit Funds’ Committee of the recommendation by the Actuary, this amount will be added to the members’ share of each active member of the Fund. For any dormant member who has reached retirement age, that dormant member shall be assumed to retire on that date, and have their benefit enhanced appropriately.

(bb) A value is to be calculated for each member of the Fund (immediately prior to the transfers in from the Former Funds) by an Actuary appointed for that purpose, and recommended to the Benefit Funds' Committee as the amount which represents the expected present value of the severance benefit offset that would have represented the offset that the employer would have enjoyed in terms of sub-clause 14. (4) of Part D of the National Main Collective Agreement, had the benefit not been discontinued. Upon acceptance of the recommendation by the Actuary, this amount will be transferred to the account established in the Fashion Industry Protection Fund for the employer of that member, to be dealt with in accordance with the provisions of this Agreement that relates to the Fashion Industry Protection Fund."

6. CLAUSE 6 OF THE FORMER AGREEMENT: INDUSTRY PROTECTION FUND

6.1 With effect from 1 April 2008, the clauses referred to above are amended as follows:

6.1.1 In sub-clause 6(1), substitute the existing sub-clause (1) with the following new sub-clause:

"(1) In terms of section 28 (1) (g) of the Act, read with clause 3.6 and 3.7 of the Council's Constitution, a Fund to protect the fashion industry from further job losses and decline, and specifically to provide a benefit to employers in recognition of benefits elsewhere forgone, which shall be known as the Fashion Industry Protection Fund (hereinafter referred to as "the Fund") is hereby established and amended."

6.1.2 In sub-clause 6 (2), renumber sub-clause (2) to read "2(a)" and insert the following new sub-clause (2)(b):

"(2)(b) Furthermore, the object of sub clause 21 is specifically noted to be compensation to employers in respect of severance pay benefits forgone as a result of the requirements of registering the Provident Fund in terms of the Pension Funds Act in terms of the requirements of that Act."

6.1.3 In clause 6, insert the following new sub-clause (21):

"(21) With effect from 1 April 2008, a ring fenced account is established in the Fund for the purpose discussed in sub clause (2) (b). It is specifically noted that none of the provisions of sub clauses (10), (13), (14), (15), and (18)

shall apply or shall be deemed to apply to this sub clause. Within this account shall be established a sub account for each employer who participated in the Provident Fund on 1 April 2008.

- (a) the account and the sub-accounts will be administered by the Regional Chamber of the Council;
- (b) into the account will be transferred from the Provident Fund for the region an amount, effective on 1 April 2008, calculated by the Actuary, appointed by the Provident Fund for that purpose, and recommended to the Administrative Committee;
- (c) the actuary shall advise the breakdown of the total transfer amount per employer participating in the Provident Fund on that date, and further broken down per employee of each employer who is a members of said fund on that date;
- (d) the amount in the account will be invested in terms of the general guidelines for the investment of Funds established by bargaining council funds, and the investment returns earned will be allocated monthly on an equitable and practical basis, relative to the balance in each employer's sub-account;
- (e) In the event that an employer who participated in the Provident Fund retrenches an employee who is a member of the fund, the employer will be entitled to make application to the Council for relief from his sub-account in the Fund in respect of the severance pay, to the extent of the retrenchment enhancement that the member would have received in terms of the enhancement rule, if the enhancement benefit had not been removed from the fund at the merger date;
- (f) The Council may pay such relief to Compliant (compliant between the date of the retrenchment and the future date of payment) Employers from the Fashion Industry Protection Fund to the extent of the value in the employer's sub-account at the date of the retrenchment;
- (g) Once exhausted, the employer will have no further right to make such claims in respect of the retrenchment of employees who are members of the fund; and
- (h) Once an employer no longer employs any of the employees who were members of the Provident Fund at 1 April 2008 in his employ, the sub-account will be cancelled, and all assets in the sub-account will fall to

the generality of the Fund, and be subject to the provisions of the Fund, excluding sub clause 21."

Signed at **CAPE TOWN** on behalf of the Parties this **7th** day of **APRIL 2008**.

F OOSTHUYSEN
Chairperson

P J BRAND
Vice-Chairperson

S D NDUNA
General Secretary

**DEPARTMENT OF TRADE AND INDUSTRY
DEPARTEMENT VAN HANDEL EN NYWERHEID**

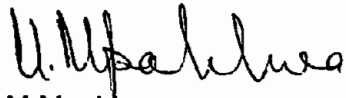
No. R. 574

30 May 2008

**NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977
(ACT 103 OF 1977)**

NATIONAL BUILDING REGULATIONS

I, Mandisi Mphahla, Minister of Trade and Industry, hereby under Section 17(3) of the National Building Regulations and Building Standards Act (Act No. 103 of 1977), and on the recommendation of the Council of the South African Bureau of Standards, declare the regulations, as set out in the Schedule, to come into operation on the 1 October 2008.



M Mphahla

Minister of Trade and Industry

SCHEDULE

Substitution of Regulation AZ.1

- 1 Regulation **AZ1** of the Regulations is substituted for the following regulation:

These amended regulations shall in terms of section 17(3) of the Act come into operation on 1 October 2008.

Amendment of Regulation AZ.2

Regulation **AZ2** of the Regulations is amended as follows:

- 2 Delete "suitable" in heading for definition for **"acceptable"**, **"adequate"**, **"satisfactory"** or **"suitable"** and in the text of the definition itself

- 3 Add the following new definition:

"action" means an assembly of concentrated or distributed mechanical forces acting on a building or the cause of deformations imposed on the building or constrained in it

- 4 Add the following new definition:

"Agrément certificate" means a certificate that confirms fitness-for-purpose of a non-standardised product, material or component or the acceptability of the related non-standardised design and the conditions pertaining thereto (or both) issued by the Board of Agrément South Africa."

- 5 Add the following new definition:

Board of Agrément South Africa

the body that operates under the delegation of authority of the Minister of Public Works.

- 6 Delete definition for **"class"**

- 7 Substitute **"competent person"** with the following:

means a person who is qualified by virtue of his education, training, experience and contextual knowledge to make a determination regarding the performance of a building or part thereof in relation to a functional regulation or to undertake such duties as may be assigned to him in terms of these regulations .

- 8 Add the following new definition

"contaminated land" means any land that, due to substances contained within or under it, is in a condition that presents an unacceptable risk to the health and safety of occupants of buildings constructed on such land.

- 9 Add the following new definition:

"deemed-to-satisfy provision" means non-mandatory requirement, the compliance with which ensures compliance with a functional regulation

- 10 Add the following new definition:

"dolomite land" means land underlain by dolomite or limestone rock directly or at a shallow depth less than:

- (a) 60 m in areas underlain by limestone;
- (b) 60 m in areas underlain by dolomite where no de-watering has taken place and the local authority has jurisdiction, is monitoring and has control over the groundwater levels over the areas under consideration; or
- (c) 100 m in areas underlain by dolomite where de-watering has taken place or where the local authority has no jurisdiction or control over ground water levels.

- 11 Substitute "SANS 10177-2" for "SABS 0177 Part II" in definition for **"fire resistance"**

- 12 Add the following new definition:

"functional regulation" means a regulation that sets out in qualitative terms what is required of a building or building element or building component in respect of a particular characteristic without specifying the method of construction, dimensions or material to be used

- 13 Add the following new definition:

geotechnical site investigation

the process of evaluating the geotechnical character of a site in the context of existing or proposed works or land usage, which may include one or more of the following:

- (a) evaluation of the geology and hydrogeology of the site;
- (b) examination of existing geotechnical information pertaining to the site;
- (c) excavating or boring in soil or rock and the systematic description of the soil and rock profiles;
- (d) determining the depth of any fill that might be present;
- (e) in-situ assessment of geotechnical properties of materials;
- (f) recovery of samples of soil or rock for examination, identification, recording, testing or display;
- (g) testing of soil or rock samples to quantify properties relevant to the purpose of the investigation;
- (h) evaluation of geotechnical properties of tested soils; and
- (i) reporting the results.

- 14 Delete definition for **"incremental house"**

- 15 Insert "waste water" before "or stormwater" at the end of the definition for "industrial effluent"

- 16 Add the following new definition:

"inspection" means the general inspection by a competent person of a system or measure or installation of a building, or part thereof, at such intervals as might be necessary in accordance with accepted professional practice to enable such competent person to be satisfied that the design assumptions are valid, the design is being correctly interpreted and the work is being executed generally in accordance with the designs, appropriate construction techniques and good practice but shall exclude detailed supervision and day-to-day inspection.

- 17 Substitute "load" with the following:

"load" means the value of a force corresponding to an action.

- 18 Substitute (a) ix) in "**minor building work**" with the following:
(ix) any free-standing wall constructed of masonry, concrete, steel, aluminium or timber or any wire fence where such wall or fence does not exceed 1,8 m in height at any point above ground level and does not retain soil;
- 19 Substitute "SANS 10177-5" for "SABS 0177-V" in definition for "**non-combustible**"
- 20 Delete definition for "**pail closet**"
- 21 Add the following new definition:
"persons with disabilities" means those persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers might hinder their full and effective participation in society on an equal basis with others."
- 22 Delete definition for "**pit latrine**"
- 23 Add the following new definition:
"prescriptive regulation" means a regulation which describes in some detail an operation to be performed, or the dimensions of a building, building element or building component and the materials and method of construction to be used in such building, building element or building component
- 24 Add the following new definition:
"rational assessment" means assessment by a competent person of the adequacy of the performance of a solution in relation to requirements including, as necessary, a process of reasoning, calculation and consideration of accepted analytical principles, based on a combination of deductions from available information, research and data, appropriate testing and service experience;
- 25 Substitute "**rational design**" with the following:
"rational design" means any design by a competent person involving a process of reasoning and calculation and which may include a design based on a standard or other suitable document
- 26 Delete definition for "**roof assembly**"
- 27 Delete definition for "**sanitary group**"
- 28 Substitute "WC" in the definition for "**storage tank**" with "toilet"
- 29 Delete "mezzanine floor" in definition for "**storey**"
- 30 Delete definition for "**street boundary**"
- 31 Add the following new definition:
"suitable" means capable of fulfilling or having fulfilled the intended function or fit for its intended purpose
- 32 Add to the end of the definition for "**trained plumber**" the words "or has obtained a National Certificate in Construction Plumbing, National Qualification Framework level 3".

Substitution of Regulation AZ.3

- 33 Regulation AZ.3 of the Regulations is substituted with the following regulation:
Where in these regulations reference is made to a SANS number, such reference shall relate to the latest edition of the national standard having the number and title given in the following table:

1	2
SANS No.	Title
1125	Room air conditioners and heat pumps
10005	The preservative treatment of timber
10082	Timber frame buildings .
10105	The use and control of fire fighting equipment
10124	The application of soil insecticides for the protection of buildings
10177	Fire testing of materials, components, and elements used in buildings Part I Part 2 Part 3. Part 4
10400	The application of the National Building Regulations

Addition of Regulation AZ.4

- 34 Add the following Regulation AZ.4

AZ.4 Complying with the requirements of the National Building Regulations

- (1) The requirements of the National Building Regulations shall be complied with by:
- (a) adhering to the requirements of all the prescriptive regulations; and
 - (b) satisfying all functional regulations by:
 - (i) adopting building solutions that comply with the requirements of the relevant part of SANS 10400; or
 - (ii) reliably demonstrating, or predicting with certainty, to the satisfaction of the appropriate local authority, that an adopted building solution has an equivalent or superior performance to a solution that complies with the requirements of the relevant part of SANS 10400.
- (2) A competent person who is registered in an appropriate category of registration in terms of the Architectural Professions Act, 2000 (Act No 44 of 2000), the Engineering Profession Act, 2000 (Act No 46 of 2000), the Natural Scientific Professions Act, 2003 (Act No. 27 of 2003) or any other relevant Act and, in accordance with the requirements of Regulation A19, shall prepare and submit to the local authority a rational design or rational assessment where compliance with the requirements of sub-regulation (1) is to be satisfied in terms of sub-regulation (1)(b)(ii).
- (3) An approved competent persons who satisfies the requirements of sub-regulation (1) in terms of sub-regulation (1)(b)(ii) in respect of a system, measure, facility, parameter or installations shall inspect and certify upon completion, in accordance with the requirements of Regulation A19, the construction, erection or installation thereof.

Amendment of Regulation A1

Regulation A1 of the Regulations is amended as follows:

35 Substitute sub-regulation A1(1) with the following:

- (1) The designing, planning and the supervision of the erection of any building or structure or the performance of any function in connection therewith in terms of these regulations is subject to the provisions of any law in terms of which the person undertaking such work or performing such function is required to be registered in terms of the Architectural Profession Act, 2000 (Act No 44 of 2000), Engineering Profession Act, 2000 (Act No 46 of 2000), Natural Scientific Professions Act, 2003 (Act No. 27 of 2003), or Professional and Technical Surveyors' Act, 1984 (Act No 40 of 1984), or any other relevant Act

36 Substitute sub-regulation A1(3) with the following:

- (3) (a) No person shall erect any building which is to be structurally supported by an existing building or extend an existing building unless an approved competent person has judged the existing building to be capable of carrying any additional load arising from such erection or extension and has, in writing, so informed the local authority.
- (b) Such notification shall accompany the application for approval of the erection of the building in terms of Section 4 of the Act.
- (c) For the purposes of this regulation "existing building" shall include a partly erected building.
- (d) Any structural support provided by the existing building shall be deemed to be part of the structural system of the building to be erected.
- (e) The local authority may require that the above notification be accompanied by a documented rational assessment of the adequacy of the structural support."

37 Delete sub-regulation A1(7)(c) and renumber sub-regulation A1(7)(d) as A1(7)(c)

Amendment of Regulation A2

Regulation A2 of the Regulations is amended as follows:

38 Substitute sub-regulation A2(1)(f)(iv) with the following:

- (iv) any certificate contemplated in these regulations, including any applicable Agrément Certificate;

39 Substitute sub-regulation A2(1)(f)(v) with the following:

- (v) particulars required in terms of any applicable legislation, by-laws, or part of SANS 10400

40 Add sub-regulation A2(1)(g)

- (g) a declaration by a person registered in a professional category of registration in terms of the one of the councils for the professions identified in the Council for the Built Environment Act, 2000 (Act No 43 of 2000) in the relevant portion of Form 1 contained in SANS 10400-A as to how the applicable functional regulations shall be satisfied

- 41 Add sub-regulations **A2(2)**, **A2(3)** and **A2(4)** and renumber sub-regulations **A2(2)** and **A2(3)** as **A2(5)** and **A2(6)**
- (2) The owner of a building shall appoint and retain the services of the person responsible for submitting the declaration required in sub-regulation (1)(g) and shall advise such person after such declaration has been submitted to the local authority of any changes made in the manner in which any functional regulation shall be satisfied or if the services of the competent person is for whatever reason terminated prior to the conclusion of his obligations in terms of these Regulations, or the appointment of any other competent person. Such person shall within one month of being notified by the owner or becoming aware of any change submit an amended declaration to the local authority.
 - (3) Where it is not possible for the person appointed by the owner of a building in sub-regulation (2) to fulfil his or her duties, the owner of such building shall appoint and retain another suitably qualified person to take over and perform the duties and responsibilities assigned to such person in sub-regulation (2)
 - (4) The names of all approved competent persons shall be entered into the appropriate schedule of Form 1 contained in SANS 10400-A before local authority approval may be granted.
- 42 Substitute sub-regulation **A(2)(6)** with:
- (6) (a) Where design work for the proposed erection of any building was commenced before the date of coming into effect of any amendment to these regulations or within 6 months of the publication of an edition of any part of SANS 10400 or a by-law and an application in respect of such erection has not been made prior to such date, the owner of the building, or a person authorized by the owner, may notify the local authority that such design work was so commenced and has so progressed.
 - (b) Subject to the provisions of this subregulation, an application in respect of an erection which has been the subject of a notification contemplated in paragraph (a) shall if so requested by the owner be dealt with by the local authority in accordance with the provisions of the building regulations, by-laws or edition of SANS 10400 in force immediately before such date.
 - (c) Any notification contemplated in paragraph (a) shall -
 - (i) be submitted by registered post within 6 months of the coming into effect of any new regulation, by-law or publication of a new edition of any part of SANS 10400; and
 - (ii) contain the name and address of the owner, the address of the site of the building concerned, the date of commencement of such design work and a description of the proposed erection and its intended use.
 - (d) The local authority shall, in writing, inform the owner concerned of acceptance of such notification.
 - (e) The provisions of paragraph (b) shall not apply in respect of any application which is made to the local authority more than 12 months after the date that the local authority informs the owner that it is so satisfied: Provided that the local authority may extend such period if it thinks it reasonable or necessary.
 - (f) Any person who gives false or misleading information in a notification in terms of this subregulation shall be guilty of an offence and such notification is null and void.

Amendment of Regulation A4

Regulation A4 of the Regulations is amended as follows:

- 43 Substitute "a professional engineer or other" with "an" in sub-regulation A4(1)(b)
- 44 Substitute "code of practice" with "standard" in Regulation A4(1) (h), (i), (j) and (k)
- 45 Substitute "forces" with "actions" in sub-regulation A4(4)(d) wherever it occurs
- 46 Substitute "grade" with "class" in sub-regulation A4(5)(a)
- 47 Substitute "SABS" with "SANS" in sub-regulation A4(8)(a)
- 48 Substitute "a professional engineer or other" with "an" in sub-regulation A4(8)(b)
- 49 Insert "Agrément " before certificate and delete "issued by the Agrément Board of South Africa" in sub-regulation A4(9)(ii)

Amendment of Regulation A5

Regulation A5 of the Regulations is amended as follows:

- 50 Substitute sub-regulation A5(2)(b) with the following:
(b) be drawn on any suitable material or be provided in a medium acceptable to the local authority;
- 51 Delete "paper " in sub-regulation A5(3)
- 52 Substitute "1:300" with "1:250" in sub-regulation A(5)(5)(a)(i)
- 53 Substitute sub-regulation A5(5)(b) with the following:
(b) The local authority may accept a scale not provided for in this sub-regulation.
- 54 Substitute sub-regulations A8(6) and A8(7) with the following:
(6) One copy of the plans and drawings contemplated in subregulation (2) shall, for the convenience of the local authority, identify in a suitable manner or colour the following as indicated below:

(a)	Material	Colour (in plan or section)
(i)	New masonry	Red
(ii)	New concrete	Green
(iii)	New iron or steel	Blue
(iv)	New wood	Yellow
(v)	New glass	Black
(vi)	Existing materials (all materials)	Grey
(vii)	All other new materials	To be clearly indicated in colours other than the above

(b)	Site plans	Colour
(i)	Proposed work	Red
(ii)	Existing work	Not coloured
(iii)	Work to be demolished	Drawn with black dotted lines
(c)	Drainage installation contemplated in regulation A2(1)(d)	Colour
(i)	Drains and soil pipes	Brown
(ii)	Waste pipes	Green
(iii)	Soil and combined vents	Red
(iv)	Waste vents	Blue
(v)	Pipes for the conveyance of industrial effluent	Orange
(vi)	Existing drains	Black
(vii)	Stormwater drains	Not coloured

55 Renumber sub-regulations **A5(8)** and **A5(9)** as **A5(7)** and **A5(8)**

56 Substitute "2 mm" with "2,5mm" in sub-regulation **A5(8)**

Amendment of Regulation A7

Regulation **A7** of the Regulations is amended as follows:

57 Add the following sub-regulation **A7(1)(e)** and renumber sub-regulations **A7(1)(e)** to **A7(1)h** as **A7(1)f** to **A7(1)i)**

(e) all details relating to the facilities provided for persons with disabilities

Amendment of Regulation A8

Regulation **A8** of the Regulations is amended as follows:

58 Add "Two way vent valve2WV to list in sub-regulation **A8(5)**

59 Substitute "WC" in sub-regulation **A8(5)** with "toilet" wherever it occurs

Amendment of Regulation A9

Regulation **A9** of the Regulations is amended as follows:

60 Add "protection" before "fire" in sub-regulation **A9(1)**

Amendment of Regulation A10

Regulation **A10** of the Regulations is amended as follows:

61 Add the following symbols to the list in sub-regulation **A10**:

Escape doorED
 Escape route.....ER
 Feeder routeFR

Amendment of Regulation A11

Regulation A11 of the Regulations is amended as follows:

- 62 Delete " before granting approval in relation to an application" in sub-regulation A11(1)

Amendment of Regulation A13

Regulation A13 of the Regulations is amended as follows:

- 63 Substitute sub-regulation A13(1) with the following:
- (1) (a) Material used in the erection of a building shall be suitable for the purpose for which it is to be used.
 - (b) All timber used in the erection of a building shall be treated against termite and wood borer attack and fungal decay in accordance with the requirements of SANS 10005 and shall bear the product certification mark of a body certified by the South African National Accreditation Systems.
 - (c) The requirements of subregulation (1)(a) shall be deemed to be satisfied if such material complies with and is incorporated into buildings in accordance with the requirements of SANS 10400.

Amendment of Regulation A14

Regulation A14 of the Regulations is amended as follows:

- 64 Substitute regulations A14(1) to A14(4) with the following and renumber sub-regulation A14(5) as A14(2):
- (1) (a) The construction of any building or element shall be such that the building or element as constructed does not compromise the design intent of any design solution that satisfies the requirements of a functional regulation.
 - (2) (b) The requirements of sub-regulation (1)(a) shall be deemed to be satisfied if such construction satisfies the requirements of SANS 10400.

Amendment of Regulation A15

Regulation A15 of the Regulations is amended as follows:

- 65 Substitute title of Regulation A15 and sub-regulations A15(1) and A15(2) with the following:

A15 MAINTENANCE AND OPERATION

- (1) (a) The owner of any building shall ensure that any mechanical equipment, facility or any service installation provided in or in connection with such building, pursuant to these regulations or pursuant to any building by-law which was in operation prior to the coming into operation of the Act, shall be maintained in a safe and functional condition.
- (b) Such owner or any person appointed by such owner to be in control of such building shall ensure that where such equipment, facility or installation is designed to be kept operating during the times of normal occupancy of the building, it is kept operating in such a manner as to attain any standard of performance prescribed in these regulations or in any by-law for such equipment or installation.

- (2) The owner of any building shall ensure that pursuant to these regulations or pursuant to any building by-law that was in operation prior to the coming into operation of the Act, the following is maintained in accordance with the requirements of the relevant functional regulations contained in Regulations B, H, J, K and L:
- i) the structural safety performance (behaviour of buildings under all actions that can be reasonably expected to occur);
 - ii) the measures taken to resist the penetration of rain water and the passage of moisture into the interior of a building

66 Substitute "equipment or installation" with "building, equipment, installation or facility" in sub-regulation A15(4)

Amendment of Regulation A16

Regulation A16 of the Regulations is amended as follows:

67 Substitute "as evaluated by the Human Sciences Research Council" with "at an accredited educational institution" in Regulation A16

Amendment of Regulation A17

Regulation A17 of the Regulations is amended as follows:

68 Substitute "Town Clerk or Secretary" with "municipal manager" in sub-regulation A17(1)(e)

69 Substitute subregulation A17(2) with the following:

- (2) Sub-regulation (1) shall be deemed to be satisfied where the certificate is in accordance with that provided in SANS 10400-A.

Substitution of Regulation A19

Regulation A19 of the Regulations is substituted with the following Regulation:

70 Substitute Regulation A19 with the following:

A19 - APPOINTMENT OF PERSONS RESPONSIBLE FOR DESIGN, INSPECTION AND ASSESSMENT DUTIES

- (1) Where in terms of these regulations and in respect of the erection of any building:
- (a) a rational design or rational assessment, is required in terms of :
 - (i) Regulations Z.4(1)(b)(ii), A(1)(3), A23(4), G1(3), O4, P2(2), Q(3), R(3), T1(2) or W4 in respect of a system, measure, facility, parameter, or installation, as relevant, or
 - (ii) a part of SANS 10400; or
 - (b) a geotechnical investigation is required in terms of Regulation F3

the owner of the building shall subject to the provisions of sub-regulations (4) and (5) appoint and retain one or more approved competent persons to undertake responsibility for the work associated with such regulations including any inspections and certifications that may be required.

- (2) Where it is not possible for such person to fulfil his or her duties as contemplated in sub-regulation (1), the owner of such building shall appoint and retain another approved competent person to take over and fulfil such duties and responsibilities both in respect of the work already designed or erected or installed and in respect of the balance of such work still to be undertaken to complete the project.
- (3) The local authority may exempt from the requirements of this regulation any building classified in these regulations as minor building work or foundations to an addition or extension to a single storey building where the applicant has satisfied himself that the existing foundations are in accordance with the rules contained in SANS 10400-H and any local damage (including cracking) and deformation in the existing building are within tolerable limits.
- (4) The owner of any building who is required by these regulations to appoint an approved competent person shall state in the terms of the appointment for the competent person that such person undertake all duties and responsibilities required by these regulations. Such persons shall declare his or her acceptance of such responsibilities in the relevant portion of Form 2 contained in SANS 10400-A.
- (5) Notwithstanding the provisions of sub-regulation (1) or (2), a person may be appointed to undertake the relevant responsibilities and duties in respect of more than one of the systems, measures, facilities, parameters or installations provided for in sub-regulation (1) if the local authority accepts in terms of these regulations that he or she is competent to do so.
- (6)
 - (a) Where any building to be extended, the local authority may on receipt of the application for such extension and before granting approval require that the approved competent persons who have accepted responsibility for such work to timeously prepare and submit rational assessments as to the adequacy of the existing systems and installations in combination with the contemplated extensions to comply with the relevant requirements of these regulations for the whole building including the extensions.
 - (b) If the local authority is satisfied that any such rational assessment meets the requirement of these regulations and in particular of sub-regulation 6(a) it shall accept such assessment which shall be deemed to be part of the application submitted.
 - (c) If the local authority is not so satisfied it may after first consulting with the competent person who has submitted such assessment and subject to appeal to the Review Board decline to accept the assessment for reasons which it shall furnish in writing to such competent person and require him or her to submit a revised assessment to the satisfaction of the local authority.
- (7) Where in a building any element of the structural, fire protection, artificial ventilation, stormwater disposal or non-water borne sanitary disposal, fire installation or drainage installation system as provided for in sub-regulation (1) is or is required to be the subject of a rational design or rational assessment, the person appointed as an approved competent person shall assume responsibility for satisfying the functional regulation relating to that particular system in its entirety.
- (8)
 - (a) Where an approved competent person is required in terms of sub-regulation (7) to assume responsibility for the system in its entirety and where parts of the system are to be undertaken by other competent persons, the approved competent person shall assume overall responsibility for the design of such system and shall ensure that:
 - (i) the component designs are generally in accordance with the approved application and in accordance with the requirements of these regulations.
 - (ii) the component designs will achieve the necessary co-ordination and interaction of the different elements so as to achieve the objectives of the systems.

- (iii) in the case of the structural system, the interaction of the various component elements will be such that the structural adequacy of all the parts of the building and the overall stability of the building is assured
but in all cases excluding responsibility for the detailed design of elements carried out by the other competent persons, provided that such exclusion shall not preclude the approved competent person from taking any action which he or she considers necessary in terms of sub-regulation (8)(b).
- (b) (i) For the purpose of satisfying him or herself of the adequacy of any design or designs contemplated in sub-regulation (8)(a) and of their compatibility with any system, measure or installation in its entirety, the approved competent person may at any time after his or her appointment, require the designer or designers of the different elements of the system referred to in sub-regulation (8)(a) to complete Form 3 contained in SANS 10400-A as he or she may deem necessary, and return it timeously, or in any event before building construction or installation proceeds. Each such designer shall, when called upon so to do, provide the information and documents concerned in respect of the work he or she has designed.
- (ii) The person appointed as approved competent person may further require, after consultation with the designer concerned, modifications to the relevant designs, plans and specifications, if in his or her opinion they do not comply with the provisions of these regulations.
- (iii) Copies of designs, plans and specifications accepted by the approved competent person shall be submitted if so required to the local authority countersigned by the approved competent person.
- (iv) Each designer of a part of a system shall on completion of the erection or installation thereof, if called upon to do so by the approved competent person, complete and submit the section of Form 3 relating to inspection contained in SANS 10400-A.
- (c) The provisions of sub-regulation (8)(a) and (b) for designs shall also apply in the case of any applicable rational assessments.
- (9) (a) Any person appointed by the owner in terms of sub-regulations (1) or (2), shall apply to the local authority for acceptance as an approved competent person and shall:
- (i) make application, and
- (ii) declare his or her competence to undertake the relevant duties in the manner prescribed in the Regulations
- on Form 2 contained in SANS 10400-A and shall complete all applicable sections of such form.
- (b) The owner shall also complete the applicable section of Form 2 contained in SANS 10400-A
- (c) The local authority may, subject to appeal to the Review Board, decline to accept the appointment of any person who:
- (i) in completing any portion of Form 2 provides incorrect or incomplete information which in the opinion of the local authority is material to the determination of such applicant's competence;
- (ii) is not an employee of the owner of the building and is not in possession of professional indemnity insurance cover;
- (iii) is not professionally registered in terms of the Engineering Professions Act, 2000 (Act No. 46 of 2000), the Architectural Professions Act (Act No. 44 of 2000) or the National Scientific Professions Act, 2003 (Act No. 27 of 2003);
- (iv) is in the opinion of the local authority inadequately qualified or has insufficient experience or contextual knowledge to make the determinations that are required in terms of these regulations, provided however that any person that satisfies the relevant definition for a competent person provided in a part of SANS 10400 in relation to the duties contemplated in this sub-regulation, is deemed to satisfy this sub-regulation; and

- (v) is under investigation by a disciplinary tribunal of the Engineering Council of South Africa, the South African Council for the Architectural Profession or the South African Council for Natural Scientific Professions and the chief executive officer of such a Council has expressed an opinion in writing that the applications made by such persons should not be approved in the public interest.
- (10) (a) Where in respect of any building the local authority, after consideration of:
- (i) the details of registration in respect of category, date and discipline in which the applicant is registered, qualifications, experience, training and contextual knowledge provided in terms of this regulation by any person seeking acceptance of his or her appointment as a competent person, and
 - (ii) the declaration of competence provided by such person in terms of sub-regulation (9),
- considers that such person does not possess the degree of competence necessary to undertake the relevant duties, it may decline to accept the appointment of such person, who may appeal to the Review Board.
- (b) If the appeal is upheld, the local authority shall accept the appointment of the appellant as a person competent to undertake such duties or any part thereof in respect of such building as the Review Board may decide.
- (11) Where the local authority is satisfied with an application in respect of the matters specified in sub-regulations (10)(a)(i) and (ii) it shall indicate acceptance of the application in the manner specified in Form 2 as contained in SANS 10400-A.
- (12) (a) On completion of the structural, fire protection or fire installation system for which an approved competent person has been appointed in terms of sub-regulations (1) or (2), such competent person shall complete and submit to the local authority a fully completed Form 4 as contained in SANS 10400-A in respect of each such system for which such person has accepted responsibility in terms of Section 14(2A) of the Act 103.
- (b) The local authority may require from the owner that an approved competent person submit a copy of the certification of the specific work, other than the structural, fire protection or fire installation, for which he has been appointed on completion of the building.
- (13) Where any person provides any information or certificate required in terms of this regulation or which he or she knows to be incomplete or false, such person shall be guilty of an offence

Amendment of Regulation A20

Regulation A20 of the Regulations is amended as follows:

71 Add the following definitions to Table 1:

E4	<p>Health care Occupancy which is a common place of long term or transient living for a number of unrelated persons consisting of a single unit on its own site who, due to varying degrees of incapacity, are provided with personal care services or are undergoing medical treatment.</p>
H5	<p>Hospitality Occupancy where unrelated persons rent furnished rooms on a transient basis within a dwelling house or domestic residence with sleeping accommodation for not more than 16 persons within a dwelling unit.</p>

Amendment of Regulation A21

Regulation A21 of the Regulations is amended as follows:

72 Substitute Table 2 with the following table:

1	2
Class of occupancy of room or storey or portion thereof	Population
A1, A2, A4, A5	Number of fixed seats or 1 person per m ² if there are no fixed seats
E1, E3, H1, H3, H4	2 persons per bedroom
E4	16 persons provided that the total number of persons per room is not more than 4
H5	16 persons per dwelling unit provided that the total number of persons per room is not more than 4
G1	1 person per 15 m ²
J1, J2, J3, J4	1 person per 50 m ²
C1, E2, F1, F2	1 person per 10 m ²
B1, B2, B3, D1, D2, D3	1 person per 15 m ²
C2, F3	1 person per 20 m ²
A3, H2	1 person per 5 m ²

Amendment of Regulation A22

Regulation A22 of the Regulations is amended as follows:

73 Add "(d) the building will be completed" to sub-regulation A22(2)

Amendment of Regulation A23

Regulation A23 of the Regulations is amended as follows:

74 Substitute "a professional engineer or other" with "an" in sub-regulation A23(4)

Amendment of Regulation B1

Regulation B1 of the Regulations is amended as follows:

75 Add "under all actions which can reasonably be expected to occur" after "durability" in sub-regulation B1(1)

76 Substitute "part B of Section 3 of SABS 0400" with "SANS 10400-B" in sub-regulation B3(3)

Amendment of Regulation C

Regulation C of the Regulations is amended as follows:

77 Substitute "part C of Section 3 of SABS 0400" with "SANS 10400-C" in sub-regulation C1(3)

Amendment of Regulation D

Regulation D of the Regulations is amended as follows:

78 Substitute "part D of Section 3 of SABS 0400" with "SANS 10400-D" in sub-regulation D5

Amendment of Regulation F

Regulation F of the Regulations is amended as follows:

79 Substitute Regulation F3 with the following:

F3 GEOTECHNICAL SITE AND ENVIRONMENTAL CONDITIONS

- (1) Where the local authority has reason to believe that a site upon which a building is to be erected:
 - (a) is situated on contaminated land;
 - (b) is situated on potentially unstable land to the extent, insofar as risk can reasonably be foreseen, that ground movements caused by land-slip, slope stability or subsidence may impair the stability of the building or part thereof or pose a threat to the safety of occupants; or
 - (c) is underlain by subsoils which have the potential to cause foundation movements caused by swelling, consolidation, shrinkage or settlements and as a result may impair the stability of the building or part thereof;it shall on receipt of an application for the erection of the building inform the applicant accordingly.
- (2) On receipt of any such notification or where the applicant is aware of such conditions or they are evident, such applicant shall appoint an approved competent person to undertake an appropriate geotechnical site investigation.
- (3) Such approved competent person shall, as appropriate, determine in accordance with accepted principles, methods and technical considerations, as relevant:
 - (a) whether or not the erection of a building on the site under (1) (a) or (1) (b) above should be permitted, and if so under what conditions, providing full details of the measures which need to be effected to fulfil such conditions and
 - (b) the magnitude of any potential total and differential movements to which the building or part thereof may be subjected to,and shall report to the owner and the local authority such findings.
- (4) Geotechnical investigations conducted in accordance with the requirements of SANS 10400-B in the case of dolomite lands and SANS 10400-H in the case of foundations for buildings shall in terms of F3(2) be deemed to be appropriate investigations
- (5) The measures contemplated in sub-regulations (3)(a) and (b) shall be applied in the erection of the building and the site works.

80 Add "seasonally waterlogged" after "waterlogged" in sub-regulation F4(2)

81 Substitute "SABS 0124" with "SANS 10124" in sub-regulation F5 wherever it occurs

82 Substitute Regulation F5 with the following:

- (1) Buildings shall, where so required by the local authority or in areas of high termite infestation, be protected from subterranean termite activity.
- (2) The requirements of subregulation (1) shall be deemed to be satisfied where the means of termite protection complies with SANS 10400-F.

- 83 Substitute the title of Regulation F6 with the following:

CONTROL OF UNREASONABLE LEVELS OF DUST AND NOISE

- 84 Substitute sub-regulation F6(2)(a) and F6(2)(b) with the following and renumber F6(2)(c) as F6(2)(b):

- (2) (a) No person shall during the course of any building, demolition or excavation work use any machine, machinery, engine, apparatus, tool or contrivance, which in the opinion of the local authority may unreasonably disturb or interfere with the amenity of the neighbourhood:
- (i) on a public holiday or Sunday
 - (ii) before 06:00 or after 17:00 on any Saturday; and
 - (iii) before 06:00 or after 18:00 on any day other than those days contemplated in subparagraphs (i) and (i)

- 85 Substitute "part F of Section 3 of SABS 0400" with "SANS 10400-F" in sub-regulation F11(3)

Amendment of Regulation G

Regulation G of the Regulations is amended as follows:

- 86 Add " or an approved competent person" before "in such authorisation in sub-regulation G1(3)(b).

- 87 Substitute "part G of Section 3 of SABS 0400" with "SANS 10400-G" in sub-regulation G2

Amendment of Regulation H

Regulation H of the Regulations is amended as follows:

- 88 Substitute sub-regulation H1(1) with the following:

- (1) The foundation of any building shall be designed and constructed to safely transmit all the actions which can reasonably be expected to occur from such building to the ground and in such a manner that any local damage (including cracking), deformation or vibration do not compromise the efficient use of a building or the functioning of any element of a building or equipment within a building.

- 89 Substitute "part H of Section 3 of SABS 0400" with "SANS 10400-H" in sub-regulation H1(2)

Amendment of Regulation J

Regulation J of the Regulations is amended as follows:

- 90 Substitute sub-regulation J1(1)(a) with the following:

- (a) be designed and constructed to safely support its own weight and any actions which can reasonably be expected to occur and in such a manner that any local damage (including cracking), deformation or vibration do not compromise the efficient use of the building or the functioning of equipment supported by such floor; and

- 91 Substitute "WC" in sub-regulation J1(2) with "toilet"

92 Substitute sub-regulation J(5) with the following:

- (5) The requirements of subregulations (1), (2), (3) and (4) shall be deemed to be satisfied where the design and construction of any floor complies with SANS 10400-J: Provided that where the local authority deems it necessary in order to satisfy the requirements of subregulation (4), such local authority may require that the entire area within the foundation walls of any building be covered by a suitable damp-proof membrane, and in the case of the floor of a basement or semi-basement where the highest known level of the extreme watertable is higher than the floor level of the basement to such an extent that uplift of the floor might occur, the local authority may require that adequate sub-soil drains under the floor be provided together with means of removing the water so drained.

Amendment of Regulation K

Regulation K of the Regulations is amended as follows:

93 Substitute sub-regulation K1 with the following:

Any wall shall be designed and constructed to safely sustain any actions which can reasonably be expected to occur and in such a manner that any local damage (including cracking) or deformation do not compromise the opening and closing of doors and windows or the weather tightness of the wall and in the case of any structural wall, be capable of safely transferring such actions to the foundations supporting such wall.

94 Substitute sub-regulation K2 with the following:

(1) Any wall shall be so constructed that it will adequately resist the penetration of water into any part of the building where it would be detrimental to the health of occupants or to the durability of such building.

(2) Where a building includes a basement or semi-basement, the local authority may, if it considers that conditions on the site on which the building is to be erected necessitate integrated designs for the penetration of water into such basement or semi-basement applicable to all construction elements or components thereof, require the submission of such designs for approval. Construction shall be in accordance with the requirements of the approved design.

95 Substitute "forces" with "actions" in sub-regulation K3

96 Substitute "part K of Section 3 of SABS 0400" with "SANS 10400-K" in sub-regulation K5

Amendment of Regulation L

Regulation L of the Regulations is amended as follows:

97 Substitute sub-regulation L1 with the following:

The roof of any building shall be so designed and constructed that it -

- (a) safely sustains any actions which can reasonably be expected to occur and in such a manner that any local damage (including cracking) or deformation do not compromise its functioning;
- (b) is adequately anchored against wind uplift;
- (c) is durable and does not allow the penetration of rainwater or any other surface water to its interior;
- (d) does not allow the accumulation of any water upon its surface; and
- (e) as part of a roof and ceiling assembly, provides adequate height in any room immediately below such assembly.

98 Substitute "part L of Section 3 of SABS 0400" with "SANS 10400-L" in sub-regulation L3

Amendment of Regulation M

Regulation M of the Regulations is amended as follows:

99 Substitute M1 with the following:

Any stairway, including any wall, screen, railing or balustrade to such stairway, shall:

- (a) be capable of safely sustaining any actions which can reasonably be expected to occur and in such a manner that any local damage (including cracking) or deformation do not compromise its functioning;
- (b) permit safe movement of persons from floor to floor; and
- (c) have dimensions appropriate to its use.

100 Substitute "part M of Section 3 of SABS 0400" with "SANS 10400-M" in sub-regulation M3

Amendment of Regulation N

Regulation N of the Regulations is amended as follows:

101 Substitute sub-regulation N1(1)(a) with the following:

"a) safely sustain any wind actions which can reasonably be expected"

102 Substitute sub-regulation N1(3) with the following:

Replace "part N of Section 3 of SABS 0400" with "SANS 10400-N"

Amendment of Regulation O

Regulation O of the Regulations is amended as follows:

103 Substitute "WC" with "toilet" in sub-regulation O1(1)

104 Substitute sub-regulation O1(2) and O1(3) with the following:

- (2) The requirement of subregulation (1) shall be deemed to be satisfied where the lighting and ventilation are in accordance with SANS 10400-O
- (3) (a) Notwithstanding the provision of any openings for natural light in accordance with subregulation (2) any room contemplated in subregulation (1) or any corridor, lobby or staircase serving such room shall be provided with a means of artificial lighting-
 - (i) for periods when natural lighting is inadequate; or
 - (ii) where the size or shape of any such room, or the glazing material used in any such opening, will not permit sufficient natural light effectively to illuminate all parts of such room.
- (b) Notwithstanding the provision of openings for natural ventilation in accordance with subregulation (2) any room subject to the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), shall in terms of the said Act be provided with artificial ventilation as prescribed by such Act; and any room contemplated in subregulation (1) which is -
 - (i) a room which, due to conditions of high temperature, may be dangerous to safety or health;
 - (ii) a room where there will be dust, gas, vapour or volatile matter and hazardous biological agents which might be dangerous to safety or health; or
 - (iii) used for any purpose for which natural ventilation is not suitable, shall be provided with a means of artificial ventilation.

105 Substitute sub-regulation O4 with the following:

Any rational design of an artificial ventilation system shall be carried out by or under the supervision of an approved competent person who shall certify in accordance with the requirements of Regulation A19 that the system has been designed to comply with regulation O1.

106 Substitute "part O of Section 3 of SABS 0400" with "SANS 10400-O" in sub-regulation O5(2)

107 Substitute sub-regulation O6 with the following

- (1) The owner shall at acceptable intervals of time submit to the local authority test reports indicating that any artificial ventilation system installed in terms of these regulations is operating in the designed manner,
- (2) Records and log books shall be kept of the commissioning information, operational management, monitoring and maintenance and repair of all ventilation plant, including individual ventilation fans.
- (3) Where specialist ventilation plants are provided as part of the protection measures against hazardous substances, and for the protection of occupants and to ensure safe procedures, such as in hospital theatres, such plant shall be inspected and validated at least every 12 months by an independent competent person.

Amendment of Regulation P

Regulation P of the Regulations is amended as follows:

108 Substitute "loads and forces" with "actions" in sub-regulation P2(1)(f)

109 Substitute sub-regulation **P2(2)** with the following:

- (2) The requirements of subregulation (1) shall be deemed to be satisfied where such installation complies with SANS 10400-P: Provided that where a local authority is of the opinion that the size or complexity of the drainage installation in any building renders it essential for such installation to be the subject of an approved rational design prepared by an approved competent person, such local authority shall, in writing, notify the owner of such building of its reasons for the necessity for such design and may require such owner to submit for approval plans and particulars of a complete drainage installation based on such design.

110 Substitute sub-regulation **P3(1)(b)** with the following:

- (b) subject to the National Water Act, 1998 (Act No 36 of 1998), any river, stream or natural watercourse whether ordinarily dry or otherwise; or

111 Substitute "part P of Section 3 of SABS 0400" with "SANS 10400-P" in sub-regulation **P7(1)**

Amendment of Regulation Q

Regulation **Q** of the Regulations is amended as follows:

112 Substitute sub-regulation **Q1** with the following:

Where water-borne sewage disposal is not available other means of sewage disposal shall be permitted by the local authority: Provided that:

- a) it stores, conveys, processes and disposes of human body wastes and wastewater in such a way that the pathogens, pollutants and contaminants associated therewith do not compromise the health and safety of the original user or others; and
- b) in the case of chemical or toilet a satisfactory means is available for the removal and disposal of sewage from such closets;

113 Substitute "latrine" with "toilet" in sub-regulation **Q2**

114 Substitute sub-regulation **Q3(3)(a)** with the following:

- (3) (a) The requirements of subregulation (1) shall be deemed to be satisfied where the design and construction, siting of, and access to such other means of sewage disposal complies with SANS 10400-Q; Provided however that where a local authority is of the opinion that the nature of the means of sanitary disposal is such that it is essential for such installation to be the subject of an approved rational design prepared by an approved competent person, such local authority shall, in writing, notify the owner of such building of its reasons for the necessity for such design and may require such owner to submit for approval plans and particulars of a complete installation based on such design

Amendment of Regulation R

Regulation R of the Regulations is amended as follows:

115 Substitute sub-regulation R1(3) with the following:

- (3) The requirements of subregulation (1) shall be deemed to be satisfied where such means of stormwater disposal is provided in accordance with SANS 10400-R: Provided that where a local authority is of the opinion that the conditions on any site render it essential for stormwater disposal to be the subject of an acceptable rational design prepared by an approved competent person, such local authority shall, in writing, notify the owner of such site of its reasons for the necessity for such design, and may require such owner to submit for approval plans and particulars of a complete stormwater control and disposal installation for such site and for any building erected thereon, based on such design.

Substitution of Regulation S

116 Regulation S of the Regulations is substituted with the following Regulation:

PART S. FACILITIES FOR PERSONS WITH DISABILITIES

S1. APPLICATION

- (1) Facilities that accommodate persons with disabilities shall be provided in any building except the following:
- (a) any building of which the whole of the ground storey comprises one or more occupancies classified in terms of regulation A20 as B1, B2, D4, H4, J1 or J2
 - (b) any building classified as H1 in terms of regulation A20 where such building has less than 25 bedrooms and it can be reasonably proven that it is not possible to include wheelchair access in certain aspects of the design; and
 - (c) any storey above ground floor level of a building classified as H3 in terms of regulation A20 and not provided with a lift.

S2. FACILITIES TO BE PROVIDED

- (1) In any building contemplated in regulation S1 requiring facilities for persons with disabilities:
- (a) persons with disabilities shall be able to safely enter the building, use all the facilities subject to the provisions of sub-regulation (3) within it and leave it;
 - (b) there shall be a means of access suitable for use by persons with disabilities, from the main and ancillary approaches of the building to the ground storey; via the main entrance, and any secondary entrance;
 - (c) there shall be a means of egress suitable for use by persons with disabilities from any point in a building to a place of safety in the event of an emergency;
 - (d) any lift installation that is provided shall be capable of serving the needs of persons with disabilities who are likely to be using the building; and (e) any commonly used path of travel shall be free of obstacles which limit, restrict or endanger the travel of persons with disabilities, or which prevent persons with disabilities from accessing the facilities provided in the building and the presence of such obstruction shall be made evident in a suitable manner to persons with impaired vision; and

- (f) a suitable means of access shall be provided to any auditorium or hall situated in any building and such auditorium or hall shall, in relation to its seating capacity, be provided with sufficient open space to accommodate a reasonable number of people who use wheelchairs or other assistive devices.
- (2) Where parking for more than 50 motor vehicles is provided in or in connection with any building having a means of access contemplated in subregulation (1), adequate parking space shall be provided for the parking of motor vehicles used by persons with disabilities and a suitable means of access shall be provided from the parking area, whether such parking area be inside or outside such building, to the ground storey of such building.
- (3) Where, in terms of regulation P1, toilet facilities are required and the building is one requiring facilities for persons with disabilities in terms of regulation S1, an adequate number of such facilities shall be suitable for use by persons with disabilities: Provided that toilet facilities shall not be required in any such building classified as H3 in terms of regulation A20.

S3. DEEMED-TO-SATISFY REQUIREMENTS

The requirements of regulation S2 shall be deemed to be satisfied where:

- (a) the facilities provided are in accordance with SANS 10400-S
- (b) the egress from the building in the event of fire is in accordance with SANS 10400-T.

Amendment of Regulation T

Regulation T of the Regulations is amended as follows:

117 Replace T(1)(a) with the following:

- (a) the protection of occupants or users, including persons with disabilities, therein is ensured and that provision is made for the safe evacuation of such occupants or users;

118 Substitute sub-regulation T1(2) with the following:

- (2) The requirements of subregulation (1) shall be deemed to be satisfied where the design, construction and equipment of any building complies with SANS 10400-T: Provided that where any local authority is of the opinion that such compliance would not comply with all the requirements of subregulation (1), such local authority shall, in writing, notify the owner of the building of its reasons for its opinion and may require the owner to submit for approval a rational design prepared by an approved competent person.

(3)

119 Substitute sub-regulation T2(1)(a) with the following:

- (1) Any owner of any building who fails to -
 - (a) provide sufficient fire extinguishers to satisfy the requirements of subregulation T1(1)(e), or who installs fire extinguishers that do not comply with the relevant South African national standard, or who fails to ensure that such fire extinguishers are installed, maintained and serviced in accordance with SANS 10105; or

Amendment of Regulation V

Regulation V of the Regulations is amended as follows:

120 Substitute "part V of Section 3 of SABS 0400" with "SANS 10400-V" in sub-regulation V1(2)

Amendment of Regulation W

Regulation **W** of the Regulations is amended as follows:

- 121 Substitute " Any approved fire installation" with "All approved fire installations" in sub-regulation **W1**.
- 122 Substitute "pumping connection" with "and suitable connection" in sub-regulation **W3(a)**
- 123 Substitute Regulation **W4** with the following:

The requirements of regulation **W3** shall be deemed to be satisfied where any fire installation complies with SANS 10400-W; Provided that where a local authority is of the opinion that it essential for the fire installation to be the subject of an acceptable rational design prepared by an approved competent person, such local authority shall, in writing, notify the owner of such site of its reasons for the necessity for such design, and may require such owner to submit for approval plans and particulars of a complete fire installation, based on such design.

No. R. 575

30 May 2008

STANDARDS ACT, 1993**PROPOSED INTRODUCTION OF A COMPULSORY SPECIFICATION FOR
PRESERVATIVE TREATMENT OF TIMBER**

It is hereby made known under section 22(1)(a)(i) of the Standards Act, (Act No. 29 of 1993), that the Minister of Trade and Industry, on the recommendation of the Council of the SABS, intends to introduce a compulsory specification for *Preservative Treatment of Timber*, as set out in the attached Schedule.

Any person who wishes to object to the intention of the Minister to thus introduce the compulsory specification concerned shall lodge their objection in writing with the President, South African Bureau of Standards, Private Bag X191, Pretoria, 0001, on or before the date two (2) months after publication of this notice.

**M Mphahlela****Minister of Trade and Industry**

SCHEDULE

PROPOSED COMPULSORY SPECIFICATION FOR THE PRESERVATIVE TREATMENT OF TIMBER

1 SCOPE

This compulsory specification covers the requirements for the preservative treatment of timber intended for use in a variety of applications under various hazard conditions, with the intention of protecting it from and preventing the spread of destructive factors or agents. The mandatory requirements fall within the scope of the relevant National Standard SANS 10005: *The preservative treatment of timber*.

EXCLUSIONS:

Requirements of SANS 10005: *The preservative treatment of timber* within the jurisdiction of other laws and regulatory bodies are excluded. Such requirements include but are not limited to

- Occupational Health and Safety;
- Vessels under Pressure;
- Environmental Protection;
- Safe handling, disposal and labelling of hazardous materials.

2 DEFINITIONS

For the purpose of this compulsory specification, the following definitions apply:

2.1 Regulator:

the body appointed by the Minister of Trade and Industry to administer compulsory specifications.

2.2 Applicant:

a manufacturer or importer that seeks approval of preservative treated timber and is an established legal entity within the Republic of South Africa.

2.3 Preserved timber:

timber that has been preserved to render it less susceptible to destruction by fungi, insects or marine borers.

2.4 Certification body:

a body appointed by the producer to assess the conformity of preserved timber against the requirements of the compulsory specification that is recognised by the Regulator in terms of its policy on conformity assessment.

2.5 Producer:

an entity that preserves timber.

2.6 Importer:

an established legal entity within the Republic of South Africa that imports preserved timber.

2.7 Conformity of production:

satisfactory proof that preserved timber offered for sale continues to conform to the requirements of this compulsory specification.

3 REQUIREMENTS

3.1 Preserved timber shall comply with the requirements of SANS 10005: *The preservative treatment of timber*.

3.2 The following requirements are excluded:

3.2.1 The requirements for occupational health and safety of Clause 9.2;

3.2.2 The environmental protection requirements of Clause 9.4;

3.2.3 The requirements for occupational health and safety of Clause 13;

3.2.4 The requirements for occupational health and safety of Annexes D and E.

3.3 Compliance of preservative treated timber with this compulsory specification shall be certified according to the criteria for a Type 5 third party certification scheme as described in Table 1 of ISO/IEC Guide 67: *Conformity assessment – Fundamentals of product certification*.

3.4 The producer or importer shall appoint a certification body recognized by the Regulator in terms of its conformity assessment policy to verify the initial compliance and ongoing conformity of production of preserved timber with the requirements of this compulsory specification.

3.5 The Regulator shall only recognise conformity assessment bodies or evidence of conformity meeting its requirements.

3.6 Producers of preserved timber shall apply to the Regulator for approval of the conformity of production of preserved timber as prescribed in Annex A.

3.7 Preserved timber that complies with the requirements of this compulsory specification shall be marked as prescribed in Annex B.

3.8 The manufacturer or importer shall provide the Regulator with satisfactory evidence of conformity of production on request.

3.9 The manufacturer and/or importer shall immediately report any failure to conform to the requirements of the compulsory specifications, of whatever nature, to the Regulator.

ANNEX A

APPLICATION FOR APPROVAL OF PRESERVED TIMBER

A.1 APPLICATION FOR APPROVAL

The applicant shall apply to the Regulator for approval of the manufacturing facility for preserved timber. The application shall include the following:

- a) details of the type of preserved timber for which approval is sought and the standard/s to which it is claimed to conform;
- b) details of the manufacturing plant/s for which approval is sought.
- c) description of the manufacturing process/s;
- d) details of the control measures in place in the manufacturing facility to ensure ongoing conformity with the requirements of the compulsory specification;
- e) authentic current certificates of conformity with all the requirements of the relevant compulsory specification including standards and test methods referred to, issued by a certification body recognised by the Regulator;
- f) markings and other information to be placed on the preserved timber, with a breakdown of codes used where applicable;
- g) details of chemicals used in the preservative treatment, their specifications and derivation;
- h) any reasonable additional information requested by the Regulator.

A.2 APPROVAL

- a) The Regulator shall issue a Certificate of Approval to the manufacturer or importer when all the requirements have been met to its satisfaction.
- b) The Regulator shall assign a unique number to each Certificate of Approval.
- c) The Certificate of Approval shall be the sole proof of approval by the Regulator.

A.3 WITHDRAWAL OF APPROVAL

The approval granted in respect of preserved timber pursuant to the Specification may be withdrawn at any time without warning if compliance with the requirements of this Specification has not been maintained.

ANNEX B**MARKINGS**

Preserved timber shall be marked

- a) in accordance with the appropriate product specification Standard referred to in SANS 10005; and
- b) with the mark of conformity of the certification body.

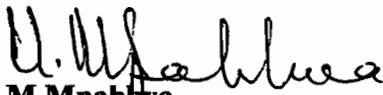
No. R. 576

30 May 2008

STANDARDS ACT, 1993**PROPOSED INTRODUCTION OF A COMPULSORY SPECIFICATION FOR LAMP
CONTROLGEAR**

It is hereby made known under section 22(1)(a)(i) of the Standards Act, (Act No. 29 of 1993), that the Minister of Trade and Industry, on the recommendation of the Council of the SABS, intends to introduce a compulsory specification for *Lamp Controlgear*, as set out in the attached Schedule.

Any person who wishes to object to the intention of the Minister to thus introduce the compulsory specification concerned shall lodge their objection in writing with the President, South African Bureau of Standards, Private Bag X191, Pretoria, 0001, on or before the date two (2) months after publication of this notice.



M Mphahlele
Minister of Trade and Industry

SCHEDULE

PROPOSED COMPULSORY SPECIFICATION FOR LAMP CONTROLGEAR

1 SCOPE

This specification covers the safety requirements for lamp controlgear, excluding glow starters for tubular fluorescent lamps.

2 DEFINITIONS

For the purposes of this compulsory specification, the following definitions apply:

2.1 Applicant:

A manufacturer or importer that seeks approval of lamp controlgear and is an established legal entity within the Republic of South Africa.

2.2 Conformity of production:

Proof that lamp controlgear offered for sale has been manufactured in accordance with the approved design and always complies with the requirements of this compulsory specification.

2.3 IECEE CB Scheme:

Worldwide system for Conformity Testing and Certification of Electrotechnical Equipment and Components of the International Electrotechnical Commission (IEC).

2.4 Lamp controlgear:

The definition in Clause 3.1 of SANS 61347-1 shall apply.

2.5 Minister:

The Minister of Trade and Industry.

2.6 Proof of conformity:

Documented evidence of conformity with the requirements of this compulsory specification.

2.7 Regulator:

The body appointed by the Minister to administer compulsory specifications.

2.8 Valid certificate of conformity:

Copy of an original certificate of conformity issued within 12 months of the date of submission to the Regulator.

2.9 Valid test certificate:

Copy of an original test certificate issued within 36 months before the date of submission to the Regulator.

3 REQUIREMENTS

3.1 Lamp controlgear shall be rated at the national standard low voltage, i.e. 230 V a.c. single phase or 400 V three phase, 50 Hz, or shall have a rated voltage range that includes 230 V / 400 V a.c.

3.2 Lamp controlgear shall be capable of operating safely within the range $\pm 10\%$ of the standard voltage.

3.3 Lamp controlgear shall comply with the safety requirements of SANS 61347-1 (IEC 61347-1), *Lamp controlgear - Part1: General and safety requirements*.

3.4 SANS 61347-1 shall be used in conjunction with the corresponding supplementary clauses of the appropriate part 2 of the SANS 61347 series applicable to each type of lamp controlgear.

3.5 The manufacturer or importer shall apply to the Regulator for approval of every type and model of lamp controlgear before offering it for sale, in accordance with the requirements of Annex A.

3.6 The Regulator shall approve the lamp controlgear when it has conformed with the requirements of this compulsory specification.

3.7 When a new edition of a standard is published, approval of products in accordance with the previous edition of that standard shall remain valid for five years unless the Minister decides otherwise.

3.8 The manufacturer or importer (or both) shall inform the Regulator of any change in design or components affecting any mandatory requirement in terms of this compulsory specification. In the event of such change the Regulator may, at its discretion, demand the submission of fresh evidence of conformity or a new application for approval.

3.9 The manufacturer or importer (or both) shall on request provide the Regulator within 2 working days with satisfactory proof of approval in respect of any lamp controlgear included in the scope of this compulsory specification.

3.10 The manufacturer or importer (or both) shall on request provide the Regulator within five working days with satisfactory proof of conformity of production.

3.11 Failure to provide such proof shall constitute reasonable grounds for suspicion of non-conformance with the requirements of this compulsory specification.

4 EQUIVALENCE OF STANDARDS

Standards issued by different standardization bodies (for example, ISO, IEC, EN) that can be proved by the applicant to be technically identical to a South African National Standard are deemed equivalent to that South African National Standard. Proof of conformity with such a standard shall be accepted as conformity with the corresponding South African National Standard.

5 CONFORMITY WITH STANDARDS REFERRED TO BY EDITION AND DATE OF PUBLICATION

5.1 For purposes of this compulsory specification, a new edition of a standard shall become effective 2 months from the date of publication as a South African national standard.

5.2 New products, or products resubmitted for approval because of a change in design or materials shall in all cases be evaluated against the requirements of the latest edition of any referenced standard.

6 ASSESSMENT OF CONFORMITY

The following alternative forms of evidence shall be submitted to the Regulator as proof of conformity with the requirements of this compulsory specification:

6.1 A copy of a valid certificate of IECEE conformity issued less than 36 months before the date of application by a member of the IEC CB scheme; or

6.2 A copy of a valid test certificate or report issued less than 36 months before the date of application by a conformity assessment body recognized by the Regulator.

6.3 The conformity or test certificate or report shall prove conformity with all the applicable mandatory requirements of this compulsory specification.

6.4 Evidence of conformity shall be traceable to the specific model and type of lamp controlgear in question.

ANNEX A**APPROVAL OF LAMP CONTROLGEAR****1 APPLICATION FOR APPROVAL**

An application for approval of each type of lamp controlgear that it intends to sell shall include:

- a) Details of the type and model of lamp controlgear for which approval is sought and the standard or standards to which it is claimed to conform;
- b) Details of the manufacturing plant or plants in which the lamp controlgear is produced;
- c) Proof of conformity with all the requirements of this compulsory specification including standards and test methods referred to;
- d) Markings and other information appearing on the product;
- e) Any reasonable additional information requested by the Regulator.

2 APPROVAL

2.1 The Regulator shall assess the proof of conformity supplied by the applicant. Additional information or evidence may be requested, or validation of evidence, at its sole discretion.

2.2 The Regulator shall approve the lamp controlgear when all the requirements have been met.

2.3 The Regulator shall assign a unique number to each approval.

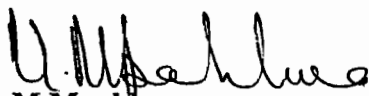
No. R. 577

30 May 2008

STANDARDS ACT, 1993**PROPOSED AMENDMENT OF THE COMPULSORY SPECIFICATION FOR
ELECTRICAL AND ELECTRONIC APPARATUS**

It is hereby made known under section 22(1)(a)(ii) of the Standards Act, (Act No. 29 of 1993), that the Minister of Trade and Industry, on the recommendation of the Council of the South African Bureau of Standards, intends to amend the compulsory specification for *Electrical and Electronic Apparatus*, as set out in the attached Schedule.

Any person who wishes to object to the intention of the Minister to thus amend the Compulsory Specification concerned, shall lodge their objection in writing with the President, South African Bureau of Standards, Private Bag X191, Pretoria, 0001, on or before the date two (2) months after publication of this notice.



M Mpahlewa
Minister of Trade and Industry

SCHEDULE

PROPOSED COMPULSORY SPECIFICATION FOR ELECTRICAL AND ELECTRONIC APPARATUS

1 SCOPE

1.1 This specification covers safety and energy saving requirements for the specified types of mains-powered electrical and electronic apparatus listed below, rated at voltages not exceeding 500 V a.c. or d.c. and intended for use by ordinary persons in household, light industrial and general office applications. Such apparatus is generally available through normal retail distribution channels.

1.2 This specification covers the following types of electrical and electronic apparatus:

- a) household and similar appliances that may incorporate motors or heating elements, and including appliances intended to be used by ordinary persons in shops, light industry and on farms;
- b) electronic apparatus used for the reception, generation, recording or reproduction of audio, video and associated signals, and apparatus designed to be used exclusively in combination with such apparatus;
- c) information technology equipment, including electrical business and associated equipment;
- d) luminaires for use with electric light sources such as incandescent lamps, fluorescent lamps and other discharge lamps, excluding
 - 1) luminaires for road and street lighting,
 - 2) luminaires for stage lighting and for television, film and photographic studios,
 - 3) industrial bulkhead, floodlight, low-bay and high-bay luminaires, intended for use with high-intensity discharge lamps of 70 W or higher;
 - 4) aircraft lighting;
 - 5) public transport lighting.
- e) hand-held motor-operated or magnetically driven electric tools;

- f) transportable electric motor-operated or magnetically driven tools;
- g) electrical equipment intended for application as test and measuring equipment, control equipment, educational equipment and laboratory equipment, including incorporated computing devices, excluding equipment designed for industrial process control.

1.3 This specification is not applicable to

- a) apparatus sold for use in hazardous applications and environments by instructed or skilled persons;
- b) apparatus designed and sold exclusively for industrial purposes;
- c) apparatus designed for use in locations where special conditions prevail such as explosive atmospheres;
- d) separate motors that are intended as components for other apparatus; and
- e) appliances used for high-frequency heating other than microwave ovens.

2 DEFINITIONS

For the purpose of this compulsory specification, the following definitions apply:

2.1 Applicant:

a manufacturer or importer that seeks approval of lamp controlgear and is an established legal entity within the Republic of South Africa.

2.2 Conformity of production:

proof that Electrical and Electronic Apparatus offered for sale has been manufactured in accordance with the approved design and conforms to the requirements of this compulsory specification.

2.3 Proof of conformity:

documented evidence of conformity with the requirements of this compulsory specification.

2.4 Conformity of production:

proof that electrical and electronic apparatus offered for sale has been manufactured to the approved design and continues to comply with the requirements of this compulsory specification.

2.5 Minister:

the Minister of Trade and Industry.

2.6 Proof of conformity:

documented evidence of conformity with the requirements of this compulsory specification.

2.7 Regulator:

the body appointed by the Minister to administer compulsory specifications.

2.8 Valid certificate of conformity:

copy of an original certificate of conformity less than 12 months before the date of submission to the Regulator.

2.9 Valid test certificate:

copy of an original test certificate issued less than 36 months before the date of submission to the Regulator.

2.10 Skilled person:

A person who has relevant education and experience to enable him or her to perceive risks and to avoid hazards which electricity can create.

2.11 Instructed person:

A person who has been adequately advised or supervised by electrically skilled persons to enable him or her to perceive risks and to avoid hazards that electricity can create.

2.12 Ordinary person:

A person who is neither a skilled nor an instructed person.

3 REQUIREMENTS

3.1 All apparatus shall be rated at the national standard low voltage, i.e. 230 V ac, single-phase, 50 Hz, or 400 V ac, 3-phase, 50 Hz, or shall have a rated voltage range that includes 230 V/400 V ac.

3.2 All apparatus shall be capable of operating safely within the range $\pm 10\%$ of the standard voltage.

3.3 Household and similar electrical appliances shall comply with the relevant requirements of SANS 60335-1 / IEC 60335-1 *Household and similar appliances – Safety, Part 1: General requirements*, together with the appropriate Part(s) 2 of the SANS 60335 series.

3.4 Audio, video, and similar electronic apparatus shall comply with the relevant requirements of SANS 60065/IEC 60065 *Audio, video and similar electronic apparatus – Safety requirements*.

3.5 Information technology equipment shall comply with the relevant requirements of SANS 60950-1/IEC 60950-1 *Information technology equipment – Safety, Part 1: General requirements*, together with the appropriate Part(s) 2 of the SANS 60950/IEC 60950 series.

3.6 Luminaires shall comply with the relevant requirements of the appropriate of the following standards:

a) SANS 60598-1/IEC 60598-1 *Luminaires – Part 1: General requirements and tests*, together with the appropriate Part(s) 2 of the SANS 60598/IEC 60598 series (excluding Luminaires for emergency lighting);

b) Luminaires shall additionally comply with the power factor requirements of SANS 475 *Luminaires for interior lighting, street lighting and floodlighting - Performance requirements*;

c) Luminaires for emergency lighting shall comply with SANS 1464-22 *Safety of luminaires, Part 22: Luminaires for emergency lighting*; or

d) Electrical supply track systems for luminaires shall comply with SANS 60570/IEC 60670 *Electrical supply track systems for luminaires*.

3.7 Hand-held motor-operated or magnetically driven electric tools shall comply with the relevant requirements of SANS 60745-1/IEC 60745-1 *Hand-held motor-operated electric tools – Safety, Part 1: General requirements*, together with the appropriate Part(s) 2 of the SANS 60745/IEC 60745 series.

3.8 Transportable motor-operated electric tools shall comply with the relevant requirements of SANS 61029-1/IEC 61029-1 *Safety of transportable motor-operated electric tools Part 1: General requirements*, together with the appropriate Part(s) 2 of the SANS 61029/IEC 61029 series.

3.9 Electrical equipment for test and measurement, control, and laboratory use shall comply with the relevant requirements of SANS 61010-1/IEC 61010-1 *Safety*

requirements for electrical equipment for measurement, control and laboratory use – Part 1: General requirements, together with the appropriate Part(s) 2 of the SANS 61010/IEC 61010 series.

3.10 The manufacturer or importer shall apply to the Regulator for approval of every type and model of apparatus before offering it for sale, in accordance with the requirements of Annex A.

3.11 When a new edition of a standard is published, approvals of products in accordance with the previous edition of that standard shall remain valid for five years unless decided otherwise by the Minister.

3.12 The manufacturer and/or the importer or both shall inform the Regulator of any change in design or components that affects any mandatory requirement in terms of this compulsory specification. In the event of such change or changes the Regulator may, at its discretion, demand the submission of fresh evidence of conformity or a new application for approval.

3.13 The manufacturer and/or the importer or both shall on request provide the Regulator within two working days with satisfactory proof of approval in respect of any apparatus included in the scope of this compulsory specification.

3.14 The manufacturer and/or importer shall on request provide the Regulator within five working days with satisfactory proof of conformity of production.

3.15 Failure to provide such proof shall constitute reasonable grounds for suspicion of non-conformance with the requirements of this compulsory specification.

4 EQUIVALENCE OF STANDARDS

Standards issued by different standardization bodies (for example, ISO, IEC, EN) that can be proved by the applicant to be technically identical to a South African National Standard are deemed to be the equivalent of that South African National Standard. Proof of conformity with such a standard shall be accepted as conformity with the corresponding South African National Standard.

5 CONFORMITY WITH STANDARDS REFERRED TO BY EDITION AND DATE OF PUBLICATION

5.1 For the purposes of this compulsory specification, a new edition of a standard shall become effective two months from its date of publication as a South African National Standard.

5.2 New products or products resubmitted for approval because of a change in design or materials shall, in all cases, be evaluated against the requirements of the latest edition of any referenced standard.

6 ASSESSMENT OF CONFORMITY

6.1 The following alternative forms of evidence shall be submitted to the Regulator as proof of conformity with the requirements of this compulsory specification:

- a) Copy of a valid certificate of IECEE conformity issued by a member of the IEC CB scheme; or
- b) Copy of a valid test certificate issued less than 36 months prior to date of application by a test laboratory recognized by the Regulator.

6.2 The certificate or test report shall prove conformity with all the applicable mandatory requirements of this compulsory specification.

6.3 Evidence of conformity shall be traceable to the specific model and type of apparatus in question.

ANNEX A**APPROVAL OF ELECTRICAL AND ELECTRONIC APPARATUS****A.1 APPLICATION FOR APPROVAL**

An application for approval of each type of apparatus shall include:

- a) Details of the type and model of apparatus for which approval is sought and the standard/s to which it is claimed to conform;
- b) Details of the manufacturing plant/s in which the apparatus is produced;
- c) Evidence of conformity with all the requirements of the relevant compulsory specification including standards and test methods;
- d) Markings and other information appearing on the product;
- e) Any reasonable additional information requested by the Regulator.

A.2 APPROVAL

A.2.1 The Regulator shall assess the proof of conformity supplied by the applicant. Additional information or evidence may be requested, or validation of evidence, at its sole discretion.

A.2.2 The Regulator shall approve the electrical or electronic apparatus when all the requirements have been met.

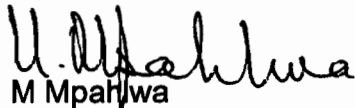
A.2.3 The Regulator shall assign a unique number to each approval.

No. R. 578

30 May 2008

STANDARDS ACT, 1993**REGULATIONS RELATING TO THE PAYMENT OF LEVY AND THE ISSUE OF SALES PERMITS IN
REGARD TO COMPULSORY SPECIFICATIONS: AMENDMENT**

It is hereby made known under Section 37 of the Standards Act, 1993 (Act No. 29 of 1993), that the Minister of Trade and Industry hereby, with effect from date of publication in the Government Gazette, amends Schedule 2 of the Regulations published by Government Notice No. R999 of 3 May 1985, by the deletion of the existing tariffs for food products, and the substitution thereof with the tariffs as set out in the attached Schedule.



M Mparhwa
Minister of Trade and Industry

SCHEDULE

COMMODITY	LEVY UNIT	TARIFF PER UNIT R
Canned abalone	1 000 kg	517,00
Canned crustaceans	1 000 kg	366,00
Canned fish and canned fish products (other than fish paste)	1 000 kg	524,00 for 1st two units 439,00 for 3rd to 12th unit 174,50 for 13th to 62nd unit 46,20 for 63rd to 562nd unit 31,60 for 563rd to 5 562nd unit 27,80 for 5 563rd to 20 562nd unit 15,00 for each subsequent unit
Canned marine molluscs (other than abalone)	1 000 kg	368,00
Canned meat and canned meat products	1 000 kg	524,00 for 1st two units 444,00 for 3rd to 12th unit 121,80 for 13th to 62nd unit 109,20 for 63rd to 1 000th unit 59,80 for 1 001st to 3 000th unit 34,70 for each subsequent unit
Fish paste	1 000 kg	78,00
Frozen cephalopods	1 000 kg	524,00 for 1st two units 414,00 for 3rd to 12th unit 77,00 for 13th to 62nd unit 44,00 for each subsequent unit
Frozen crabs	1 000 kg	73,60
Frozen fish and frozen fish products	1 000 kg	524,00 for 1st two units 414,00 for 3rd to 12th unit 86,70 for 13th to 62nd unit 21,70 for 63rd to 562nd unit 13,40 for 563rd to 2 562nd unit 9,40 for 2 563rd to 7 562nd unit 4,30 for each subsequent unit
Frozen unpackaged (loose) fish		314,00 for 1st two units 249,00 for 3rd to 12th unit 52,00 for 13th to 62nd unit 13,00 for 63rd to 562nd unit 8,00 for 563rd to 2 562nd unit 5,60 for 2 563rd to 7 562nd unit 2,55 for each subsequent unit
Frozen marine molluscs and frozen marine mollusc products (other than mussels)	1 000 kg	376,00

SCHEDULE

COMMODITY	LEVY UNIT	TARIFF PER UNIT R
Frozen mussels	1 000 kg	355,00 for 1st twenty units 138,00 for 21st to 50th unit 57,00 for each subsequent unit
Frozen prawns, shrimps and langoustines	1 000 kg	612,00 for 1st two units 521,00 for 3rd to 12th unit 132,00 for each subsequent unit
Frozen rock lobster:		
Frozen whole rock lobster, cooked and uncooked	30 kg	176,00 for 1st ten units 6,90 for each subsequent unit
Frozen rock lobster tails, leg and breast meat	10 kg	176,00 for 1st ten units 6,90 for each subsequent unit
Smoked snoek	1 000 kg	110,60

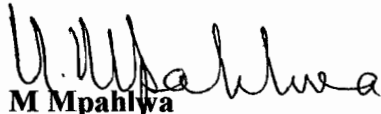
No. R. 579

30 May 2008

STANDARDS ACT, 1993**PROPOSED AMENDMENT OF THE COMPULSORY SPECIFICATION FOR PERSONAL
FLOATATION AIDS**

It is hereby made known under section 22(1)(a)(ii) of the Standards Act, (Act No. 29 of 1993), that the Minister of Trade and Industry, on the recommendation of the Council of the South African Bureau of Standards, intends to amend the compulsory specification for *Personal Floatation Aids*. The proposed amendment as set out in the attached Schedules, replaces the existing single Compulsory Specification with 2 separate ones. One will cover *Personal Floatation Devices*, and the other will cover *Swimming Aids*

Any person who wishes to object to the intention of the Minister to thus amend the Compulsory Specification concerned, shall lodge their objection in writing with the President, South African Bureau of Standards, Private Bag X191, Pretoria, 0001, on or before the date two (2) months after publication of this notice.



M Mpahlwa
Minister of Trade and Industry

SCHEDULE

PROPOSED COMPULSORY SPECIFICATION FOR PERSONAL FLOTATION DEVICES

1 SCOPE

This specification covers the safety requirements for Personal Flotation Devices. It is applicable to any device worn on the body intended to support the wearer in a safe position in water whilst awaiting rescue.

The following types of flotation device are excluded:

- Swimming aids;
- Throwable flotation devices and flotation cushions; and
- Personal flotation devices designed and manufactured specifically for use by the armed forces.

2 DEFINITIONS

For the purpose of this compulsory specification, the following definitions apply:

2.1 Personal flotation device:

garment or device which, when correctly worn and used in water, will provide the user with a specific amount of buoyancy which will increase the likelihood of survival.

2.2 Swimming aid:

garment or device which when worn or held correctly, and used in water under constant supervision, will provide the buoyancy required to become familiar with movement through the water, assist with learning to swim or to improve swimming strokes.

2.3 Applicant:

the manufacturer or importer seeking approval of Personal Flotation Devices and is an established legal entity within the Republic of South Africa.

2.4 Regulator:

the body appointed by the Minister to administer compulsory specifications.

2.5 Proof of conformity:

copies of original test reports issued by a conformity assessment body recognised by the Regulator, or copies of original certificates of conformity issued by a certification scheme recognised by the Regulator confirming that the personal flotation device fully complies with, or continues to fully comply with the requirements of this compulsory specification.

2.6 Conformity of production:

satisfactory proof that personal flotation devices offered for sale do not in any material way differ from those originally submitted for approval.

2.7 Minister:

the Minister of Trade and Industry.

2.8 Personal Flotation Device type:

category of personal flotation device that does not differ in such essential respects as:

- a) the trade name or mark, and
- b) the shape, materials, dimensions, manufacturing processes or methods of assembly. A personal flotation device type may include a range of sizes, provided that the dimensions of each size in the range is at least equal to that in the sample which when subjected to the tests satisfied the requirements of this Specification.

3 REQUIREMENTS

3.1 Lifejackets for seagoing ships shall comply with SANS 12402-1: *Personal flotation devices - Part 1: Lifejackets for seagoing ships – Safety requirements*.

3.2 Lifejackets for extreme offshore conditions shall comply with SANS 12402-2: *Personal flotation devices - Part 2: Lifejackets for extreme offshore conditions (level 275) – Safety requirements*.

3.3 Lifejackets for offshore conditions shall comply with SANS 12402-3: *Personal flotation devices - Part 3: Lifejackets for offshore conditions (level 150) – Safety requirements*.

3.4 Lifejackets for inland/close to shore conditions shall comply with SANS 12402-4: *Personal flotation devices - Part 4: Lifejackets for inland/close to shore conditions (level 100) – Safety requirements.*

3.5 Buoyancy aids shall comply with SANS 12402-5: *Personal flotation devices - Part 5: Buoyancy aids (level 50) – Safety requirements.*

3.6 Special purpose lifejackets and buoyancy aids shall comply with SANS 12402-6: *Personal flotation devices - Part 6: Special purpose lifejackets and buoyancy aids – Safety requirements and additional test methods.*

3.7 Materials and components of personal flotation devices shall comply with SANS 12402-7: *Personal flotation devices - Part 7: Materials and components – Safety requirements and test methods.*

3.8 Accessories for personal flotation devices shall comply with SANS 12402-8: *Personal flotation devices - Part 8: Accessories – Safety requirements and test methods.*

3.9 The manufacturer or importer shall apply to the Regulator for approval of every type and model of personal flotation device before offering it for sale, in accordance with the requirements of Annex A.

3.10 The manufacturer and/or importer shall inform the Regulator of any change in design or components affecting any mandatory requirement in terms of this compulsory specification. In the event of such change/s the Regulator may, at its discretion, demand the submission of fresh evidence of conformity or a new application for approval.

3.11 The manufacturer or importer shall on request provide the Regulator with satisfactory proof of ongoing conformity of production.

3.12 Failure to provide such proof shall constitute reasonable grounds for suspicion of non-compliance with the requirements of this compulsory specification.

3.13 All markings and instructions for use shall be in the English language, and may be in any other official language used in South Africa.

4. WITHDRAWAL OF APPROVAL

The approval granted in respect of personal flotation devices pursuant to the specification may be withdrawn at any time without prior notice if the requirements have not been met.

5. EQUIVALENCE OF STANDARDS

Standards issued by different standardization bodies (for example, ISO, IEC, EN) and proved by the applicant to be identical to a SA National Standard are deemed the equivalent of that SA National Standard. Proof of compliance with such a standard shall be accepted as compliance with the SA National Standard.

6. LABELLING AND MARKING

In addition to such markings as may be required in order to comply with the requirements of SANS 12402 the unique approval number applicable to the specific Personal Flotation Device shall appear on the product in letters at least 6 mm high, as follows:

RSA ***** (insert actual approval number).

ANNEX A**APPROVAL OF PERSONAL FLOTATION DEVICES****A.1 APPLICATION FOR APPROVAL**

An application for approval of a type of Personal Flotation Device shall include the following:

- a) Details of the type and model of personal flotation device for which approval is sought and the standard/s to which it is claimed to conform;
- b) Details of the manufacturing plant/s in which the personal flotation device is produced;
- c) Proof of conformity with all the requirements of the relevant compulsory specification including standards and test methods referred to;
- d) Markings and other information appearing on the product;
- e) Drawings to scale in sufficient detail to permit identification of all component parts and materials thereof, including assembly and markings;
- f) One specimen of each size of the type of Personal Flotation Device, including all accessories supplied within the packaging, packaging, instructions for use and markings;
- g) Information to the satisfaction of the Regulator regarding the measures taken by the applicant to ensure conformity of production.
- h) Any reasonable additional information requested by the Regulator;
- i) Proof of payment of the application fee determined by the Minister.

A.2 APPROVAL

- a) The Regulator shall assess the evidence of conformity supplied by the applicant. Additional information or evidence, or validation of evidence, may be requested at its sole discretion.
- b) The Regulator shall approve the personal flotation device when all its requirements have been met, and shall issue an approval bearing a unique number to the manufacturer or importer specific to the approved personal flotation devices.

- c) The approval number shall appear on the personal flotation device as required by Clause 6 in a position visible to the purchaser at the point of sale.
- d) The approval shall be valid until the requirements of the compulsory specification or the standards referred to change; or until the design or components change necessitating re-approval as required by Clause 3.11 of this compulsory specification.

SCHEDULE

PROPOSED COMPULSORY SPECIFICATION FOR SWIMMING AIDS

1 SCOPE

This specification covers the safety requirements for Swimming Aids. It is applicable to devices intended to assist users with movement through the water whilst learning to swim, or whilst learning part of a swimming stroke. It does not apply to buoyancy aids, lifejackets or aquatic toys.

2 DEFINITIONS

For the purpose of this compulsory specification, the following definitions apply:

2.1 Swimming aid:

garment or device which when worn or held correctly, and used in water under constant supervision, will provide the buoyancy required to become familiar with movement through the water, assist with learning to swim or to improve swimming strokes.

2.2 Applicant:

a manufacturer or importer that seeks approval of Swimming Aids and is an established legal entity within the Republic of South Africa.

2.3 Regulator:

the body appointed by the Minister to administer compulsory specifications.

2.4 Proof of conformity:

copies of original test reports issued by a conformity assessment body recognised by the Regulator, or copies of original certificates of conformity issued by a certification scheme recognised by the Regulator confirming that the personal flotation device fully complies with, or continues to fully comply with the requirements of this compulsory specification.

2.5 Conformity of production:

satisfactory proof that swimming aids offered for sale do not in any material way differ from those originally submitted for approval.

2.6 **Swimming Aid type:**

category of Swimming Aid that does not differ in such essential respects as:

- a) the trade name or mark; and
- b) the shape, materials, dimensions, manufacturing processes or methods of assembly. A Swimming Aid type may include a range of sizes, provided that the dimensions of each size in the range is at least equal to that in the sample which when subjected to the tests satisfied the requirements of this Specification.

3 **REQUIREMENTS**

3.1 Swimming aids that are carried or worn on the body shall comply with the applicable requirements of SANS (EN) 53138 – 1 *Buoyant aids for swimming instruction – Part 1: Safety requirements and test methods for buoyant aids to be worn*.

3.2 Swim seats shall comply with the applicable requirements of SANS (EN) 53138 - 3 *Buoyant aids for swimming instruction – Part 3: Safety requirements and test methods for swim seats to be worn*.

3.3 The manufacturer or importer shall apply to the Regulator for approval of every type and model of swimming aid or swimming aid before offering it for sale, in accordance with the requirements of Annex A.

3.4 The manufacturer and/or importer shall inform the Regulator of any change in design or components affecting any mandatory requirement in terms of this compulsory specification. In the event of such change/s the Regulator may, at its discretion, demand the submission of fresh evidence of conformity or a new application for approval.

3.5 The manufacturer or importer shall on request provide the Regulator with satisfactory proof of ongoing conformity of production.

3.6 Failure to provide such proof shall constitute reasonable grounds for suspicion of non-compliance with the requirements of this compulsory specification.

3.7 All markings and instructions for use shall be in the English language, and may be in any other official language used in South Africa.

4. **WITHDRAWAL OF APPROVAL**

The approval granted in respect of swimming aids pursuant to the specification may be withdrawn at any time without prior notice if the requirements have not been met.

5. EQUIVALENCE OF STANDARDS

Standards issued by different standardization bodies (for example, ISO, IEC, EN) and proved by the applicant to be identical to a SA National Standard are deemed the equivalent of that SA National Standard. Proof of compliance with such a standard shall be accepted as compliance with the SA National Standard.

6. LABELLING AND MARKING

In addition to such markings as may be required in order to comply with the requirements of SANS 53138, the unique APPROVAL number applicable to the specific Swimming Aid shall appear on the product in letters at least 6 mm high, as follows:

RSA ***** (insert actual Approval number).

ANNEX A

APPROVAL OF SWIMMING AIDS

A.1 APPLICATION FOR APPROVAL

An application for approval shall include:

- a) Details of the type and model of swimming aid for which approval is sought and the standard/s to which it is claimed to conform;
- b) Details of the manufacturing plant/s in which the swimming aid is produced;
- c) Proof of conformity with all the requirements of the relevant compulsory specification including standards and test methods referred to;
- d) Markings and other information appearing on the product;
- e) Drawings to scale in sufficient detail to permit identification of all component parts and materials thereof, including assembly and markings;
- f) One specimen of each size of the type of swimming aid, including all accessories supplied within the packaging, packaging, instructions for use and markings;
- g) Information to the satisfaction of the Regulator regarding the measures taken by the applicant to ensure conformity of production;
- h) Any reasonable additional information requested by the Regulator;
- i) Proof of payment of the application fee determined by the Minister.

A.2 APPROVAL

- a) The Regulator shall assess the evidence of conformity supplied by the applicant. Additional information or evidence, or validation of evidence, may be requested at its sole discretion.
- b) The Regulator shall approve the swimming aid when all its requirements have been met, and shall issue an approval to the manufacturer or importer specific to the approved swimming aid/s bearing a unique approval number.
- c) The approval number shall appear on the swimming aid as required by Clause 6 in a position visible to the purchaser at the point of sale.