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**IMPORTANT ANNOUNCEMENT****Closing times *PRIOR TO PUBLIC HOLIDAYS* for  
GOVERNMENT NOTICES, GENERAL NOTICES,  
REGULATION NOTICES AND PROCLAMATIONS****2014**

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

- ▶ **11 December**, Thursday, for the issue of Friday **19 December 2014**
- ▶ **15 December**, Monday, for the issue of Wednesday **24 December 2014**
- ▶ **19 December**, Friday, for the issue of Friday **2 January 2015**

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- & REGULASIE-  
KENNISGEWINGS ASOOK PROKLAMASIES****2014**

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

- ▶ **11 Desember**, Donderdag, vir die uitgawe van Vrydag **19 Desember 2014**
- ▶ **15 Desember**, Maandag, vir die uitgawe van Woensdag **24 Desember 2014**
- ▶ **19 Desember**, Vrydag, vir die uitgawe van Vrydag **2 Januarie 2015**

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 kopie drie kalenderweke voor publikasie ingedien word

## GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

### DEPARTMENT OF AGRICULTURE FORESTRY AND FISHERIES DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

No. R. 1026

19 December 2014

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

#### REGULATIONS REGARDING CONTROL OF THE EXPORT OF GRAINS

The Minister of Agriculture, Forestry and Fisheries has under section 15 of the Agricultural Product Standards Act, 1990 (Act 119 of 1990)-

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operations on the date of publication; and
- (c) Read together with section 4 of the said Act, repeal the regulations published by Government Notice Nos. R. 2019 of 23 August 1991, R. 2020 of 23 August 1991, R. 2021 of 23 August 1991, R. 2022 of 23 August 1991, R. 2023 of 23 August 1991, R. 2024 of 23 August 1991, R. 2025 of 23 August 1991, and R.2402 of 04 October 21991, R. 2026 of 23 August 1991, R. 2027 of 23 August 1991 and R. 2028 of 23 August 1991, and R.3461 of 31 December 2014 with effect from the said date of commencement.

#### SCHEDULE

##### Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and --

**"Accredited laboratories"** means any laboratory that is not a National Reference

Laboratory and that is nominated by the Executive Officer in writing as being suitable or required for the testing of compliance as envisaged in terms of regulation 6(1) and 7(1);

**"address"** means a physical address in the Republic of South Africa and includes the

street or road number or name, and the name of the town, village or suburb and in case of a farm or silo, the name or number of the farm or silo and of the magisterial district in which it is situated;

**"assignee"** means a person, undertaking body, institution, association or board

designated as under section 2(3) of Agricultural Product standard Act No.119 of 1990;

**"bread maize"** means threshed seed of *Zea mays amylacea*;

**"bread wheat"** means the caryopsis of the plant *Triticum aestivum*;

**"buckwheat"** means the seed of the plant *fagopyrum esculentum*;

"**bulk container**" means a grain truck, any vehicle or container used for the transportation or storage of the grains;

"**castor beans**" means the threshed seed of the plant *Ricinus communis*;

"**certificate**" means a certificate that may be issued either in paper format (including electronically prepared) or in verified electronic format which describe and attest to conformity of a consignment of regulated agricultural products to stipulated requirements as set out in regulation 6;

"**cereals**" means maize, wheat, grain sorghum, barley, millet and buckwheat;

"**Codex alimentarius commission**" means a collection of internationally recognized standards, codes of practice, guidelines and other recommendations relating to foods safety;

"**consignment**" means a quantity of grains of the same grade belonging to the same grade or class belonging to the same owner and which is delivered at any one time under cover of the consignment note, delivery note or receipt note, is delivered by the same vehicle or bulk container or railway truck, or which is loaded from the same bin of a grain elevator into different grades or classes, each quantity of each of the different grades or classes;

"**consignment note**" means a consignment note approved by the Executive Officer or the Assignee;

"**container**" means a bag or bulk container in which grains are stored or transported;

"**cotton seed**" means the ginned seed of the plant *Gossypium hirsutum*;

"**department**" means the Department of Agriculture, Forestry and Fisheries;

"**dry beans**" means the threshed ripe seeds of the plants *Phaseolus coccineus* L. (kidney beans), *P vulgaris* L. and *P actutifolius* a Gray (tepariy beans), which are intended for human consumption;

"**durum wheat**" means caryopsis of the species *Triticum durum*, *Triticum turqidum* and *Triticum polonicum*;

"**Executive Officer**" means the officer designated under section 2 (1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"**fees**" means a gazetted amount payable for inspection and analysis;

"**food business operator**" means the person or persons responsible for ensuring that the prescribed requirements of these standards are met within the food business under his or her control and include both the management of the food business as well as the person with overall authority on site or in the specific establishment;

**"fortification"** means the addition of one or more micronutrients by means of a fortification mix as prescribed in terms of Food, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

**"grains"** means cereals, *leguminous seeds*, oilseeds, grass seeds and the processed grains thereof;

**"grain sorghum"** means the seed of any sorghum except a broom sorghum, hay sorghum or cane sorghum;

**"grass seed"** means the threshed seed of the following types of grasses:

- (a) Babala, also called pearl millet (*Pennisetum typhoides*);
- (b) Boer and German millet (*Setaria italica*);
- (c) Japanese Millets;
- (d) Japanese barnyard millet (*Panicum miliaceum*); and
- (e) Canary seed (*Phalaris canariensis*);

**"groundnuts"** means the fruit of the plant *Arachis hypogea*;

**"inspector"** means the Executive Officer or an office under his control, or an Assignee or an employee of an Assignee;

**"ISO"** means the international standard organization;

**"lesser known types of maize"** means waxy maize, popcorn, sweet corn and bread maize the threshed seed of the plant *zea mays amyacea*: Provided that white and yellow plant maize (*Zea mays indentata*) and white and yellow plant maize (*Zea mays indurata*) are, for the purpose of these regulations, not included; and

**"leguminous seeds"** means, the threshed seeds of soya beans (*Glycine max*); dry beans, velvet beans (*Mucuna deeringiana*), sword or jack beans (*Canava ensiformis*, *C gladiata*), cowpeas (*Vigna unguiculata*), pulses; peas (*Pisum sativum*), lupins, lentils (*Lens culinaris*) and chick peas or mung beans (*Cicer arietinum*, *Phaseolus mungo*, *Vinga mungo* of *Vigna radiata*);

**"linseed"** means the threshed seeds of the plant *Linum usitatissimum*;

**"maize"** means white maize, yellow maize, bread maize, lesser-known types of maize;

**"maize products"** means a commodity derived from the processing of maize or into which maize or any part of maize has been converted;

**"millet"** means the threshed seeds of the plant *pennisetum glaucum*;

**"national reference laboratory"** means an official laboratory of the Department of

Agriculture, Forestry and Fisheries that has been nominated in writing by the Executive Officer for the testing of compliance as envisaged in terms of regulation 6(1) and 7(1);

**"oilseeds"** means sunflower seed, soya beans, canola, castor beans, groundnuts linseed, cotton seed, and safflower seed;

**"popcorn"** means the threshed seed of *Zea mays everta*;

**"processed "** means maize products, wheat products and other unspecified processed grains;

**"Processing"** means shelling, drying, blanching, milling, crushing, coarse milling or rolling, cutting and fortification;

**"pulses"** means an edible seed that grows in a pod which include all beans, peas lentils, and lupins which are intended for human consumption;

**"safflower seed"** means the capsula of the plant *Carthamus tinctorius*;

**"sunflower seed"** means the capsula of the plant *Helianthus annuus*;

**"sweetcorn"** means the threshed seed of *Zea mays saccharata*;

**"the Act"** means the Agricultural Product Standards Act, 1990 (Act 119 of 1990);

**"unspecified grains"** means any other kind of grains which is not mentioned under this regulation;

**"waxy maize"** means the threshed type of maize which contains a high percentage of molecular branched amylopectin starch fraction in the endosperm and which normally originates from the plant *Zea mays ceratina*;

**"wheat"** means bread wheat, soft wheat and durum wheat; and

**"wheat products"** means a commodity derived from the processing of wheat or into which wheat or any part of wheat has been converted;

**"white maize"** means maize that consists of the white dent type botanically known as *Zea mays indentata* or of the white flint type botanically known as *Zea mays indurata*, or of a mixture of the two types or of one or more crossings of the two types;

**"yellow maize"** means maize that consists of the yellow flint type botanically known as *Zea mays indurata*, or of the yellow dent type botanically known as one *Zea mays indentata* or of a mixture of the two types or of one or more crossings of the two types;

### ***Prohibition on the export of Grains***

2. (1) Subject to the provisions of subregulation (2) no person shall export grains from the Republic unless each quantity thereof has been approved by the Executive Officer for that purpose.

(2) Grains which are –

- (a) exported in a consignment of less than 20kg; and
- (b) taken in as provisions for consumption abroad a conveyance to another country,

Shall be exempted from the prohibition set out in subregulation (1).

(3) An approval in terms of subregulation (1) may also be given by an Assignee designated with regard to grains.

***Application for approval for export***

3. (1) An application for an approval in terms of section 4 of the Act for the export of grains shall be directed in writing to the Executive Officer or the Assignee who has been designated with regard to grains as the case may be.

(2) Such an application shall be made at least three working days before the intended date of export.

(3) The following particulars shall be supplied when such application is made:

- (a) The name and address of the applicant and where applicable, of his agent or exporter.
- (b) The grade and the class of the grains.
- (c) The applicable Food Business Operator Code.
- (d) The number of containers and the mass of the grains
- (e) in the consignment concerned.
- (f) The intended date of export and the port from which the consignment concerned shall be exported.
- (g) The destination of the consignment concerned.
- (h) The address of the premises where the consignment concerned may be inspected and the date and time when the consignment will be ready for inspection.
- (i) Any other pertinent information concerning the consignment.

***Presentation for inspection***

4. (1) Each consignment of grains intended for export which has to be presented for inspection in terms of these regulations shall, prior to the export thereof, be inspected by an inspector.

(2) A consignment referred to in subregulation (1) that shall be thus



inspected, shall be stored in such a manner that access thereto can be obtained readily.

(3) Grains intended for export shall –

- a. be presented for inspection when delivery by the producer to a grain elevator;
- b. be presented for inspection at the port of export at least 48 hours before such grains is to be exported; and
- c. be presented for inspection at the inland point at which the consignment will be loaded and sealed into a shipping container, at least 48 hours before container is to be sealed and released to shipping agent.

(4) The person who furnishes an application for an approval in terms of regulation 3 shall pay the prescribed inspection fee specified in the regulations made for this purpose under section 15 of the Act, to the Executive Officer or the Assignee concerned, as the case may be.

**Consignment note**

5. (1) Every consignment of grains destined for export shall when submitted for inspection, be accompanied by a consignment note completed clearly, legibly, fully and correctly.

(2) All the copies of such a consignment note shall have the same serial number and one copy thereof shall be retained by the Department or Assignee.

**Procedure at inspection**

6. (1) An inspector may open as many containers in a consignment of grains, intended for export as he may deem necessary and inspect or analyse or have analysed the contents thereof in such a manner as he may deem fit.

(2) The result of an inspection or analysis in terms of subregulation (1) shall be deemed to be applicable to the whole consignment of grains from which such containers were abstracted.

- (3) (a) An inspector may re-inspect a consignment of grains which has already been approved for export, and may confirm or withdraw any previous approval with regard to the consignment concerned.
- (b) The provisions of regulation 4 and this regulation shall *mutatis mutandis* apply to such re-inspection: Provided that no inspection fee shall be payable in respect of a re-inspection carried out on demand of an inspector.

**Assessment of the Competence of testing Laboratories involved in the export of grains**

7. (1) For the purpose of analysis as required by regulation 6(1), there shall be a National Reference Laboratory or an Officially Recognized Laboratories involved in the export control of grains.

(2) The following criteria shall be used in the recognition of laboratories involved in the export control of grains.

- (a) Compliance with the general criteria for testing laboratories laid down in International Standard ISO/IEC 17025:2005;
- (b) Participation in appropriate proficiency testing schemes for analysis which conform to the requirements laid down in "The international harmonized protocol for the proficiency testing of analytical laboratories";
- (c) Whenever available, use methods of analysis which have been validated according to the principles laid down by the Codex *Alimentarius* Commission; and
- (d) Use internal quality control procedures, such as those described in the "Harmonized Guidelines for internal Quality Control in Analytical Chemistry Laboratories".

#### ***Fees for inspection and analysis***

8. The following fees shall be payable for inspection and analysis:

- (1) The prescribed inspection fee when grains are presented for inspection.
- (2) The laboratory analysis fee when samples of grains are analyzed chemically, physically or microbiologically for export purposes.
- (3) The courier (transport) fee when samples are dispatched to the laboratory.

#### ***Approvals and rejections***

9. (1) If an inspector approves the export of a consignment of grains he shall -

- (a) mark each container in that consignment with a mark of approval;  
or
- (b) endorse the consignment note of that consignment to such effect;  
and
- (c) issue a certificate to the effect that such consignment has been approved for export.

(2) If a consignment of grains has been rejected for export purposes as a result of an inspection or re-inspection carried out at a port of export, the custodian of that consignment shall as soon as feasible remove it from the port area concerned.

(3) Notwithstanding the provisions of subregulation (2), an inspector may, in the case of a consignment in connection with which an appeal is lodged --

- (a) direct that such consignment shall not without his consent be removed from the place where the inspection or re-inspection concerned was carried out; and
- (b) apply any mark to the containers concerned which he may deem necessary for identification purposes.

### ***Appeals***

10. (1) Any person who appeals in terms of section 10 of the Act against a decision or direction of an inspector, shall --

- (a) submit it within 48 hours of such decision or direction;
- (b) submit it in writing to the Director-General or at any office of the Executive Officer;
- (c) specify the grounds on which the appeal is based;
- (d) simultaneously pay the prescribed fees to the Executive Officer; and
- (e) inform the inspector concerned of the submission of the appeal.

(2) An appeal which is not lodged within the prescribed period or in respect of which the prescribed fees have not been paid, shall not be considered.

(3) An appeal board shall decide on such an appeal within four days, excluding Saturdays, Sundays and public holidays, after it has been lodged.

(4) The appeal board shall --

- (a) notify the appellant concerned as well as the inspector concerned at least two hours beforehand of the date and time on which and place at which the appeal shall be heard and afford them the opportunity to be heard;
- (b) direct the appellant concerned to present the consignment concerned on the specified date, time and place for inspection; and
- (c) after having identified the consignment concerned and having heard all interested parties, decide *in camera* on the appeal concerned: Provided that the appeal board may hear expert opinion and may take, inspect, analyse, grade and classify a sample of the product concerned, before deciding on such an appeal.

(5) If an appellant fails to present the consignment to which an appeal relates for inspection as referred to in subregulation (4) (b) or if the appeal concerned is dismissed, the fees paid in respect thereof shall be forfeited to the State.

(6) If an appeal board fails to decide on an appeal within the period specified in subregulation (3), it shall be deemed that such appeal board has set aside the decision or direction which had been appealed against.

(7) If an appeal is upheld in part only, an appeal board may, in terms of section 10(9)(b) of the Act, determine that a *pro rata* portion of the fee referred to in subregulation (1)(d) shall be refunded to the appellant: Provided that such a *pro rata* fund shall not be greater than 90 per cent of the fee concerned.

***Offences and penalties***

11. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and shall be liable to a fine or imprisonment as set out in section 11 of the Act.

**DEPARTMENT OF AGRICULTURE FORESTRY AND FISHERIES****No. R. 1027****19 December 2014**

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

**REGULATIONS RELATING TO PLANT BREEDERS' RIGHTS: AMENDMENT**

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

**SCHEDULE****Definition**

1. In this Schedule 'the Regulations' means the regulations published by Government Notice No. R. 1186 of 12 September 1997, as amended by Government Notices Nos. R. 1582 of 28 November 1997, R. 867 of 3 July 1998, R. 1285 of 16 October 1998, R. 323 of 19 March 1999, R. 604 of 14 May 1999, R. 1271 of 29 October 1999, R. 392 of 20 April 2000, R. 690 of 14 July 2000, R. 1078 of 3 November 2000, R. 387 of 18 May 2001, R. 667 of 27 July 2001, R. 512 of 3 June 2005, R. 545 of 15 June 2006, R. 1272 of 25 November 2008, R. 287 of 13 March 2009, R. 103 of 19 February 2010, R. 517 of 17 June 2011, R. 950 of 18 November 2011, R. 713 of 7 September 2012, R. 311 of 26 April 2013, R. 620 of 23 August 2013, R. 416 of 30 May 2014 and R. 645 of 29 August 2014.

**Amendment of Table 1 of the Regulations**

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

**DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE****No. R. 1027****19 Desember 2014**

WET OP PLANTTEELERSREGTE, 1976 (WET NO. 15 VAN 1976)

**REGULASIES BETREFFENDE PLANTTEELERSREGTE: WYSIGING**

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

**BYLAE****Woordomskrywing**

1. In hierdie Bylae beteken 'die Regulasies' gepubliseer in Goewermentskennisgewing No. R 1186 van 12 September 1997, soos gewysig deur Goewermentskennisgewing Nos. R. 1582 van 28 November 1997, R. 867 van 3 Julie 1998, R. 1285 van 16 Oktober 1998, R. 323 van 19 Maart 1999, R. 604 van 14 Mei 1999, R. 1271 van 29 Oktober 1999, R. 392 van 20 April 2000, R. 690 van 14 Julie 2000, R. 1078 van 3 November 2000, R. 387 van 18 Mei 2001, R. 667 van 27 Julie 2001, R. 512 van 3 Junie 2005 en R. 545 van 15 Junie 2006, R. 1272 van 25 November 2008, R. 287 van 13 Maart 2009, R. 103 van 19 Februarie 2010, R. 517 van 17 Junie 2011, R. 950 van 18 November 2011, R. 713 van 7 September 2012, R. 311 van 26 April 2013, R. 620 van 23 Augustus 2013, R. 416 van 30 Mei 2014 en R. 645 van 29 Augustus 2014.

**Wysiging van Tabel 1 van die Regulasies**

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

## ANNEXURE A

TABLE 1/TABEL 1  
KINDS OF PLANTS AND PERIOD OF RIGHTS  
SOORTE PLANTE EN TERMINE VAN REGTE  
[Reg. 11; 11 (A)]

1		2	3	4
Botanical Name Botaniese Naam	Kind of plant Soort Plant	Category Kategorie	Period of Plant Breeder's Right (Years) Termyn van Planttelersreg (Jare)	Period of sole Right (Years) Termyn van Alleenreg (Jare)
	Common Name Gewone naam			
<i>Agathosma</i> Willd. (all spp.)	Buchu	A	20	5
<i>Alternanthera</i> Forsk. (except for <i>A. philoxeroides</i> (Mart.) Griseb.	Joyweeds Joseph's Coat	A	20	5
<i>Escallonia</i> Mutis ex L.f. (all spp.)	Escallonia	A	20	5
<i>Gloriosa</i> L. (all spp.)	Flame Lily	A	20	5
<i>Mesembryanthemum</i> L. (all spp.)	Icicle plant	A	20	5
<i>Penstemon</i> Schmidel (all spp.)	Beard-tongue	A	20	5
<i>Sandersonia</i> Hook. (all spp.)	Christmas Bells	A	20	5

**DEPARTMENT OF AGRICULTURE FORESTRY AND FISHERIES****No. R. 1030****19 December 2014**

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

**REGULATIONS REGARDING CONTROL OF THE EXPORT OF FEED PRODUCTS**

The Minister of Agriculture, Forestry and Fisheries has under section 15 of the Agricultural Product Standards Act, 1990 (Act 119 of 1990)-

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operations on the date of publication thereof; and
- (c) Read together with section 4 of the said Act; repeal the regulations published by Government Notice Nos. R. 2030 of 23 August 1991 with effect from the said date of commencement.

**SCHEDULE****Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and -

**“accredited laboratories”** means any laboratory that is not a National Reference

Laboratory and that is nominated by the Executive Officer in writing as being suitable or required for the testing of compliance as envisaged in terms of regulation 6(1) and 7(1);

**“address”** means a physical address in the Republic of South Africa and includes the street or road number or name, and the name of the town, village or suburb and in case of a farm, the name or number of the farm and of the magisterial district in which it is situated;

**“assignee”** means a person, undertaking body, institution, association or board designated as under section 2(3) of Agricultural Product standard Act No.119 of 1990;

**“codex alimentarius commission”** means a collection of internationally recognized standards, codes of practice, guidelines and other recommendations relating to foods safety;

**“consignment”** means a quantity of feed products of the same grade belonging to the same grade or class belonging to the same owner and which is delivered at any one time under cover of the consignment note, delivery note or receipt note, is delivered by the same vehicle or bulk container or railway truck, or which is loaded from the same bin of a grain elevator into different grades or classes, each quantity of each of the different grades or classes;

**"consignment note"** means a consignment note approved by the Executive Officer or the assignee;

**"container"** means a bag or bulk container in the case of milled products and bale in the case of hay;

**"department"** means the Department of Agriculture, Forestry and Fisheries;

**"executive Officer"** means the officer designated under section 2 (1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990)

**"feed products"** means-

- (a) a substance or substances which consist mainly of grain (excluding maize kernels), kinds of hay and by-products of slaughtered animals-
  - (i) which have been reduced to a finer or different form by a process of cleaning, grinding, breaking, reducing to grit, cutting, chopping, sterilising or pressing;
  - (ii) where to a certain substance or substances have been added; or
  - (iii) from which a certain substance or substances have been removed;
- (b) mixtures of two or more products mentioned under (a), which may, inter alia, include a maize products; and
- (c) hay which has not been grounded, chaffed or chopped;

**"fees"** means a gazetted amount payable for inspection and analysis;

**"food business operator"** means the person or persons responsible for ensuring that the prescribed requirements of these standards are met within the food business under his or her control and include both the management of the food business as well as the person with overall authority on site or in the specific establishment;

**"Inspector"** means the Executive Officer or an office under his control, or an Assignee or an employee of an Assignee;

**"ISO"** means the International Standard Organization;

**"national reference laboratory"** means an official laboratory of the Department of Agriculture, Forestry and Fisheries that has been nominated in writing by the Executive Officer for the testing of compliance as envisaged in terms of regulation 6(1) and 7(1); and



**“the Act”** means the Agricultural Product Standards Act, 1990 (Act 119 of 1990);  
***Prohibition on the export of Feed products***

2. (1) Subject to the provisions of subregulation (2) no person shall export feed products from the Republic unless each quantity thereof has been approved by the Executive Officer for that purpose.

(2) Feed products which are –

- (a) exported in a consignment of less than 20kg; and
- (b) taken in as provisions for consumption abroad a conveyance to another country, shall be exempted from the prohibition set out in sub regulation (1).

(3) An approval in terms of subregulation (1) may also be given by an Assignee designated with regard to feed products.

***Application for approval for export***

3. (1) An application for an approval in terms of section 4 of the Act for the export of feed products shall be directed in writing to the Executive Officer or the Assignee who has been designated with regard to feed products as the case may be.

(2) such an application shall be made at least three working days before the intended date of export.

(3) the following particulars shall be supplied when such application is made:

- (a) The name and address of the applicant and where applicable, of his agent or exporter.
- (b) The grade and the class of the feed products.
- (c) The applicable Food Business Operator Code.
- (d) The number of containers and the mass of the feed products in the consignment concerned.
- (e) The intended date of export and the port from which the consignment concerned shall be exported.
- (f) The destination of the consignment concerned.
- (g) The address of the premises where the consignment concerned may be inspected and the date and time when the consignment will be ready for inspection.
- (h) Any other pertinent information concerning the consignment.

***Presentation for inspection***

4. (1) Each consignment of feed products intended for export which has to be presented for inspection in terms of these regulations shall, prior to the export thereof, be inspected by an inspector.

(2) A consignment referred to in subregulation (1) that shall be thus inspected, shall be stored in such a manner that access thereto can be obtained readily.

(3) Feed products intended for export shall –

- (a) be presented for inspection when delivery by the producer to a grain elevator; and
- (b) be presented for inspection at the port of export at least 48 hours before such feed products is to be exported.
- (c) be presented for inspection at the inland point at which the consignment will be loaded and sealed into a shipping container, at least 48 hours before container is to be sealed and released to shipping agent.

(4) The person, who furnishes an application for an approval in terms of regulation 3, shall pay the prescribed inspection fee specified in the regulations made for this purpose under section 15 of the Act, to the Executive Officer or the Assignee concerned, as the case may be.

***Consignment note***

5. (1) Every consignment of feed products destined for export shall when submitted for inspection, be accompanied by a consignment note completed clearly, legibly, fully and correctly.

(2) All the copies of such a consignment note shall have the same serial number and one copy thereof shall be retained by the Department or Assignee.

***Procedure at inspection***

6. (1) An inspector may open as many containers in a consignment of feed products intended for export as he may deem necessary and inspect or analyse or have analysed the contents thereof in such a manner as he may deem fit.

(2) The result of an inspection or analysis in terms of subregulation (1) shall be deemed to be applicable to the whole consignment of feed products from which such containers were abstracted.

- (3) (a) An inspector may re-inspect a consignment of feed products which has already been approved for export, and may confirm or withdraw any previous approval with regard to the consignment concerned.
- (b) The provisions of regulation 4 and this regulation shall *mutatis mutandis* apply to such re-inspection: Provided that no inspection fee

shall be payable in respect of a re-inspection carried out on demand of an inspector.

***Assessment of the Competence of testing Laboratories involved in the export of feed products***

7. (1) For the purpose of analysis as required by regulation 6(1), there shall be a National Reference Laboratory or an Officially Recognized Laboratories involved in the export control of feed products.

(2) The following criteria shall be used in the recognition of laboratories involved in the export control of feed products.

- (a) Compliance with the general criteria for testing laboratories laid down in International Standards ISO/IEC 17025:2005;
- (b) Participation in appropriate proficiency testing schemes for analysis which conform to the requirements laid down in "The international harmonized protocol for the proficiency testing of analytical laboratories";
- (c) Whenever available, use methods of analysis which have been validated according to the principles laid down by the Codex *Alimentarius* Commission; and
- (d) Use internal quality control procedures, such as those described in the "Harmonized Guidelines for internal Quality Control in Analytical Chemistry Laboratories".

***Fees for inspection and analysis***

8. The following fees shall be payable for inspection and analysis:

- (1) The prescribed inspection fee when feed products are presented for inspection.
- (2) The laboratory analysis fee when samples of feed products are analyzed chemically, physically or microbiologically for export purposes.
- (3) The courier (transport) fee when samples are dispatched to the laboratory.

***Approvals and rejections***

9. (1) If an inspector approves the export of a consignment of feed products he shall-

- (a) mark each container in that consignment with a mark of approval; or
- (b) endorse the consignment note of that consignment to such effect; and

- (c) issue a certificate to the effect that such consignment has been approved for export.

(2) If a consignment of feed products has been rejected for export purposes as a result of an inspection or re-inspection carried out at a port of export, the custodian of that consignment shall as soon as feasible remove it from the port area concerned.

(3) Notwithstanding the provisions of subregulation (2), an inspector may, in the case of a consignment in connection with which an appeal is lodged -

- (a) direct that such consignment shall not without his consent be removed from the place where the inspection or re-inspection concerned was carried out; and
- (b) apply any mark to the containers concerned which he may deem necessary for identification purposes.

### ***Appeals***

10. (1) Any person who appeals in terms of section 10 of the Act against a decision or direction of an inspector, shall -

- (a) submit it within 48 hours of such decision or direction;
- (b) submit it in writing to the Director-General or at any office of the Executive Officer;
- (c) specify the grounds on which the appeal is based;
- (d) simultaneously pay the prescribed fees to the Executive Officer; and
- (e) inform the inspector concerned of the submission of the appeal.

(2) An appeal which is not lodged within the prescribed period or in respect of which the prescribed fees have not been paid, shall not be considered.

(3) An appeal board shall decide on such an appeal within four days, excluding Saturdays, Sundays and public holidays, after it has been lodged.

(4) The appeal board shall -

- (a) notify the appellant concerned as well as the inspector concerned at least two hours beforehand of the date and time on which and place at which the appeal shall be heard and afford them the opportunity to be heard;
- (b) direct the appellant concerned to present the consignment concerned on the specified date, time and place for inspection; and
- (c) after having identified the consignment concerned and having heard all interested parties, decide in camera on the appeal concerned: Provided that the appeal board may hear expert opinion and may take, inspect, analyse, grade and classify a sample of the product concerned, before deciding on such an appeal.

(5) If an appellant fails to present the consignment to which an appeal relates for inspection as referred to in subregulation (4) (b) or if the appeal concerned is dismissed, the fees paid in respect thereof shall be forfeited to the State.

(6) If an appeal board fails to decide on an appeal within the period specified in subregulation (3), it shall be deemed that such appeal board has set aside the decision or direction which had been appealed against.

(7) If an appeal is upheld in part only, an appeal board may, in terms of section 10(9) (b) of the Act, determine that a pro rata portion of the fee referred to in subregulation (1) (d) shall be refunded to the appellant: Provided that such a pro rata fund shall not be greater than 90 per cent of the fee concerned.

#### ***Offences and penalties***

11. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and shall be liable to a fine or imprisonment as set out in section 11 of the Act.

**DEPARTMENT OF AGRICULTURE FORESTRY AND FISHERIES****No. R. 1031****19 December 2014****AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)****REGULATIONS REGARDING CONTROL OF THE EXPORT OF FRESH  
VEGETABLES**

The Minister of Agriculture, Forestry and Fisheries has under section 15 of the Agricultural Product Standards Act, 1990 (Act 119 of 1990)-

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operations on the date of publication thereof; and
- (c) read together with section 4 of the said publication; repeal the regulations published by Government Gazette Notice Nos. R.2031 of 23 August 1991, R.2032 of 23 August 1991, R.2033 of 23 August 1991 and R.3462 of 31 December 1992

**SCHEDULE****Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and

**“accredited laboratories”** means any laboratory that is not a National Reference Laboratory and that is nominated by the Executive Officer in writing as being suitable or required for the testing of compliance as envisaged in terms of regulation 7(1);

**“address”** means a physical address in the Republic of South Africa and includes the street or road number or name, and the name of the town, village or suburb and in case of a farm, the name or number of the farm and of the magisterial district in which it is situated;

**“assignee”** means a person, undertaking body, institution, association or board designated as under section 2(3) of Agricultural Product standard Act No.119 of 1990;

**“Codex Alimentarius Commission”** means a collection of internationally recognized standards, codes of practice, guidelines and other recommendations relating to food safety;

**“consignment”** means a quantity of vegetables of the same kind, belonging to the same owner which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle or if such quantity is divided into different classes, grades, cultivars, counts or size groups each quantity of each of the different classes, grades, cultivars, counts or size groups;

**"consignment note"** means a consignment note approved by the Executive Officer or the assignee;

**"container"** means the immediate container in which fresh vegetables are packed directly and the outer container but excluding shipping containers in which pallet loads are shipped;

**"certificate"** means a certificate that may be issued either in paper format (including electronically prepared) or in a verified electronic format which describe and attest to conformity of a consignment of regulated agricultural products to stipulated requirements as set out in regulation 6;

**"Executive Officer"** means the officer designated under section 2 (1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

**"Department"** means the Department of Agriculture, Forestry and Fisheries;

**"Food Business Operator"** means the person or persons responsible for ensuring that the prescribed requirements of these standards are met within the food business under his or her control and include both the management of the food business as well as the person with overall authority on site or in the specific establishment;

**"fees"** means a gazetted amount payable for inspection and analysis;

**"fresh vegetables"** means herbs, endives, artichokes, asparagus, aubergines (also known as egg plant or brinjals), baby marrows (courgettes), beetroot, broccoli, Brussels sprouts, butternut, cabbage, capsicums(also known as sweet peppers), carrots, cauliflower (also known as witloof chicory), chillies, Chinese cabbage, courgettes, celery, chives, cucumbers, garlic, gem squashes, ginger, green beans, green peas, green onions (also known as chives), leeks, lettuce, okra, dry onions, parsley, parsnips, peppers, pumpkin, potatoes, radishes, rhubarb, shallots, spinach, sweet corn, sweet potatoes, tomatoes, turnips and unspecified vegetables;

**"herbs"** means parsley, lemon basil, balm, rosemary, paprika, cinnamon, celery, oregano and other unspecified herbs;

**"ISO"** means the International Standard Organization;

**"inspector"** means the Executive Officer or an office under his control, or an Assignee or an employee of an Assignee;

**"miniature vegetables"** means a variety of carrots, courgettes, aubergines, cauliflower, cabbage, sweet corn or other type of vegetables obtained through plant breeding or special cultivation techniques;

**"national reference laboratory"** means an official laboratory of the Department of Agriculture, Forestry and Fisheries that has been nominated in writing by the Executive Officer for the testing of compliance as envisaged in terms of regulation 6(1) and 7(1);

**“non- miniature varieties”** means produce of varieties which have not fully developed or are inadequate in size and have “mini vegetables” or “baby vegetables” a corresponding meaning; and

**“the Act”** means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

***Prohibition on the export of fresh vegetables***

2. (1) Subject to the provisions of sub regulation (2) no person shall export fresh vegetables from the Republic of South Africa unless each quantity thereof has been approved by the Executive Officer for that purpose.

(2) fresh vegetables which are-

(a) exported in a consignment of less than 20kg; and

(b) taken in as provisions for consumption abroad a conveyance to another country shall be exempted from the prohibition set out in sub regulation (1).

(3) An approval in terms of sub regulation (1) may also be given by an Assignee designated with regard to fresh vegetables.

***Application for approval for export***

3. (1) An application for an approval in terms of section 4 of the Act for the export of fresh vegetables shall be directed in writing to the Executive Officer or the Assignee who has been designated with regard to fresh vegetables, as the case may be.

(2) Such an application shall be made at least five working days before the intended date of export.

(3) The following particulars shall be supplied when such application is made:

(a) The name and address of the applicant and where applicable, of his agent or exporter.

(b) The kind of vegetable, as well as specific class thereof.

(c) The applicable Food Business Operator code.

(d) The number of containers, the mass or the number of units, as the case may be which comprises the consignment concerned.

(e) The intended date of export and the port from which the consignment concerned shall be exported.

(f) The destination of the consignment concerned.

(g) The address of the premises where the consignment concerned may be inspected and the date and time when the consignment will be ready for inspection.

(h) Any other pertinent information concerning the consignment.



***Presentation for inspection***

4. (1) Each consignment of fresh vegetables intended for export which has to be presented for inspection in terms of these regulations shall, prior to the export thereof, be inspected by an inspector.

(2) A consignment of fresh vegetables referred to in sub regulation (1) that shall be thus inspected, shall be stored in such a manner that –

- (a) access to each container therein can be obtained readily; and
- (b) the marks, printing or writing on such containers can readily be read.

***Consignment note***

5. (1) Every consignment of Fresh Vegetables destined for export shall when submitted for inspection, be accompanied by a consignment note completed clearly, legibly, fully and correctly.

(2) All the copies of such a consignment note shall have the same serial number and one copy thereof shall be retained by the Department or Assignee.

***Procedure at inspection***

6. (1) An inspector may in any consignment of fresh vegetables open as many containers and inspect the contents thereof and remove samples of such contents for the purpose of further inspection or analyses as he/she may deem necessary.

(2) An inspector's finding in relation to the containers opened by him/her by virtue of the provisions of sub regulation (1), and the contents thereof, shall apply as a finding in respect of the whole consignment from which such containers were abstracted.

(3) If an inspector is satisfied after his/her inspection that the consignment of fresh vegetables -

- (a) comply with the requirements of these regulations he/she shall approve such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark of approval or by issuing a certificate which indicates such approval: Provided that, the Executive Officer taking into consideration the country of destination's legal requirements may in his or her discretion authorize in writing the issuance of a certificate(s) within a prescribed time after the vegetables have left South Africa; or
- (b) do not comply with the requirements of these regulations he/she shall prohibit such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark or prohibition or by issuing a certificate which indicates such prohibition.

(4) An inspector may at his/her own discretion re-inspect a consignment of fresh vegetables which has already been approved for export, and may confirm or withdraw according to sub regulation (3) (b) any previous approval with regard to the consignment concerned: Provided that no inspection fee shall be payable in respect of a re-inspection carried out on demand of an inspector.

***Assessment of the Competence of testing Laboratories involved in the export of fresh vegetables***

7. (1) For the purpose of analysis as required by regulation 6(1), there shall be a National Reference Laboratory or an Officially Recognized Laboratories involved in the export control of fresh vegetables.

(2) The following criteria shall be used in the recognition of laboratories involved in the export control of fresh vegetables:

- (a) Compliance with the general criteria for testing laboratories laid down in ISO/IEC 17025; 2005.
- (b) Participation in appropriate proficiency testing schemes for analysis which conform to the requirements laid down in "The international harmonized protocol for the proficiency testing of analytical laboratories".
- (c) Whenever available, use methods of analysis which have been validated according to the principles laid down by the *Codex Alimentarius* Commission; and
- (d) Use internal quality control procedures, such as those described in the "Harmonized Guidelines for internal Quality Control in Analytical Chemistry Laboratories".

***Fees for inspection and analysis***

8. The following fees shall be payable for inspection and analysis:

(1) The prescribed inspection fee when fresh vegetables are presented for inspection.

(2) The laboratory analysis fee when samples of fresh vegetables are analyzed chemically, physically or microbiologically for export purposes.

(3) The courier (transport) fee when samples are dispatched to the laboratory.

***Approvals and rejections***

9. (1) If an inspector approves the export of a consignment of fresh vegetables he shall-

- (a) mark each container in that consignment with a mark of approval; or
- (b) endorse the consignment note of that consignment to such effect; and

- (c) issue a certificate to the effect that such consignment has been approved for export.

(2) If a consignment of fresh vegetables has been rejected for export purposes as a result of an inspection or re-inspection carried out at a port of export, the custodian of that consignment shall as soon as feasible remove it from the port area concerned.

(3) Notwithstanding the provisions of sub regulation (2), an inspector may, in the case of a consignment in connection with which an appeal is lodged-

- (a) direct that such consignment shall not without his consent be removed from the place where the inspection or re-inspection concerned was carried out; and
- (b) apply any mark to the containers concerned which he may deem necessary for identification purposes.

### **Appeals**

10. (1) Any person who appeals in terms of section 10 of the Act against a decision or direction of an inspector, shall-

- (a) submit it within one day of such decision or direction;
- (b) submit it in writing to the Director-General or at the office of the Executive Officer;
- (c) specify the grounds on which the appeal is based;
- (d) simultaneously pay the prescribed fees to the Executive Officer; and
- (e) inform the inspector concerned of the submission of the appeal.

(2) An appeal which is not lodged within the prescribed period or in respect of which the prescribed fees have not been paid, shall not be considered.

(3) An appeal board shall decide on such an appeal within four days, excluding Saturdays, Sundays and public holidays, after it has been lodged.

(4) The appeal board shall-

- (a) notify the appellant concerned as well as the inspector concerned at least two hours beforehand of the date and time on which and place at which the appeal shall be heard and afford them the opportunity to be heard;
- (b) direct the appellant concerned to present the consignment concerned on the specified date, time and place for inspection; and
- (c) after having identified the consignment concerned and having heard all interested parties, decide *in camera* on the appeal concerned: Provided that the appeal board may hear expert opinion and may

take, inspect, analyze, grade and classify a sample of the product concerned, before deciding on such an appeal.

(5) If an appellant fails to present the consignment to which an appeal relates for inspection as referred to in sub regulation (4) (b) or if the appeal concerned is dismissed, the fees paid in respect thereof shall be forfeited to the State.

(6) If an appeal board fails to decide on an appeal within the period specified in sub regulation (3), it shall be deemed that such appeal board has set aside the decision or direction which had been appealed against.

(7) If an appeal is upheld in part only, an appeal board may, in terms of section 10(9) (b) of the Act, determine that a *pro rata* portion of the fee referred to in sub regulation (1) (d) shall be refunded to the appellant: Provided that such a *pro rata* fund shall not be greater than 90 percent of the fee concerned.

### ***Offences and penalties***

11. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and shall be liable to a fine or imprisonment as set out in section 11 of the Act.

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**DEPARTMENT OF LABOUR  
DEPARTEMENT VAN ARBEID**

**No. R. 1028**

**19 December 2014**

**LABOUR RELATIONS ACT, 1995**

**NATIONAL BARGAINING COUNCIL FOR THE HAIRDRESSING  
COSMETOLOGY BEAUTY AND SKINCARE INDUSTRY:  
EXTENSION OF PERIOD OF OPERATION OF THE MAIN COLLECTIVE  
AGREEMENT**

I, **Ian Anthony Macun**, Director: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32(6)(a)(i) of the Labour Relations Act, 1995, extend the periods fixed in Clause 2, sub-clause 2.2.1 for Chapters (a), (b) and (d) in Government Gazette No. 37752, Government Notice No. R. 492 of 20 June 2014 to be effective from 1 January 2015 and for the period ending 31 December 2015.

**I A MACUN**

**DIRECTOR: COLLECTIVE BARGAINING**

**UMNYANGO WEZABASEBENZI****No. R. 1028****19-12-2014****UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995  
UMNYANGO WEZABASEBENZI****UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995****UMKHANDLU KAZWELONKE WOKUXOXISANA PHAKATHI  
KWABAQASHI NABASEBENZI BEMBONI YOKULUNGISWA  
KWEZINWELE UBUHLE KANYE NOKUNAKEKELWA KWESIKHUMBA  
UKWELULWA KWESIKHATHI SOKUSEBENZA KWESIVUMELWANO  
ESIYINGQIKITHI**

Mina, **IAN ANTHONY MACUN** umQondisi Wezokuxoxisana Phakathi Kwabaqashi nabaSebenzi, ngegunya likaNgqongqoshe Wezabasebenzi, lapha ngokwesigaba 32(6)(a)(i) soMthetho Wobudlelwano Kwezabasebenzi, ka-1995, ngelula izikhathi esinqunywe eMshweni 2 umshwana 2.2.1 weZahluko (a), (b) kanye no (d) kwiGazethi kaHulumeni engunombolo 37752, iSaziso sikaHulumeni esingunombolo R.492 somhlaka 20 kuNhlangulana 2014 ukuthi zisebenze kusukela mhlaka 1 kuMasingana 2015 kuze kube isikhathi esiphela mhlaka 31 kuZibandlela 2015.

**I A MACUN****UMQONDISI WEZOKUXOXISANA PHAKATHI KWABAQASHI  
NABASEBENZI**

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**NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS**

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 [GeneralEnquiries@gpw.gov.za](mailto:GeneralEnquiries@gpw.gov.za)
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- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at [www.gpwnonline.co.za](http://www.gpwnonline.co.za) for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.

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