

REGULASI
GAZETTE

REGULASI
GAZETTE



Regulation Gazette

No. 11046

Regulasiekoerant

Vol. 656

28

**February
Februarie**

2020

No. 43051

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH**NO. R. 219****28 FEBRUARY 2020****MEDICINES AND RELATED SUBSTANCES ACT, 1965 (ACT No. 101 OF 1965)
SCHEDULES**

The Minister of Health has, in terms of section 22A(2) of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), on the recommendation of the South African Health Products Regulatory Authority (SAHPRA), made and updated the Schedules.

This Schedule amends the Schedules as inserted by Government Notice R.509 (Medicines and Related Substances Act, 1965: Schedules) in *Government Gazette* 24727, 10 April 2003; substituted by Government Notice R.935 (Medicines and Related Substances Act, 1965: Schedules) in *Government Gazette* 31387, 5 September 2008; and amended by Government Notice R.1230 (Medicines and Related Substances Act, 1965: Schedules) in *Government Gazette* 32838, 31 December 2009; Government Notice R.227 (Medicines and Related Substances Act: Schedules) in *Government Gazette* 35149, 15 March 2012; Government Notice R.674 (Medicines and Related Substances Act, 1965: Schedules) in *Government Gazette* 36827, 13 September 2013; Government Notice R.690 (Medicines and Related Substances Act, 1965: Schedules) in *Government Gazette* 36850, 20 September 2013; Government Notice R.104 (Medicines and Related Substances Act, 1965: Schedules) in *Government Gazette* 37318, 11 February 2014; Government Notice R.352 (Medicines and Related Substances Act, 1965: Schedules) in *Government Gazette* 37622, 8 May 2014; Government Notice R.234 (Medicines and Related Substances Act, 1965: Schedules) in *Government Gazette* 38586, 20 March 2015; Government Notice R.254 (Medicines and Related Substances Act, 1965: Schedules)

Schedule 1

in Government *Gazette* 39815, 15 March 2016; Government Notice R.254 (Medicines and Related Substances Act, 1965: Schedules) in Government *Gazette* 40041, 03 June 2016; Government Notice No.748 (Medicines and Related Substances Act, 1965: Schedules) in Government *Gazette* 41009, 28 July 2017; Government Notice No.1261 (Medicines and Related Substances Act, 1965: Schedules) in Government *Gazette* 41256, 17 November 2017; Government Notice No.1262 (Medicines and Related Substances Act, 1965: Schedules) in Government *Gazette* 42052, 23 November 2018 and Government Notice No.755 (Medicines and Related Substances Act, 1965: Schedules) in Government *Gazette* 42477, 23 May 2019 using the following convention:

- Words in bold and in square brackets (e.g. **[Gamma benzene hexachloride]** in Schedule 1), indicate omission from a Schedule
- Words underlined with a solid line (e.g. Gamma benzene hexachloride), indicate insertions in a Schedule.

SCHEDULE

In these Schedules, "the Act" means the Medicines and Related Substances Act, 1965 (Act No.101 of 1965)

Note: Where an alternative schedule(s) is included in natural parentheses at any point of an inscription, this is provided to indicate one or more alternative scheduling designation/s. This is for information only and shall not be used in the interpretation of such inscription.

SCHEDULE 1

- a. All substances referred to in this Schedule are excluded when specifically packed, labelled, sold and used for –
- (i) industrial purposes including the manufacture or compounding of consumer items or products which have no pharmacological action or medicinal purpose; and
 - (ii) analytical laboratory purposes.
- b. All preparations of substances or mixtures of such substances containing or purporting to contain any substance referred to in this Schedule and includes the following:
- (i) The salts and esters of such substances, where the existence of such salts and esters is possible; and
 - (ii) all preparations and mixtures of such substances where such preparations and mixtures are not expressly excluded.
- c. In terms of section 22A(4)(a)(v) of the Act, a practitioner, nurse or a person registered under the Health Professions Act, 1974 (Act No. 56 of 1974) other than a medical practitioner or dentist may prescribe and supply, only within his/her scope of practice and subject to the indication for use of such substances and medicines and to the conditions determined by the Authority, to patients under his/her care, the Schedule 1 substances and medicines provided for in the Annexures to this Schedule published in the *Gazette* in terms of the Act.
- (i) Annexure 1A: Emergency Care Provider (Paramedic);
 - (ii) Annexure 1B: Emergency Care Provider (Emergency Care Practitioner);
 - (iii) Annexure 2: Dental Therapist;
 - (iv) Annexure 3: Optometrist.

Schedule 1

Benzydamine, [preparations and mixtures containing -]

- a. preparations and mixtures containing 3 percent or less of benzydamine, when intended for application to the skin (S3); or
- b. preparations and mixtures containing 0,15 percent or less of benzydamine, when intended for use as a mouth rinse or for topical application in the mouth and throat; provided that the total dose swallowed does not exceed 36 milligrams of benzydamine per day. (S3)
- c. except preparations and mixtures containing 3 milligrams or less of benzydamine per throat lozenge: Provided that the total dose swallowed does not exceed 36 milligrams of benzydamine per day and the pack size does not exceed 16 lozenges. (S0)

Hyoscine butylbromide; substances, preparations and mixtures thereof-

- a. when intended for oral administration in pack sizes not exceeding 20 tablets of 10 mg strength or less, or 100 ml of oral liquid dosage of 0.1% mass/ volume or less; (S2)
- b. except transdermal preparations when intended for the prevention of the symptoms of motion sickness; (S2)
- c. except when intended for parenteral administration. (S3)

ANNEXURE 3: OPTOMETRIST

OPTOMETRIST (Bachelors degree in Optometry – B OPTOM) registered with the Health Professions Council of South Africa in terms of the Health Professions Act, 1974 (Act 56 of 1974) and **[in possession of a Section 22A(15) permit as provided for by the Medicines and Related Substances Act, 1965 (Act 101 of 1965)]** recognised by the Health Professions Council of South Africa as an authorised prescriber.

– END SCHEDULE 1 –

SCHEDULE 2

- a. All substances referred to in this Schedule are excluded when specifically packed, labeled, sold and used for –
 - (i) industrial purposes including the manufacture or compounding of consumer items or products which have no pharmacological action or medicinal purpose; and
 - (ii) analytical laboratory purposes.
- b. All preparations of substances or mixtures of such substances containing or purporting to contain any substance referred to in this Schedule and includes the following:
 - (i) The salts and esters of such substances, where the existence of such salts and esters is possible; and
 - (ii) all preparations and mixtures of such substances where such preparations and mixtures are not expressly excluded.
- c. In terms of section 22A(5)(f) of the Act, a practitioner, nurse or a person registered under the Health Professions Act, 1974 (Act 56 of 1974) other than a medical practitioner or dentist may prescribe and supply, only within their scope of practice and subject to the indication for use of such substances and medicines and to the conditions determined by the Authority, to patients under his/her care, the Schedule 2 substances and medicines provided for in the Annexures to this Schedule published in the Gazette in terms of the Act.
 - (i) Annexure 1A: Emergency Care Provider (Paramedic);
 - (ii) Annexure 1B: Emergency Care Provider (Emergency Care Practitioner);
 - (iii) Annexure 2: Dental Therapist;
 - (iv) Annexure 3: Optometrist.

Schedule 2

[Dulaglutide]

Hyoscine butylbromide; substances, preparations and mixtures thereof-

- a. when intended for oral administration in pack sizes exceeding 20 tablets or 100 ml, or strengths exceeding 10 mg per oral solid dosage form or 0.1% mass/volume; (S1)
- b. transdermal preparations when intended for the prevention of the symptoms of motion sickness; (S3)
- c. except when intended for parenteral administration. (S3)

ANNEXURE 3: OPTOMETRIST

OPTOMETRIST (Bachelors degree in Optometry – B OPTOM) registered with the Health Professions Council of South Africa in terms of the Health Professions Act, 1974 (Act 56 of 1974) and **[in possession of a Section 22A(15) permit as provided for by the Medicines and Related Substances Act, 1965 (Act 101 of 1965)]** recognised by the Health Professions Council of South Africa as an authorised prescriber.

– END SCHEDULE 2 –

SCHEDULE 3

- a. All substances referred to in this Schedule are excluded when specifically packed, labelled, sold and used for –
 - (i) industrial purposes including the manufacture or compounding of consumer items or products which have no pharmacological action or medicinal purpose; and
 - (ii) analytical laboratory purposes.
- b. All preparations of substances or mixtures of such substances containing or purporting to contain any substance referred to in this Schedule and includes the following:
 - (i) The salts and esters of such substances, where the existence of such salts and esters is possible; and
 - (ii) all preparations and mixtures of such substances where such preparations and mixtures are not expressly excluded.
- c. In terms of section 22A(5)(f) of the Act, a practitioner, nurse or a person registered under the Health Professions Act, 1974 (Act 56 of 1974) other than a medical practitioner or dentist may prescribe and supply, only within his/her scope of practice and subject to the indication for use of such substances and medicines and to the conditions determined by the Authority, to patients under his/her care, the Schedule 3 substances and medicines provided for in the Annexures to this Schedule published in the Gazette in terms of the Act.
 - (i) Annexure 1A: Emergency Care Provider (Paramedic);
 - (ii) Annexure 1B: Emergency Care Provider (Emergency Care Practitioner);
 - (iii) Annexure 2: Dental Therapist;
 - (iv) Annexure 3: Optometrist.

Benzydamine, except preparations and mixtures containing -

- a. 3 percent or less of benzydamine when intended for application to the skin (S1);

Schedule 3

- b. 0,15 percent or less of benzydamine when intended for use as a mouthrinse or for topical application in the mouth and throat: Provided that the total dose swallowed does not exceed 36 milligrams of benzydamine per day; (S1)
- c. 3 milligrams or less of benzydamine per throat lozenge: Provided that the total dose swallowed does not exceed 36 milligrams of benzydamine per day and the pack size does not exceed 16 lozenges. (S0)

Glutathione, when intended for intravenous infusion or for injection. (S0)

Hyoscine butylbromide; substances, preparations and mixtures thereof-

- a. except when intended for oral administration; (S1, S2) and
- b. except transdermal preparations when intended for the prevention of the symptoms of motion sickness. (S2)

ANNEXURE 3: OPTOMETRIST

OPTOMETRIST (Bachelors degree in Optometry – B OPTOM) registered with the Health Professions Council of South Africa in terms of the Health Professions Act, 1974 (Act 56 of 1974) and [in possession of a **Section 22A(15) permit as provided for by the Medicines and Related Substances Act, 1965 (Act 101 of 1965)**][recognised by the Health Professions Council of South Africa as an authorised prescriber.

– END SCHEDULE 3 –

SCHEDULE 4

- a. All substances referred to in this Schedule are excluded when specifically packed, labelled, sold and used for –
- (i) industrial purposes including the manufacture or compounding of consumer items or products which have no pharmacological action or medicinal purpose; and
 - (ii) analytical laboratory purposes.
- b. All preparations of substances or mixtures of such substances containing or purporting to contain any substance referred to in this Schedule and includes the following:
- (ii) The salts and esters of such substances, where the existence of such salts and esters is possible; and
 - (iii) all preparations and mixtures of such substances where such preparations and mixtures are not expressly excluded.
- c. In terms of section 22A(5)(f) of the Act, a practitioner, nurse or a person registered under the Health Professions Act, 1974 (Act 56 of 1974) other than a medical practitioner or dentist may prescribe and supply, only within his/her scope of practice and subject to the indication for use of such substances and medicines and to the conditions determined by the Authority, to patients under his/her care, the Schedule 4 substances and medicines provided for in the Annexures to this Schedule published in the Gazette in terms of the Act.
- (i) Annexure 1A: Emergency Care Provider (Paramedic);
 - (ii) Annexure 1B: Emergency Care Provider (Emergency Care Practitioner);
 - (iii) Annexure 2: Dental Therapist;
 - (iv) Annexure 3: Optometrist.

Brigatinib.

Dulaglutide.

Schedule 7

Macitentan.

Miglustat.

Netupitant.

Ocrelizumab.

Olaratumab.

Pixantrone.

Sarolaner, except when intended and registered for the control of ticks and fleas in terms of the provisions of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).

Tedizolid.

Tilmicosin.

ANNEXURE 3: OPTOMETRIST

OPTOMETRIST (Bachelors degree in Optometry – B OPTOM) registered with the Health Professions Council of South Africa in terms of the Health Professions Act, 1974 (Act 56 of 1974) and **[in possession of a Section 22A(15) permit as provided for by the Medicines and Related Substances Act, 1965 (Act 101 of 1965)]** recognised by the Health Professions Council of South Africa as an authorised prescriber.

– END SCHEDULE 4 –

SCHEDULE 7

All preparations or mixture of such substances containing or purporting to contain substances referred to in this Schedule include the following (unless expressly excluded or unless listed in another Schedule):

- (i) the isomers of such substances, where the existence of such isomers is possible within the chemical designation;
- (ii) the esters and ethers of such substances and of the isomers referred to in (i), as well as the isomers of such esters and ethers, where the existence of isomers of such esters, or ethers is possible;
- (iii) the salts of such substances and of the isomers referred to in (i), as well as the salts of the esters, ethers and isomers referred to in (ii), where the existence of such salts is possible;
- (iv) the isomers of any of the salts referred to in (iii), where the existence of such isomers is possible;
- (v) all preparations and mixtures of any of the above.
- (vi) all homologues of listed substances (being any chemically related substances that incorporate a structural fragment into their structures that is similar to the structure of a listed substance and/or exhibit pharmacodynamic properties similar to the listed substance in the schedules), unless listed separately in the Schedules.

ADB-CHMINACA (MAB-CHMINACA)

ADB-FUBINACA

CUMYL-4CN-8INACA

N-Ethylnorpentylone (ephylone)

FUB-AMB (MMB-FUBINACA, AMB-FUBINACA)

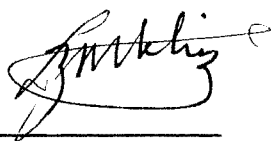
Schedule 7

Fentanyl-analogues (unless listed in another Schedule) including:

- xviii. Cyclopropylfentanyl. (N-Phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]cyclopropanecarboxamide)
- xix. Methoxyacetyl fentanyl. (2-methoxy-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide)
- xx. Ortho-fluorofentanyl. (N-(2-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide)
- xxi. Parafluorobutylfentanyl (N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide)

– END SCHEDULE 7 –

These Schedules as amended come into operation on the date of publication in the *Government Gazette*.



DR ZL MKHIZE, MP

MINISTER OF HEALTH

DATE: 13/02/2020

DEPARTMENT OF HEALTH**NO. R. 220****28 FEBRUARY 2020****MEDICINES AND RELATED SUBSTANCES ACT, 1965 (ACT No. 101 OF 1965)
SCHEDULES**

The Minister of Health has, in terms of section 22A (2) of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), on the recommendation of the South African Health Products Regulatory Authority (SAHPRA), made and updated the Schedules.

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Schedule 1

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- Words underlined with a solid line (e.g. Gamma benzene hexachloride), indicate insertions in a Schedule.

SCHEDULE

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SCHEDULE 1

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 - (ii) analytical laboratory purposes.
- b. All preparations of substances or mixtures of such substances containing or purporting to contain any substance referred to in this Schedule and includes the following:
- (i) The salts and esters of such substances, where the existence of such salts and esters is possible; and
 - (ii) all preparations and mixtures of such substances where such preparations and mixtures are not expressly excluded.
- c. In terms of section 22A(4)(a)(v) of the Act, a practitioner, nurse or a person registered under the Health Professions Act, 1974 (Act No. 56 of 1974) other than a medical practitioner or dentist may prescribe and supply, only within his/her scope of practice and subject to the indication for use of such substances and medicines and to the conditions determined by the Authority, to patients under his/her care, the Schedule 1 substances and medicines provided for in the Annexures to this Schedule published in the *Gazette* in terms of the Act.
- (i) Annexure 1A: Emergency Care Provider (Paramedic);
 - (ii) Annexure 1B: Emergency Care Provider (Emergency Care Practitioner);
 - (iii) Annexure 2: Dental Therapist;
 - (iv) Annexure 3: Optometrist;
 - (v) Annexure 4: Podiatrist

Schedule 1

ANNEXURE 3: OPTOMETRIST

OPTOMETRIST (Bachelors degree in Optometry – B Optom) registered with the Health Professions Council of South Africa in terms of the Health Professions Act, 1974 (Act 56 of 1974) and recognised by the Health Professions Council of South Africa as an authorised prescriber.

<u>OPTOMETRIST</u>	
<u>SYMPATHOMIMETIC</u>	
Substance	: Phenylephrine
Indication	: Minor ocular irritation
Route of Administration	: Topical (Drops)

ANNEXURE 4: PODIATRIST

PODIATRIST (B.Tech degree in Podiatry) registered with the Health Professions Council of South Africa in terms of the Health Professions Act, 1974 (Act 56 of 1974)

<u>PODIATRIST</u>	
<u>LOCAL ANAESTHETIC</u>	
Substance	: Amethocaine/ Tetracaine
Indication	: Local Anaesthesia
Route of Administration	: Topical (Cream)
<u>LOCAL ANAESTHETIC</u>	
Substance	: Chloroethane (Ethyl Chloride)
Indication	: Local Anaesthesia
Route of Administration	: Topical (Spray)
<u>LOCAL ANAESTHETIC</u>	
Substance	: Lignocaine/ Lidocaine
Indication	: Local Anaesthesia
Route of Administration	: Topical (Pump, Spray, Cream, Patch)

– END SCHEDULE 1 –

SCHEDULE 3

- a. All substances referred to in this Schedule are excluded when specifically packed, labeled, sold and used for –
- (i) industrial purposes including the manufacture or compounding of consumer items or products which have no pharmacological action or medicinal purpose; and
 - (ii) analytical laboratory purposes.
- b. All preparations of substances or mixtures of such substances containing or purporting to contain any substance referred to in this Schedule and includes the following:
- (i) The salts and esters of such substances, where the existence of such salts and esters is possible; and
 - (ii) all preparations and mixtures of such substances where such preparations and mixtures are not expressly excluded.
- c. In terms of section 22A(5)(f) of the Act, a practitioner, nurse or a person registered under the Health Professions Act, 1974 (Act 56 of 1974) other than a medical practitioner or dentist may prescribe and supply, only within his/her scope of practice and subject to the indication for use of such substances and medicines and to the conditions determined by the Authority, to patients under his/her care, the Schedule 3 substances and medicines provided for in the Annexures to this Schedule published in the Gazette in terms of the Act.
- (i) Annexure 1A: Emergency Care Provider (Paramedic);
 - (ii) Annexure 1B: Emergency Care Provider (Emergency Care Practitioner);
 - (iii) Annexure 2: Dental Therapist;
 - (iv) Annexure 3: Optometrist;
 - (v) Annexure 4: Podiatrist

Schedule 3

ANNEXURE 3: OPTOMETRIST

OPTOMETRIST (Bachelors degree in Optometry – B Optom) registered with the Health Professions Council of South Africa in terms of the Health Professions Act, 1974 (Act 56 of 1974) and recognised by the Health Professions Council of South Africa as an authorised prescriber.

<u>OPTOMETRISTS</u>	
<u>BETA-BLOCKER</u>	
Substance	: Betaxolol
Indication	: Open-Angle Glaucoma in Adults
Route of Administration	: Topical Application (Drops)
<u>SYMPATHOMIMETIC</u>	
Substance	: Brimonidine
Indication	: Open-Angle Glaucoma in Adults
Route of Administration	: Topical Application (Drops)
<u>BETA-BLOCKER</u>	
Substance	: Levobunolol
Indication	: Open-Angle Glaucoma in Adults
Route of Administration	: Topical Application (Drops)

ANNEXURE 4: PODIATRIST

PODIATRIST (B.Tech degree in Podiatry) registered with the Health Professions Council of South Africa in terms of the Health Professions Act, 1974 (Act 56 of 1974)

<u>PODIATRIST</u>	
<u>SYMPATHOMIMETIC</u>	
Substance	: Adrenaline / Epinephrine
Indication	: Sympathomimetic catecholamine for the management of shock
Route of Administration	: Parenteral
<u>LOCAL ANAESTHETIC</u>	
Substance	: Bupivacaine Hydrochloride 2 %
Indication	: Local Anaesthesia
Route of Administration	: Parenteral
<u>LOCAL ANAESTHETIC</u>	
Substance	: Bupivacaine Hydrochloride 2 % with Adrenaline
Indication	: Local Anaesthesia
Route of Administration	: Parenteral

Schedule 3

<u>PODIATRIST</u>	
<u>LOCAL ANAESTHETIC</u>	
Substance	: Levobupivacaine Hydrochloride with Adrenaline
Indication	: Local Anaesthesia
Route of Administration	: Parenteral
<u>LOCAL ANAESTHETIC</u>	
Substance	: Lidocaine (Lignocaine) Hydrochloride
Indication	: Local Anaesthesia
Route of Administration	: Parenteral
<u>LOCAL ANAESTHETIC</u>	
Substance	: Lidocaine (Lignocaine) Hydrochloride with Adrenaline
Indication	: Local Anaesthesia
Route of Administration	: Parenteral
<u>LOCAL ANAESTHETIC</u>	
Substance	: Mepivacaine Hydrochloride
Indication	: Local Anaesthesia
Route of Administration	: Parenteral

– END SCHEDULE 3 –

Schedule 4

SCHEDULE 4

- a. All substances referred to in this Schedule are excluded when specifically packed, labeled, sold and used for –
- (i) industrial purposes including the manufacture or compounding of consumer items or products which have no pharmacological action or medicinal purpose; and
 - (ii) analytical laboratory purposes.
- b. All preparations of substances or mixtures of such substances containing or purporting to contain any substance referred to in this Schedule and includes the following:
- (ii) The salts and esters of such substances, where the existence of such salts and esters is possible; and
 - (iii) all preparations and mixtures of such substances where such preparations and mixtures are not expressly excluded.
- c. In terms of section 22A(5)(f) of the Act, a practitioner, nurse or a person registered under the Health Professions Act, 1974 (Act 56 of 1974) other than a medical practitioner or dentist may prescribe and supply, only within his/her scope of practice and subject to the indication for use of such substances and medicines and to the conditions determined by the Authority, to patients under his/her care, the Schedule 4 substances and medicines provided for in the Annexures to this Schedule published in the Gazette in terms of the Act.
- (i) Annexure 1A: Emergency Care Provider (Paramedic);
 - (ii) Annexure 1B: Emergency Care Provider (Emergency Care Practitioner);
 - (iii) Annexure 2: Dental Therapist;
 - (iv) Annexure 3: Optometrist;
 - (v) Annexure 4: Podiatrist

ANNEXURE 3: OPTOMETRIST

OPTOMETRIST (Bachelors degree in Optometry – B Optom) registered with the Health Professions Council of South Africa in terms of the Health Professions Act, 1974 (Act 56 of 1974) and recognised by the Health Professions Council of South Africa as an authorised prescriber.

<u>OPTOMETRISTS</u>	
<u>ANTIBACTERIAL</u>	
Substance	: Tetracycline
Indication	: Trachoma
Route of Administration	: Oral
<u>ANTIBACTERIAL</u>	
Substance	: Doxycycline
Indication	: Trachoma
Route of Administration	: Oral
<u>ANTIBACTERIAL</u>	
Substance	: Azithromycin
Indication	: Trachoma
Route of Administration	: Oral

– END SCHEDULE 4 –

These Schedules as amended come into operation on the date of publication in the Government Gazette.


 DR Z.L MKHIZE, MP

MINISTER OF HEALTH

DATE: 20/01/2020

DEPARTMENT OF LABOUR

NO. R. 221

28 FEBRUARY 2020

APPROVAL OF REGISTRATION OF A BARGAINING COUNCIL

I, Lehlohonole Molefe, Registrar of Labour Relations, hereby, give notice in terms of Section 109 of the Labour Relations Act, 1995, that, following an application by the **Statutory Council for the Fast Food, Restaurant, Catering and Allied Trades** in terms of section 48 read with section 29, the **Bargaining Council for the Fast Food, Restaurant, Catering and Allied Trades** has been registered as a bargaining council as reflected in the attached Annexure.


REGISTRAR OF LABOUR RELATIONS**Annexure A**

The Fast Food, Restaurant, Catering and Allied Trades, as defined hereunder in the following areas:

- (a) The Province of Western Cape
- (b) The Province of Eastern Cape
- (c) The Province of Northern Cape
- (d) The Province of the Free State
- (e) The Province of KwaZulu Natal
- (f) The Province of North West, excluding the Magisterial District of Brits and Rustenburg
- (g) The Province of Mpumalanga, excluding the Magisterial District of Witbank
- (h) The Limpopo Province; excluding the Magisterial District of Warmbaths; and

-
- (1) ~~The Magisterial Districts of Heidelberg, Nigel, Vereeniging, Vanderbijlpark, Oberholzer, Meyerton and Carltonville.~~

“Fast Food, Restaurant, Catering and Allied Industries” means the industries concerned with the Tearoom, Restaurant, Catering, Coffee Shop, Pub, Tavern, Roadhouse, Café, Snack Bar, Fast Food Outlet, Convenience Store, Industrial or Commercial Caterer, Function Caterer, Contract Caterer, Catering and associated activities, without in any way limiting the ordinary meaning of the expression and include(s) the sector or sectors and or establishment(s) in which person(s) carry on the business or in which employers and employees are associated, for the purpose(s) of preparing, baking, providing, supplying, serving, selling, processing, producing meals. These shall include the provision of meals in bulk, edibles and beverages on any premises. Included would be all operations incidental to or in support of the employers’ enterprise in relation to any of the above-mentioned activities and would further include:

- (a) All franchisor(s) where such franchisor or their employee(s) are associated for the activities prescribed above; and
- (b) The baking of wheaten products which includes pies, snacks, confectionaries and pizzas for sale directly to customers for consumption whether on or off the premises where such products are baked.

Provided further that, for the purposes of this definition, the following business activities are specifically excluded from the ambit thereof:

- 1) Any casino and hotel industry and all activities that is ancillary and incidental to carrying on the primary activities of such industries. For the purpose of this exclusion, such primary activities are to be carried on, managed and operated solely and exclusively by the hotel or casino, as the case may be, at which these activities are undertaken and such activities must form an integral part of the business and operations of the hotel and casino in question.

-
- ~~2) Any catering facility of whatever nature which is owned, managed or operated by sports and recreation clubs on its own premises and which, in turn, provides food and beverages to its members and patrons from the premises from which its sports and recreation facilities are undertaken.~~
- 3) The business conducted by filling and or service stations including ancillary activities forming part of the filling station linked to the convenience store environment inclusive of the preparing, serving and selling of food beverages to customers but excluding activities of separately registered establishments whose sole activities relates to the restaurant, tea room and catering environment.
- 4) Any outlet which prepares and sells food and beverages and is operated as part of a supermarket undertaking and which, in turn, is owned, managed and operated by the supermarket undertaking in question and conducted from the premises of such supermarket undertaking”.

DEPARTMENT OF LABOUR

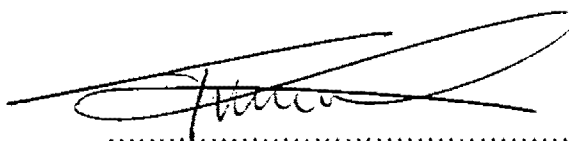
NO. R. 222

28 FEBRUARY 2020

LABOUR RELATIONS ACT, 1995

**NATIONAL BARGAINING COUNCIL FOR THE ELECTRICAL INDUSTRY OF SOUTH
AFRICA: EXTENSION TO NON-PARTIES OF THE COLLECTIVE BARGAINING LEVY
AGREEMENT**

I, **THEMBALANI WATERMADE NXESI**, Minister of Employment and 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 Electrical Industry of South Africa** 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 the date of publication of the agreement for a further period of three (3) years.

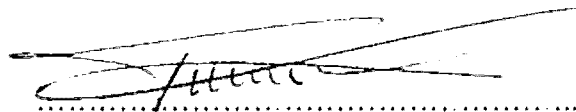
.....
MR. TW NXESI, MP

MINISTER OF EMPLOYMENT AND LABOUR

DATE: 17/02/2020

UMNYANGO WEZEMISEBENZI NEZABASEBENZI**UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995****UMKHANDLU KAZWELONKE WOKUXOXISANA PHAKATHI****KWABAQASHI NABASEBENZI EMBONINI KAGESI ENINGIZIMU AFRIKA:****UKWELULWA KWESIVUMELWANO SENTELA SABAQASHI NABASEBENZI****SELULELWA KULABO ABANGEYONA INGXEENYE YESIVUMELWANO**

Mina, **THEMBALANI WALTERMADE NXESI**, uNgqongqoshe Wezemisebenzi NezabaSebenzi, ngokwesigaba-32(2) soMthetho Wobudlelwano KwezabaSebenzi ka-1995, ngazisa ukuthi isiVumelwano sabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhunywe lapha. esenziwa uMkhandlu Kazwelonke Wokuxoxisana phakathi Kwabaqashi Nabasebenzi Embonini Yokukhiqizwa Kwezimpahla Zokwembatha, futhi ngokwesigaba 31 soMthetho Wobudlelwano kwezabaSebenzi, ka 1995 esibopha labo abasenzayo, sizobopha bonke abanye abaqashi nabasebenzi kuleyoMboni, kusukela ngosuku lokushicilelwa kwalesiSaziso futhi kuze kube isikhathi esiphela emva kweminyaka emithathu.



MNUMZANA TW NXESI, MP

UNGQONGQOSHE WEZEMISEBENZI NEZABASEBENZI

USUKU: ...17/02/2020...

DEPARTMENT OF LABOUR

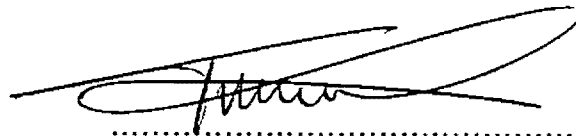
NO. R. 223

28 FEBRUARY 2020

LABOUR RELATIONS ACT, 1995

**NATIONAL BARGAINING COUNCIL FOR THE ELECTRICAL INDUSTRY OF SOUTH
AFRICA: EXTENSION TO NON-PARTIES OF THE COLLECTIVE BARGAINING LEVY
AGREEMENT**

I, **THEMBALANI WATERMADE NXESI**, Minister of Employment and 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 Electrical Industry of South Africa** 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 the date of publication of the agreement for a further period of three (3) years.

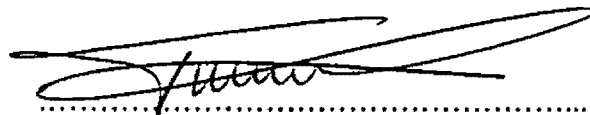
.....
MR. TW NXESI, MP

MINISTER OF EMPLOYMENT AND LABOUR

DATE: 17/02/2020

UMNYANGO WEZEMISEBENZI NEZABASEBENZI**UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995****UMKHANDLU KAZWELONKE WOKUXOXISANA PHAKATHI****KWABAQASHI NABASEBENZI EMBONINI KAGESI ENINGIZIMU AFRIKA:****UKWELULWA KWESIVUMELWANO SENTELA SABAQASHI NABASEBENZI****SELULELWA KULABO ABANGEYONA INGXEENYE YESIVUMELWANO**

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MNUMZANA TW NXESI, MP

UNGQONGQOSHE WEZEMISEBENZI NEZABASEBENZI

USUKU: ...17/02/2020

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE ELECTRICAL INDUSTRY
OF SOUTH AFRICA****COLLECTIVE BARGAINING LEVY AGREEMENT**

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

Electrical Contractors' Association (South Africa)

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

South African Equity Workers' Association,

**(hereinafter referred to as the "employees" or the "trade union"), of the other part,
being the parties to the National Bargaining Council for the Electrical Industry of
South Africa.**

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1. SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed –
 - (a) by all employers and employees in the Electrical Industry who are members of the employers' organisation and trade union, respectively, who are engaged or employed in the Industry.
 - (b) throughout the whole of the Republic of South Africa, excluding the Magisterial District of Kimberley, within a radius of 20 kilometres from the General Post Office, Kimberley.
- (2) The terms of this Agreement shall apply to apprentices and learners only in so far as they are not inconsistent with the provisions of the Skills Development Act, 1998, or any conditions prescribed or any notices served in terms thereof.
- (3) For the purposes of this Agreement, the "rate of remuneration" of learners prescribed under the Skills Development Act, 1998, shall be taken to be the weekly wage of such employees, and the "hourly rate" shall be the weekly wage calculated as above, divided by the number of ordinary hours worked in the establishment concerned.
- (4) The following categories are also excluded:
 - (i) Working employers
 - (ii) Administrative staff – Non Electrical Workers
 - (iii) Managerial Employees

2. PERIOD OF OPERATION

This Agreement shall come into operation on such date to be determined by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force for a period of 3 years from the date of publication.

3. TERMS AND CONDITIONS

A separate Collective Bargaining Levy Agreement is hereby agreed to and the provisions of the Labour Relations Act, 1995 (Act 66 of 1995)(as amended)(hereinafter referred to as the Act), where applicable, shall apply to this Agreement. The object of this Agreement is to ensure that all employees and employers in the scope of the Council who receive the benefits of collective bargaining contribute towards its costs.

This agreement shall be subject to the respective parties being representative, as required by section 25 of the Act, of employees or employers who are covered by the Main Collective Agreement of the National Bargaining Council for the Electrical Industry as verified by the Department of Labour from time to time. Accordingly, the

application of this agreement to either parties shall be subject to the party being representative.

4. INDUSTRIAL ACTION

No person bound by the provisions of this Agreement shall engage in or participate in a strike or a lockout or any conduct in furtherance of a strike or a lockout in respect of any matter regulated by this Agreement for its duration.

5. DEFINITIONS

Any expressions used in this Agreement which are defined in the Labour Relations Act, 1995 shall have the same meaning as in that Act, and any reference in this Agreement to an Act shall include any amendments to such Act; further, and unless the context otherwise indicates –

“Act” means the Labour Relations Act, 1995; (as amended)

“Area A” means the Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Bronkhorstspuit, Carletonville, Cullinan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Krugersdorp, Kwamhlanga, Mkobola Nigel, Oberholzer, Pretoria, Randburg, Randfontein, Roodepoort, Sasolburg, Soshanguve, Soweto, Springs, Vanderbijlpark, Vereeniging, Westonaria, Witbank and Wonderboom;

“Area B” means the Magisterial Districts of Amersfoort, Balfour, Bethal, Bochum, Brits, Ermelo, Garankuwa, Highveld Ridge, Klerksdorp, Kriel, Malamulela, Mankwe, Mhala, Middelburg (Mpumalanga), Mmabatho, Mokerong, Moretele, Nelspruit, Nsikazi, Phokwani, Pietersburg, Piet Retief, Pongola, Potchefstroom, Rustenburg, Seshego, Standerton, Thabamopo, Themba, Thohoyandou, Volksrust, Wakkerstroom, and White River;

“Area C” means the Magisterial Districts of Barberton, Bela-Bela (Warmbaths) Belfast, Bloemfontein, Bloemhof, Bolobedu, Botshabelo, Carolina, Christiana, Coligny, Delareyville, Dzanani, Eerstehoek, Elias Motsoaledi (Groblersdal) Giyani, Koster, Lephalale (Ellisras) Letaba, Lichtenburg, Lulekani, Lydenburg, Madikwe, Mapulaneng, Marico, Mbibana, Mdtjana, Moutse, Musina(Messina), Namakgale, Naphuno, Nebo, Nkomazi, Pilgrim's Rest, Phalaborwa, Potgietersrus (only the district north of the Melk River), Schweizer-Reneke, Ritavi, Sekgosese, Sekhukhuneland, Soutpansberg, Swartruggens, Thabazimbi, Ventersdorp, Vuwani, Waterberg, Waterval Boven and Wolmaransstad;

“Area D” means the Magisterial Districts of Bethlehem, Harrismith, Hennenman, Kroonstad, Odendaalsrus, Parys, Ventersburg, Virginia, Welkom and Witsieshoek;

“Area E” means the Magisterial Districts of Barkly West, Bethulie, Boshof, Bothaville, Brandfort, Britstown, Bultfontein, Carnarvon, Clocolan, Colesberg, De Aar, Dewetsdorp, Edenburg, Excelsior, Fauresmith, Ficksburg, Fouriesburg, Frankfort, Fraserburg, Gordonia, Hanover, Hartswater, Heilbron, Herbert, Hoopstad,

Jacobsdal, Jagersfontein, Kenhardt, Kimberley (outside a 20 km radius from the General Post Office), Koffiefontein, Koppies, Kudumane, Kuruman, Ladybrand, Lindley, Marquard, Noupoort, Petrusburg, Philippolis, Philipstown, Prieska, Postmasburg, Reddersburg, Reitz, Richmond (Northern Cape), Rouxville, Senekal, Smithfield, Theunissen, Trompsburg, Victoria West, Viljoenskroon, Vrede, Vrededorp, Vryburg, Warrenton, Wepener, Wesselsbron, Winburg and Zaaron;

"Area F" means the Magisterial Districts of Port Elizabeth and Uitenhage;

"Area G" means the Magisterial Districts of Albany, Alexandria, Bathurst, Beaufort West, Calitzdorp, George, Humansdorp, Joubertina, Knysna, Ladismith, Mossel Bay, Oudtshoorn, Riversdale and Uniondale;

"Area H" means the Magisterial Districts of Aberdeen, Adelaide, Albert, Aliwal North, Barkley East, Bedford, Bizana, Butterworth, Cala, Cathcart, Centani, Cofimvaba St Marks, Cradock, Elliot, Elliotdale, Engcobo, Flagstaff, Fort Beaufort, Glen Grey, Graaff-Reinet, Hankey, Herschel, Hewu, Hofmeyer, Idutywa, Indwe, Jansenville, Keiskammahoek, King Williams Town, Kirkwood, Komga, Kwabhaca, Lady Grey, Libode, Lusikisiki, Maclear, Mdantsane, Middelburg (Eastern Cape), Middledrift, Molteno, Mount Ayliff, Mount Fletcher, Mount Frere, Mqanduli, Murraysburg, Ngqeleni, Nqamakwe, Ntabethemba, Pearston, Peddie, Prince Albert, Qumbu, Queenstown, Seymour (Mpofu), Somerset East, Sterkstroom, Steynsburg, Steytleville, Stutterheim, Tabankulu, Tarka, Tsolo, Tsomo, Umtata, Umzimvubu (Port St Johns), Venterstad, Victoria East, Willowmore, Willowvale, Wodehouse; and Zwelitsha.

"Area I" means the Magisterial Districts of Bellville, Cape, Goodwood, Kuils River Mitchell's Plain, Simonstown, and Wynberg

"Area J" means the Magisterial Districts of Camperdown, Chatsworth, Durban, Inanda, Kranskop, Kwa Mapumulu, Lions River, Lower Tugela, Ndwedwe, New Hanover, Mapumulu, Pietermaritzburg, Pinetown, Richmond, Umbumbulu, Umlazi, Umvoti, and Vulindlela, inclusive of any former self-governing territories located therein.

"Area K" means the Magisterial Districts of Alfred, Babanango, Bergville, Dannhauser, Dundee, Emnambithi, Emzumbi, Enseleni, Eshowe, Estcourt, Ezingolweni, Glencoe, Hlabisa, Hlanganani, Impendle, Ingwavuma, Inkanyezi, Ixopo, Kliprivier, Lower Umfolozi, Mahlabatini, Mooirivier, Mount Currie, Msinga, Mtonjaneni, Newcastle, Ngotshe, Nkandla, Nongoma, Nqutu, Okhahlamba, Ongoye, Paulpietersburg, Polela, Port Shepstone, Simdlangentsha, Ubombo, Umzinto, Underberg, Utrecht, Vryheid, Vulamehlo and Weenen, inclusive of any former self-governing territories located therein; and Umzimkulu in the Eastern Cape.

"Area L" means the Magisterial District of East London;

"Area M" means the Magisterial Districts of Gordon's Bay, Malmesbury, Paarl, Somerset West, Stellenbosch, Strand and Wellington;

"Area N" means the Magisterial Districts of Calvinia, Clanshalliam, Hopefield, Morreesburg, Namaqualand, Piketberg, Sutherland, Vanrhynsdorp, Vredenburg and Vredendal,

"Area O" means the Magisterial Districts of Bredasdorp, Caledon, Ceres, Heidelberg, Hermanus, Laingsburg, Montague, Robertson, Swellendam, Tulbagh and Worcester.

Note: In the event of any magisterial district being omitted from the above, the Council shall determine under which Area such district should be placed.

"Council" means the National Bargaining Council for the Electrical Industry of South Africa;

"region A" means the Provinces of Gauteng, Limpopo, Mpumalanga, and North West Province.

"region A1" means the Free State/Northern Cape Region incorporating the Provinces of the Free State and the Northern Cape; but excludes the Magisterial Districts of Calvinia, Namaqualand and Sutherland in the Northern Cape.

"region B" means the Eastern / Southern Cape Region incorporating the Province of the Eastern Cape and the Magisterial Districts of Beaufort West, Calitzdorp, George, Knysna, Ladismith, Mossel Bay, Murraysburg, Oudshoorn, Prince Albert, and Uniondale in the Western Cape Province but excludes the Magisterial District of Umzimkulu in the Eastern Cape.,.

"region C" means the Province of Kwazulu Natal and the Magisterial District of Umzimkulu in the Eastern Cape.

"region D" means the Province of the Western Cape and the Magisterial Districts of Calvinia, Namaqualand and Sutherland in the Northern Cape but excludes the Magisterial Districts of Beaufort West, Calitzdorp, George, Knysna, Ladismith, Mossel Bay, Murraysburg, Oudshoorn, Prince Albert, Riversdale and Uniondale in the Western Cape .

6. COLLECTIVE BARGAINING LEVY

- (1) The purpose of the Collective Bargaining Levy is to subsidise the costs occasioned by collective bargaining on the parties to the Council including but not limited to consulting non-parties and mandate seeking, feedback to such parties, facilitation of collective bargaining and related activities to increase the representative capacity of bargaining units.
- (2) Subject to the provisions of this clause, a levy, to be known as a collective bargaining levy shall be deducted by employers from the wages of all

employees who are employed in the Industry on scheduled activities covered by the National Bargaining Council for the Electrical Industry of South Africa's Agreements and who are not members of a trade union which is a party to the National Bargaining Council for the Electrical Industry of South Africa. The collective bargaining levy monies so deducted shall be paid to the Council monthly in the amount as specified below:

- (3) All scheduled employees shall pay a levy as specified below:
 - (a) Year 1: On 1 February 2020 the CBL should increase to R11.25 per week.
 - (b) Year 2: On 1 February 2021 the CBL should increase to R12.50 per week.
 - (c) Year 3: On 1 February 2022 the CBL should increase to R13.75 per week.
- (4) For the purposes of this agreement, "representative employers' organisation" means a registered employers' organisation whose members employ the majority of the employees in the electrical industry in the scope of the Council and a "representative trade union" means a registered trade union whose members are the majority of all the employees that is a party to the Council.
- (5) The prescribed Collective Bargaining Levy shall be equivalent to or less than the amount of the prevailing membership fees payable by the employer members of the Electrical Contractors' Association (South Africa) to the same association.
- (6) Every employer who is not a member of an employer's organisation party to the National Bargaining Council for the Electrical Industry of South Africa (a non-party employer) who is engaged in the Industry as defined, shall pay a collective bargaining levy monthly to the Council in an amount as specified below:
- (7) All employers shall pay an amount of R10.83 per scheduled employee per week.
 - (a) All employers shall pay a proportionate increased amount per week equal to the ECA labour levy annual percentage increase from February 2020 to 31 January 2021.
 - (b) All employers shall pay a proportionate increased amount per week equal to the ECA labour levy annual percentage increase from February 2021 to 31 January 2022.
 - (c) All employer shall pay a proportionate increased amount per week equal to the ECA labour levy annual percentage increase from February 2022 to 31 January 2023.
- (8) The monies will be used to fund the costs of collective bargaining activities of the parties to the Council from time to time and to subsidise the cost of training for employers and employees in the electrical contracting industry.

The money received from the CBL collections shall be allocated to the Training Fund as set out below:

- (a) Year 1: On 1 February 2020 the Training Fund Contribution will be R2.25 per employee per week.
- (b) Year 2: On 1 February 2021 the Training Fund Contribution will be R2.50 per employee per week.
- (c) Year 3: On 1 February 2022 the Training Fund Contribution will be R2.75 per employee per week.

All employment categories will be eligible for subsidy from the Training Fund.

- (9) The National Finance Committee shall receive applications for the funding of such activities as contemplated in sub-clause (1) and submit recommendations to the National Council for approval.
The National Council will in session ratify any recommendations made by the National Finance Committee.
The funds will be paid to the applicant party providing the criteria for approved funding have been met.
- (10) The Council shall deposit all monies received in terms of the above into a separate bank account administered by the Council.
- (11) The Collective bargaining levy may not be used –
 - (a) to pay an affiliate fee to a political party.
 - (b) to make a contribution in cash or kind to a political party or a person standing for election to any political office.”
 - (c) for any expenditure that does not advance or protect the socio – economic interests of employees.
- (12) Employees who are not members of the party trade union(s) are not compelled to become members of that trade union.
Employers who are not members of the party employer organisation(s) are not compelled to become members of that employers’ organisation.
- (13) A conscientious objector may request the employer to pay the amount deducted from that employee’s wages into a fund administered by the Department of Labour.
- (14) The registered party trade union(s) and employers’ organisation(s) will keep records and books according to the standards of generally accepted accounting practice, principles and procedures.

- (15) The registered party trade union(s) and employers' organisation(s) will provide information to the Registrar in terms of Section 25(1) and (2), Section 98 and Section 100 of the Labour Relations Act 66 of 1995 as amended.
- (16) If an employer or an employers' organisation or an employee or a trade union or any interested person or organisation alleges that the representative employers' organisation or the representative trade union is no longer a representative employers' organisation or representative trade union as envisaged in sub-clause 6(4) it must give the employers' organisation or trade union written notice of the allegation, and must allow the employers' organisation or trade union 90 days from the date of the notice to prove that it is a representative employers' organisation or a representative trade union.
- (17) If within the 90-day period, the representative employers' organisation or representative trade union fails to prove that it is a representative employers' organisation or a representative trade union, the employer or employers' organisation or employee or trade union or interested person or organisation making the allegation, must give the employers' organisation or trade union which claims to be representative, notice of its intention to request the Minister of Labour to withdraw the extension of this agreement to non-parties.
- (18) If the extension of this agreement to non-parties is withdrawn by the Minister of Labour for any reason, the provisions of sub-clause 6(10) shall apply until all the Collective Bargaining Levies due up until the date of withdrawal of this Agreement have been received and paid out in accordance with sub-clause 6(10).

7. PAYMENT OF THE COLLECTIVE BARGAINING LEVY

- (1) For the purposes of Clause 6 (7) above, a week shall constitute not less than three shifts actually worked during any one week from Monday to Friday (inclusive).
- (2) Every employer shall, by no later than the 15th day of each month, forward to the regional offices of the Council all contributions in respect of the preceding month in the manner prescribed by the Council from time to time.
- (3) Regardless of whether any amount is payable to the Council in terms of this clause, every employer shall, by no later than the 15th day of each month, forward to the Council the levy return in respect of the preceding month and in the manner indicated therein.

8. EXEMPTIONS AND APPEALS

- (1) In terms of section 32 of the Act the Council shall consider all applications for exemption from any of the provisions of this Agreement for any good and sufficient reason within 30 days from the date of receipt of such application.
- (2) All applications for exemption shall be in writing (on an application form provided by the Council) and shall be addressed to the Regional Manager of the Council in the relevant region for consideration by the Regional Exemptions Committee.
- (3) All applications for exemptions shall be substantiated, and such substantiation shall include the following details:
 - (a) The period for which the exemption is required,
 - (b) the Agreement and clauses or sub-clauses of the Agreement from which the exemption is required,
 - (c) proof that the exemption applied for has been discussed by the employer, his employees and their respective representatives. The responses resulting from such consultation, either in support of or against the application, shall be included with the application.
- (4) The Regional Manager of the Council shall place the applications for exemption on the agenda of the next Regional Exemptions Committee meeting for consideration.
- (5) The Regional Manager shall provide the Regional Exemptions Committee with details of all the applications for exemption.
- (6) The Council shall consider and decide on all written applications and, when requested by the applicants or objectors to do so, may interview applicants or objectors at its following meeting:
- (5) The Council may defer a decision to a following meeting if additional substantiation, information or verbal representations are considered necessary to decide on the application for exemption.
- (8) Once the Council has decided to grant an exemption, it shall issue a certificate and advise the applicant(s) within 14 days of the date of its decision.
- (9) When the Council decides against granting an exemption or part of an exemption requested, it shall advise the applicant(s) within 14 days of the date of such decision and shall provide the reason or reasons for not granting an exemption.
- (10) Exemption criteria -

The Council shall consider all applications for exemption with reference to the following criteria:

- (a) The written and verbal substantiation provided by the applicant,
 - (b) the extent of consultation with and the petition for or against granting the exemption as provided by employers or employees who are to be affected by the exemption if granted,
 - (c) the terms of the exemption,
 - (d) the infringement of basic conditions of employment rights,
 - (e) the fact that a competitive advantage may not be created by the exemption,
 - (f) the effect of the exemption on any employee benefit fund or training provision in relation to the alternative comparative bona fide benefit or provision, including the cost to the employee, transferability, administration management and cost, growth and stability,
 - (g) the extent to which the proposed exemption undermines collective bargaining and labour peace in the Electrical industry,
 - (h) any existing special economic or other circumstances which warrant the granting of the exemption,
 - (i) reporting requirements by the applicant and monitoring and re-evaluation processes, and
 - (j) cognisance of the recommendations contained in the Report of the Presidential Commission to Investigate Labour Market Policy.
 - (k) Once a notice to attend arbitration proceedings has been issued, no employer or employee may make application for exemption from any provision of the collective agreement to which the arbitration notice relates.
 - (l) Any exemption applied for after the notice to attend arbitration has been issued shall not stay the arbitration proceedings. The arbitrator shall be requested to make an appropriate arbitration award.
- (11) In terms of section 32 of the Act, the Council hereby establishes an Independent Appeal body to hear and decide as soon as possible, but no later than 30 days after the appeal is lodged, against –
- (a) the Council's refusal of an application for exemption from the provisions contained in this Agreement,
 - (b) the withdrawal of such exemption by the Council.

Provided that such appeals are lodged with Council within 30 days from the date of receipt of the outcome of the exemption application.

- (12) The Secretary shall, upon receipt of a written application for an appeal, forward the application together with the original application for exemption and all supporting documents to the Independent Appeal body for a decision.
- (13) The Independent Appeal body shall consider all applications within 14 days of receipt with reference to the criteria set out in sub-clause (10) above and shall ensure that the applications are not in conflict with the primary objects of the Act.
- (14) The Independent Appeals Body may defer a decision to a subsequent meeting if additional motivation, information or verbal representations are considered necessary to decide the application for exemption.
- (15) The Independent Appeals Body shall issue a certificate within 14 days of the date of its decision to uphold the appeal and grant exemption. The certificate should specify the terms of the exemption and the reporting requirements by the applicant and the monitoring and re-valuation processes.
- (16) The Independent Appeals Body shall advise the applicant(s) within 10 working days of the date of its decision not to grant exemption or part of an exemption requested and shall provide a written reason or reasons for the decision not to grant exemption.

9. GENERAL RULES GOVERNING CONCILIATIONS AND ARBITRATIONS CONDUCTED UNDER THE AUSPICES OF THE COUNCIL

- (1) Notwithstanding the following procedures and rules, any omissions there from shall be dealt with in accordance with the Rules for the Conduct of Proceedings before the CCMA as amended from time to time.
- (2) **How to bring an application**
 - (a) This rule applies to any application for condonation, joinder, substitution, variation or recession, application in a jurisdictional dispute or any other preliminary application.
All applications must comply with Rule 31 of the CCMA rules.
- (3) **How to apply to vary or rescind arbitration awards or rulings**
 - (a) An application for the variation or rescission of an arbitration award or ruling must be made within 14 days of the date on which the applicant became aware of the arbitration award or ruling or became aware of a mistake common to the parties to the proceedings.

- (b) A ruling made by a Council appointed conciliator or arbitrator which has the effect of a final order, will be regarded as a ruling for the purposes of this clause.

(4) Condonation for failure to comply with the rules

The Council or arbitrator or conciliator may condone any failure to comply with the time frames in this clause, on good cause shown.

10. RESOLUTION OF DISPUTES

(1) Procedure to enforce compliance with this agreement:

The Council shall take all reasonable steps necessary to ensure compliance with this agreement. If whether through its own investigations or through any other source, it appears as if the provisions of this agreement have been breached then the following procedure shall apply to enforce compliance:

- (a) The appointed official of Council shall investigate the alleged breach.
- (b) If, upon completion of the investigation, the appointed official of Council has reason to believe that this agreement has been breached, the appointed person may endeavor to secure compliance with the agreement by any or all of the following means:
 - (i) Issue a compliance order requiring any person bound by the collective agreement to comply with the collective agreement within a specified period.
 - (ii) refer the matter to arbitration in terms of this agreement
 - (iii) a designated agent of Council shall have all the powers conferred to him in terms of section 33 read with section 33A and Schedule 10 of the Act.
- (c) Arbitration
 - (i) Upon referral of the unresolved dispute to arbitration, Council shall appoint an arbitrator from its panel to hear and determine the alleged breach of this agreement. The arbitrator shall be independent of the Council.
 - (ii) The Council shall decide the date, time, and venue of the arbitration hearing, but shall give the parties at least 21 days written notice of an arbitration hearing, unless the parties agree to a shorter period.
 - (iii) The Council shall serve notice of the date, time and venue of the arbitration on all parties who may have a legal interest in the outcome of arbitration.
 - (iv) Any party who has a legal interest in the outcome of the arbitration shall have the right to –
 - give evidence

- call witnesses
- question the witnesses of the other party
- address the concluding arguments with the arbitrator
- be represented by a legal practitioner or co-employee or any office-bearer or official of his trade union or employers' organisation and, if the party is a juristic person, by a director or employee thereof.

(d) The arbitrator shall have the following powers:

- (i) To determine whether there has been a breach of this agreement.
 - (ii) To make any appropriate award that gives effect to the collective agreement and to ensure compliance therewith.
 - (i) To conduct the arbitration in a manner and form that he considers appropriate in order to determine the dispute fairly and quickly but shall deal with the substantial merits of the dispute with the minimum of legal formalities. Subject to the discretion of the arbitrator as to the appropriate form of the proceedings, a party to the dispute may give evidence, call witnesses, question the witnesses of any other party, and address concluding arguments to the arbitrator.
 - (iv) The appointed arbitrator may at any stage prior to or during the arbitration proceedings, suspend the arbitration proceedings and attempt to resolve the dispute through conciliation with the consent of all the parties to the dispute. If appropriate, the arbitrator may refer the dispute to another conciliator to be conciliated.
 - (v) To adjourn the arbitration proceedings to a later date or to make an award in the absence of a party who is alleged to have breached the agreement, if -
 - such party fails to appear in person or to be represented at the arbitration proceedings, and *prima facie* evidence has been presented to the arbitrator that the party in question has failed to comply with this agreement. Provided that proof is presented that written notification has been forwarded to such party -
- (a) by registered mail or telegram to such party's last known address or an address chosen by that person to receive service and 21 days have lapsed since such notification has been mailed; or
 - (b) by fax transmission or telexing to such party's last known fax number or telex number; or a fax or telefax number chosen by that person to receive service and 21 days have lapsed since such notification has been faxed; or
 - (c) by hand delivery to such party's last known business or residential address; or an address chosen by that person to receive service and 21 days have lapsed since such notification has been hand delivered.

- (d) by emailing a copy of the document to the person's email or an email address chosen by that person to receive service.
- (e) a document may also be served -
 - (i) on a company or other body corporate by handing a copy to a responsible employee of the company or body at its registered office, its principal place of business within the Republic or its main place of business within the magisterial district in which the dispute first arose;
 - (ii) on an employer by handing a copy of that document to a responsible employee of the employer at the workplace where the employees involved in the dispute ordinarily work or worked;
 - (iii) on a trade union or employers' organisation by handing a copy of that document to a responsible employee or official at the main office of the union or employers' organisation or its office in the magisterial district in which the dispute arose;
 - (iv) on a partnership, firm or association by handing a copy of that document to a responsible employee or official at the place of business of the partnership, firm or association or, if it has no place of business, by serving a copy of the document on a partner, the owner of the firm or chairman or secretary of the managing or other controlling body of the association, as the case may be;
 - (v) on a municipality, by serving a copy of the document on the municipal manager or any person acting on behalf of that person;
 - (vi) on a statutory body, by handing a copy to the secretary or similar officer or member of the board or committee of that body, or any person acting on behalf of that body or
 - (vii) on the state or a province, a state department or a provincial department, a minister, premier or a member of the executive committee of a province by handing a copy to a responsible employee at the head office of the party or to a responsible employee at any office of the State Attorney.
- (f) if no person identified in (e)(i) to e(vii) above is willing to accept service, service may be effected by affixing a copy of the document to -
 - (i) the main door of the premises concerned; or
 - (ii) if this is not accessible, a post box or other place to which the public has access.
- (vi) The arbitrator conducting arbitration in terms of this sub-clause has the powers of a Commissioner in terms of section 33A, section 142 and section 138 of the Act, read with the changes required by the context.
- (vii) The appointed arbitrator shall have the power to vary, rescind or amend any arbitration award issued by him or by any arbitrator on application by any affected party or on his own accord within

- 14 days of the date on which the applicant became aware of the arbitration award or ruling or a mistake common to the parties to the proceedings and without limiting the generality hereof shall have this power if -
- the award was erroneously sought or erroneously made in the absence of any party affected by the award.
 - the award is ambiguous or contains an obvious error or omission, but only to the extent of that ambiguity, error or omission
 - the award was granted as a result of a mistake common to the parties to the proceedings.
- (e) Any award made by the arbitrator, shall be served on all interested parties by the Council and must be made within 14 days after the expiry of the arbitration proceedings.
- (f) The Council may apply to make the arbitration award an order of court in terms of section 143 or section 158(1) of the Act.
- (g) The Council may apply for a writ of execution to enforce the order of court made in terms of section 143(1) of the Act.
- (h) The provisions of this procedure shall apply in addition to any other legal remedy which the Council may apply to enforce a collective agreement. In the event that the Council has to instruct a debt collecting agency or a legal practitioner to collect and or to litigate in respect of any amount due to it by the defaulter in terms of any arbitration award, the defaulter will also be liable in terms of this clause for payment of any commission and any other litigation costs incurred in the enforcement and collection thereof."
- (i) If the arbitrator finds that any party to the dispute has failed to comply with a provision of Council's collective agreements which are binding on that party, then the arbitrator shall, in addition to any other appropriate order, impose a fine on the non-compliant party in accordance with Section 29 (2) of Schedule 7 of the Act, read with Section 33A of the Act. An arbitrator shall also include in an order, any interest that is due in terms of clause 29 of the Council's main collective agreement and an arbitration fee of R500, 00.
- (j) Notwithstanding the provisions of this clause, the Council may utilise section 33A, section 142 and Schedule 10 of the Act to monitor and enforce compliance with its collective agreements.
- k) Despite the provisions of this clause, a Council agent may not issue a compliance order in respect of any amount payable to an employee as a result of a failure to comply with any provision of this agreement if -
- (i) That amount has been payable by the employer to the employee for longer than 12 months before the date on which a complaint was made to the Council by or on behalf of that employee or, if no complaint was

made, the date on which a Council agent first endeavored to secure compliance.

- (ii) Despite the aforesaid, if the non-compliance relates to unpaid Pension and or Provident Fund contributions, the Council must issue a compliance order to secure compliance.

11. GENERAL

No employer or employee may waive the provisions of this Agreement, whether or not the said provisions create a benefit or obligation upon the employer or employee concerned. Every provision, sub-clause or clause shall create a right or obligation, as the case may be, independently of the existence of other provisions.

11. OFFICES OF THE NATIONAL BARGAINING COUNCIL FOR THE ELECTRICAL INDUSTRY OF S.A.

1. NATIONAL OFFICE – JOHANNESBURG

9 TH FLOOR THE LIBERTY 17 WOLMARANS STREET BRAAMFONTEIN JOHANNESBURG 2001 P O BOX 31402 BRAAMFONTEIN 2017	TEL	011/3392312
	FAX	011/3392366 011/3397112

2. JOHANNESBURG REGIONAL OFFICE

9 TH FLOOR THE LIBERTY 17 WOLMARANS STREET BRAAMFONTEIN JOHANNESBURG 2001 P O BOX 31402 BRAAMFONTEIN 2017	TEL	011/3392312
	FAX	011/3392366 011/3397112

3. BLOEMFONTEIN REGIONAL OFFICE

74 VICTORIA ROAD WILLOWS BLOEMFONTEIN 9301 P.O. BOX 1379 BLOEMFONTEIN 9300	TEL	051/444-5869 051/444-5984
	FAX	051/4445801

4. CAPE TOWN REGIONAL OFFICE

31 COOK STREET GOODWOOD 7460 (Entrance on Vasco Boulevard) P.O. BOX 1220 PAROW. 7499	TEL	021/591-4784
	FAX	: 021/5916261

5. KWAZULU NATAL REGIONAL OFFICE

23 LENNOX ROAD GREYVILLE DURBAN 4023	TEL	031/306-8100 031/309-1326 031/309-1325 031/309-1307 031/309-1279
P.O BOX 47852 GREYVILLE DURBAN 4023	FAX	031/309-1269

6. EAST LONDON REGIONAL OFFICE

UNIT 205 ETCOTT SQUARE 256 OXFORD STREET EAST LONDON 5201.	TEL :043/722 – 0120/21
P.O. BOX 19852 TECOMA. 5214	FAX :043/722-0122

7. PRETORIA REGIONAL OFFICE:

286 PRETORIUS STREET C/N CENTRAL STREET CENTRAL TOWERS BUILDING OFFICE NO. 513A, 5 th FLOOR PRETORIA CENTRAL	TEL : 012/323-4251
P.O. BOX 12399 HATFIELD. 0028	FAX 012/323-4250

8. PORT ELIZABETH. REGIONAL OFFICE

12 WORRAKER STREET NEWTON PARK PORT ELIZABETH 6001	TEL : 041/363-5460
P.O. BOX 27287 GREENACRES. 6057	FAX : 041/363-5465

9. POLOKWANE REGIONAL OFFICE

ROOM 314 PIONEER BLD 50 LANDDROS MARE STREET POLOKWANE. 0699	TEL : 015/291-4157
P.O. BOX 2478 POLOKWANE. 0700	FAX : 015/291-4152

10. GEORGE REGIONAL OFFICE

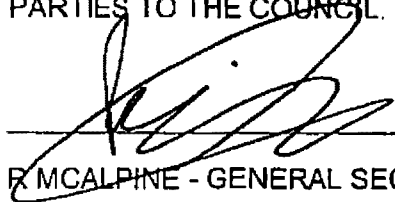
OFFICE 201, YORK MALL 100
YORK STREET GEORGE
6530

P.O. BOX 1952
GEORGE
6529

TEL : 044/874-5738

FAX : 044/874-5378

SIGNED AT BRAAMFONTEIN AS AUTHORISED FOR AND ON BEHALF OF THE
PARTIES TO THE COUNCIL. THIS 8TH DAY OF NOVEMBER 2019.



R. MCALPINE - GENERAL SECRETARY - SAEWA



S. KHOLA - NATIONAL LABOUR DIRECTOR - ECA (SA)



D. VAN DEVENTER AND M. MFIKOE - ACTING NATIONAL GENERAL
SECRETARY

DEPARTMENT OF LABOUR

NO. R. 224

28 FEBRUARY 2020

LABOUR RELATIONS ACT, 1995

**BUILDING INDUSTRY BARGAINING COUNCIL (CAPE OF GOOD HOPE):
EXTENSION OF PERIOD OF OPERATION OF THE MAIN COLLECTIVE
AGREEMENT**

I, **Stephen Rathai**, 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 Government Gazette Notices R. 425 of 12 May 2017; and R 1513 of 22 November 2019 to be effective from 1 November 2020 and for the period ending 31 October 2022.



S RATHAI

DIRECTOR: COLLECTIVE BARGAINING

DEPARTMENT OF LABOUR

NO. R. 225

28 FEBRUARY 2020

LABOUR RELATIONS ACT, 1995

I, **Lehlohonolo Daniel Molefe**, Registrar of Labour Relations, hereby notify, in terms of section 109(2) of the Labour Relations Act, 1995, that I have cancelled the registration of **South African Fastener Manufacturers Association (SAFMA) (LR 2/6/3/124)** with effect from 12 February 2020



REGISTRAR OF LABOUR RELATIONS

SOUTH AFRICAN REVENUE SERVICE**NO. R. 226****28 FEBRUARY 2020****AMENDMENT OF ITEM NO. 412.09/00.00/01.00 IN PARAGRAPH 8 OF SCHEDULE 1 TO THE VALUE-ADDED TAX ACT, 1991 (ACT NO. 89 OF 1991), AS A CONSEQUENCE OF THE AMENDMENT OF REBATE ITEM 412.09/00.00/01.00 IN PART 1 OF SCHEDULE NO. 4 TO THE CUSTOMS AND EXCISE ACT, 1964 (ACT NO. 91 OF 1964)**

By virtue of the power vested in me by section 74(3)(a) of the Value-Added Tax Act, 1991 (Act No. 89 of 1991) (the Act), I, Tito Titus Mboweni, Minister of Finance, hereby determine that the exemption contemplated in section 13(3) of the Act read with item no. 412.09/00.00/01.00 in paragraph 8 of Schedule 1 to the Act does not apply to goods lost, destroyed or damaged as a result of a hostile act by a third party constituted by robbery or theft.



TT Mboweni
Minister of Finance

GENERAL EXPLANATORY NOTES:

[] Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with a solid line indicate insertions in existing enactments.

SCHEDULE

Schedule 1 to the Value-Added Tax Act, 1991 (Act No. 89 of 1991), is hereby amended –

by the amendment in paragraph 8 of item no. 412.09/00.00/01.00 with the following:

“412.09/00.00/01.00 Goods in respect of which the customs duty, together with the fuel levy (where applicable), amounts to not less than R2 500, proved to have been lost, destroyed or damaged on any single occasion in circumstances of **vis major** or in such other circumstances as the Commissioner deems exceptional while such goods are –

- (a) in any customs and excise warehouse or in any appointed transit shed or under the control of the Commissioner;
- (b) being removed with deferment of payment of duty or under rebate of duty from a place in the Republic to any other place in terms of the provisions of this Act; or
- (c) being stored in any rebate storeroom: **[Provided that-]**

Provided that –

- (i) no compensation in respect of the customs duty, fuel levy or VAT on such goods has been paid or is due to the owner by any other person;
- (ii) such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty or VAT; and
- (iii) such goods did not enter into consumption and the importer of those goods was not liable for the tax imposed in terms of section 7(1)(b) when those goods were initially imported; **and provided further that circumstances contemplated in this item exclude a hostile act by a third party constituted by robbery or theft.**

SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 226

28 FEBRUARIE 2020

WYSIGING VAN ITEM NO. 412.09/00.00/01.00 BY BYLAE 1 IN PARAGRAAF 8 VAN DIE WET OP BELASTING OP TOEGEVOEGDE WAARDE, 1991 (WET NO. 89 VAN 1991), AS GEVOLG VAN DIE WYSIGING VAN KORTINGITEM 412.09/00.00/01.00 IN DEEL 1 VAN BYLAE 4 VAN DIE DOEANE- EN AKSYNSWET, 1964 (WET NO. 91 VAN 1964)

Kragtens die bevoegdheid aan my verleen deur artikel 74(3)(a) van die Wet op Belasting op Toegevoegde Waarde, 1991, (Wet No. 89 van 1991) (die Wet), bepaal ek, Tito Titus Mboweni, Minister van Finansies, hierby dat die vrystelling in afdeling 13(3) van die Wet gelees saam met item no. 412.09/00.00/01.00 in Paragraaf 8 van Bylae 1 by die Wet, nie van toepassing is op goedere verlore, vernietig of beskadig as gevolg van 'n vyandige handeling deur 'n derde party saamgestel deur roof of diefstal nie.



TT Mboweni
Minister van Finansies

ALGEMENE VERDUIDELIKENDE OPMERKINGS

[...] Woorde in vetdruk in vierkantige hakies dui aan weglating van bestaande wetgewing

== Woorde onderstreep met 'n soliede lyn dui aan invoegings in bestaande wetgewing

BYLAE

Bylae 1 tot die Wet op Belasting op Toegevoegde Waarde, 1991, (Wet No. 89 van 1991), word hierby gewysig –

deur die wysiging in paragraaf 8 van item no. 412.09/00.00/01.00 met die volgende:

- “412.09/00.00/01.00 Goedere ten opsigte waarvan die doeanereg saam met die brandstofheffing (waar toepaslik), minstens R2 500 beloop, wat bewys is as verlore, vernietig of beskadig te wees by enige enkele geleentheid in omstandighede van **vis major** of in sodanige ander omstandighede wat die Kommissaris buitengewoon ag terwyl sodanige goedere –
- (a) in enige doeane- en aksynspakhuis of in enige aangewese deurvoerloods of onder beheer van die Kommissaris is;
 - (b) verwyder word met uitstel van betaling van reg of met korting van reg van 'n plek in die Republiek na enige ander plek ingevolge die bepalings van hierdie Wet; of
 - (c) in 'n kortingspakhuis opgeslaan word, **[mits -]**
- Mits -**
- (i) geen vergoeding ten opsigte van die doeanereg, brandstofheffing of BTW op sodanige goedere deur enige ander persoon aan die eienaar betaal of verskuldig is nie;
 - (ii) sodanige verlies, vernietiging of beskadiging nie te wyte was aan enige nalatigheid of bedrog aan die kant van die persoon wat aanspreeklik vir die reg of BTW is nie; en
 - (iii) sodanige goedere nie in verbruik gegaan het nie en die invoerder nie aanspreeklik was vir die belasting opgelê ingevolge afdeling 7(1)(b) wanneer daardie goedere aanvanklik ingevoer was; **en verder voorsien dat die omstandighede in hierdie item beoog 'n vyandige handeling deur 'n derde party saamgestel deur roof of diefstal uitsluit.**

NO. R. 227

SOUTH AFRICAN REVENUE SERVICE

28 FEBRUARY 2020

CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 6 (NO. 6/2/4)

In terms of section 75 of the Customs and Excise Act, 1964, Part 2 of Schedule No. 6 to the said Act is hereby amended to the extent set out in the Schedule hereto.


TT MBOWENI
MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate	Extent of Refund
634.03	000.00.00	01.00	06	Excisable goods in respect of which the excise duty amounts to not less than R2 500, proved to have been lost, destroyed or damaged, on any single occasion in circumstances of <i>vis major</i> or in such other circumstances as the Commissioner deems exceptional while such goods are - (a) in any customs and excise warehouse or under the control of the Commissioner; or (b) being removed with deferment of payment of duty or under rebate of duty from a place in the Republic to any other place in terms of the provisions of this Act: Provided that - (a) no compensation in respect of the excise duty on such goods has been paid or is due to the owner by any other person; (b) such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty; and (c) such goods did not enter into consumption; and provided further that circumstances contemplated in this item exclude robbery or theft.	Full duty	

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 6 (NO. 6/2/4)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 2 van Bylae No. 6 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


TT MBOWENI
MINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Kortingtem	Tariefitem	Kortingkode	TS	Beskrywing	Mate van Korting	Mate van Terugbetaling
634.03	000.00.00	01.00	06	Synsbare goedere ten opsigte waarvan die aksynsreg minstens R2 500 bedra, wat bewys word by enige enkele geleentheid verlore te gegaan het, of vernietig of beskadig te gewees het in omstandighede van <i>vis major</i> of in ander omstandighede wat die Kommissaris buitengewoon ag terwyl sodanige goedere - (a) in enige doeane-en-aksynspakhuis is of onder die beheer van die Kantoor is; of (b) verwyder word onder waarborg van reg of met korting op reg van 'n plek in die Republiek na enige ander plek ingevolge die voorwaardes van hierdie Wet: Met dien verstande dat - (a) geen vergoeding ten opsigte van aksynsreg op sodanige goedere betaal is aan of aan die eienaar deur enige ander persoon verskuldig is nie; (b) sodanige verlies, vernietiging of beskadiging nie te wyte is aan enige nalatigheid of bedrog deur die persoon aanspreeklik vir die reg nie; en (c) sodanige goedere nie in verbruik gegaan het nie; en verder voorsien dat die omstandighede in hierdie item beoog 'n vyandige handeling deur 'n derde party saamgestel deur roof of diefstal uitsluit.	Volle reg	

NO. R.227

SUID-AFRIKAANSE INKOMSTEDIENS

28 FEBRUARIE 2020

STAATSKOERANT, 28 FEBRUARIE 2020

No. 43051 69

NO. R. 228

SOUTH AFRICAN REVENUE SERVICE

28 FEBRUARY 2020

CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 4 (NO. 4/4/358)

In terms of section 75 of the Customs and Excise Act, 1964, Part 4 of Schedule No. 4 to the said Act is hereby amended to the extent set out in the Schedule hereto.


TT MBOWENI
MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Rebate Item	Tariff Heading	Rebate Code	CD	Description	Extent of Rebate
495.00	00.00	01.00	07	Goods in respect of which the fuel levy, together with the customs duty, where applicable, amounts to not less than R2 500, proved to have been lost, destroyed or damaged on any single occasion in circumstances of <i>vis major</i> or in such other circumstances as the Commissioner deems exceptional while such goods are - (a) in any customs and excise warehouse or in any appointed transit shed or under the control of the Commissioner; (b) being removed with deferment of payment of duty or under rebate of duty from a place in the Republic to any other place in terms of the provisions of this Act; or (c) being stored in any rebate storeroom: Provided that - (i) no compensation in respect of the fuel levy or customs duty on such goods has been paid or is due to the owner by any other person; (ii) such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty; and (iii) such goods did not enter into consumption; and provided further that circumstances contemplated in this item exclude robbery or theft.	Full duty

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 4 (NO. 4/4/358)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 4 van Bylae No. 4 by bogenoemde Wet hierrmee gewysig in die mate in die Bylae hierby aangetoon.


TT MBOWENI
MINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Kortingitem	Tariefpos	Kortingkode	TS	Beskrywing	Mate van Korting
495.00	00.00	01.00	07	Goedere ten opsigte waarvan die brandstofheffing, tesame met die doeanereg waar van toepassing, minstens R2 500 bedra, wat bewys word by enige enkele geleentheid verlore te gegaan het, of vernietig of beskadig te gewees het in omstandighede van <i>vis major</i> of in sodanige omstandighede wat die Kommissaris buitengewoon ag terwyl sodanige goedere - (a) in enige doeane- en aksynspakhuis is of in enige aangewese deurvoerloods of onder die beheer van die Kantoor is; (b) met uitstel van betaling van reg of met korting op reg van 'n plek in die Republiek na enige ander plek verwyder word kragtens die bepalings van hierdie Wet; of (c) in enige kortingpakkamer opgeslaan word: Met dien verstande dat- (i) geen vergoeding ten opsigte van die brandstofheffing of doeanereg op sodanige goedere betaal is of aan die eienaar deur enige ander persoon verskuldig is nie; (ii) sodanige verlies, vernietiging of beskadiging nie te wyte is aan enige nalatigheid of bedrog deur die persoon aanspreeklik vir die reg nie; en (iii) sodanige goedere nie in verbruik gegaan het nie; en verder voorsien dat die omstandighede in hierdie item beoog vyandige handeling deur derde party saamgestel deur roof of diefstal uitsluit.	Volle reg

NO. R. 228

SUID-AFRIKAANSE INKOMSTEDIENS

28 FEBRUARIE 2020

STAATSKOERANT, 28 FEBRUARIE 2020

No. 43051 71

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28 FEBRUARY 2020

SOUTH AFRICAN REVENUE SERVICE

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 4 (NO. 4/5/4)**

In terms of section 75 of the Customs and Excise Act, 1964, Part 5 of Schedule No. 4 to the said Act is hereby amended to the extent set out in the Schedule hereto.


TT MBOWENI
MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Rebate Item	Tariff Heading	Rebate Code	CD	Description	Extent of Rebate
497.01	00.00	01.00	03	Goods in respect of which environmental levy together with the customs duty and the fuel levy (where applicable) amounts to not less than R2 500, proved to have been lost, destroyed or damaged on any single occasion in circumstances of <i>vis major</i> or in such other circumstances as the Commissioner deems exceptional while such goods are- (a) in any customs and excise warehouse or in any appointed transit shed or under control of the Commissioner; (b) being removed with deferment of payment of duty or under rebate of duty from a place in the Republic to any other place in terms of the provisions of this Act; or (c) being stored in any rebate storeroom: Provided that - (i) no compensation in respect of the customs duty, fuel levy or environmental levy on such goods has been paid or is due to the owner by any other person; (ii) such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty; (iii) such goods did not enter into consumption; and provided further that circumstances contemplated in this item exclude robbery or theft.	Full duty

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 4 (NO. 4/5/4)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 5 van Bylae No. 4 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


TT MBOWENI
MINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Kortingitem	Tariefpos	Kortingkode	TS	Beskrywing	Mate van Korting
497.01	00.00	01.00	03	<p>Goedere ten opsigte waarvan die omgewingsheffing tesame met die doeane-reg en die brandstofheffing (waar toepaslik) minstens R2 500 beloop, wat bewys is verlore, vernietig of beskadig te wees by enige enkele geleentheid in omstandighede van <i>vis major</i> of in sodanige ander omstandighede as die Kommissaris buitengewoon ag terwyl sodanige goedere-</p> <p>(a) in enige doeane- en aksynspakhuis of in enige aangewese deurvoerloods of onder beheer van die Kommissaris is;</p> <p>(b) verwyder word met uitstel van betaling van reg of met korting van reg van 'n plek in die Republiek na enige ander plek ingevolge die bepalings van hierdie Wet; of</p> <p>(c) in enige kortingspakhuis opgeslaan word:</p> <p>Met dien verstande dat-</p> <p>(i) geen vergoeding ten opsigte van die doeane-reg, brandstofheffing of omgewingsheffing op sodanige goedere deur enige ander persoon aan die eienaar betaal of verskuldig is nie;</p> <p>(ii) sodanige verlies, vernietiging of beskadiging nie te wyte was aan enige nalatigheid of bedrog aan die kant van die persoon wat aanspreeklik vir die reg is nie; en</p> <p>(iii) sodanige goedere nie in verbruik gegaan het nie; en</p> <p>verder voorsien dat die omstandighede in hierdie item beoog vyandige handeling deur derde party saamgestel deur roof of diefstal uitsluit.</p>	Volle reg

NO. R. 229

SUID-AFRIKAANSE INKOMSTEDIENS

28 FEBRUARIE 2020

STAATSKOERANT, 28 FEBRUARIE 2020

No. 43051 73

NO. R. 230

SOUTH AFRICAN REVENUE SERVICE

28 FEBRUARY 2020

CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 4 (NO. 4/1/379)

In terms of section 75 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 4 to the said Act is hereby amended to the extent set out in the Schedule hereto.


TT MBOWENI
MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Rebate Item	Tariff Heading	Rebate Code	CD	Description	Extent of Rebate
412.09	00.00	01.00	00	Goods, excluding goods contemplated in rebate item 497.02, in respect of which the customs duty, together with the fuel levy (where applicable), amounts to not less than R2 500, proved to have been lost, destroyed or damaged on any single occasion in circumstances of <i>vis major</i> or in such other circumstances as the Commissioner deems exceptional while such goods are - (a) in any customs and excise warehouse or in any appointed transit shed or under the control of the Commissioner; (b) being removed with deferment of payment of duty or under rebate of duty from a place in the Republic to any other place in terms of the provisions of this Act; or (c) being stored in any rebate storeroom: Provided that - (i) no compensation in respect of the customs duty or fuel levy on such goods has been paid or is due to the owner by any other person; (ii) such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty; and (iii) such goods did not enter into consumption; and provided further that circumstances contemplated in this item exclude robbery or theft.	Full duty

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 4 (NO. 4/1/379)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 4 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


TT MBOWENI
MINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Kortingitem	Tariefpos	Kortingkode	TS	Beskrywing	Mate van Korting
412.09	00.00	01.00	00	<p>Goedere uitgesonderd goedere in kortingitem 497.02 beoog, ten opsigte waarvan die doeanereg saam met die brandstofheffing (waar toepaslik), minstens R2 500 beloop, wat bewys is verlore, vernietig of beskadig te wees by enige enkele geleentheid in omstandighede van <i>vis major</i> of in sodanige ander omstandighede as die Kommissaris buitengewoon ag terwyl sodanige goedere -</p> <p>(a) in enige doeane- en aksynspakhuis of in enige aangewese deurvoerloods of onder die beheer van die Kommissaris is;</p> <p>(b) verwyder word met uitstel van betaling van reg of met korting op reg van 'n plek in die Republiek na enige ander plek ingevolge die bepalings van hierdie Wet; of</p> <p>(c) in 'n kortingpakhuis opgeslaan word</p> <p>Met dien verstande dat -</p> <p>(i) geen vergoeding ten opsigte van die doeanereg of brandstofheffing op sodanige goedere deur enige ander persoon aan die eienaar betaal of verskuldig is nie;</p> <p>(ii) sodanige verlies, vernietiging of beskadiging nie te wyte was aan enige nalatigheid of bedrog aan die kant van die persoon wat aanspreeklik vir die reg is nie; en</p> <p>(iii) sodanige goedere nie in verbruik gegaan het nie; en</p> <p>verder voorsien dat die omstandighede in hierdie item beoog 'n vyandige handeling deur 'n derde party saamgestel deur roof of diefstal uitsluit.</p>	Volle reg

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28 FEBRUARIE 2020

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No. 43051 75

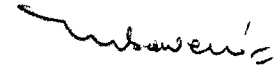
NO. R. 231

SOUTH AFRICAN REVENUE SERVICE

28 FEBRUARY 2020

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 6 (NO. 6/1G/1)**

In terms of section 75 of the Customs and Excise Act, 1964, Part 1G of Schedule No. 6 to the said Act is hereby amended to the extent set out in the Schedule hereto.



TT MBOWENI
MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate	Extent of Refund
624.50	000.00.00	01.00	05	<p>Goods in respect of which the excise duty, together with the fuel levy and Road Accident Fund levy where applicable, amounts to not less than R2 500, proved to have been lost, destroyed or damaged, on any single occasion in circumstances of <i>vis major</i> or in such other circumstances as the Commissioner on good cause shown deems exceptional while such goods are -</p> <p>(a) in any customs and excise warehouse or under the control of the Commissioner;</p> <p>(b) being removed with deferment of payment of duty or under rebate of duty from a place in the Republic to any other place in terms of the provisions of this Act; or</p> <p>(c) being stored in any rebate storeroom:</p> <p>Provided that -</p> <p>(i) no compensation in respect of the excise duty or fuel levy and Road Accident Fund levy on such goods has been paid or is due to the owner by any other person;</p> <p>(ii) such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty; and</p> <p>(iii) such goods did not enter into consumption; and</p> <p>provided further that circumstances contemplated in this item exclude robbery or theft.</p>	Full duty not rebated	

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 6 (NO. 6/1G/1)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 1G van Bylae No. 6 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

NO. R. 231


TT MBOWENI
MINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Kortingtem	Tariefitem	Kortingkode	TS	Beskrywing	Mate van Korting	Mate van Terugbetaling
624.50	000.00.00	01.00	05	<p>Goedere ten opsigte waarvan die aksynsreg, tesame met die brandstofheffing en Padongelukfondsheffing, waar van toepassing, minstens R2 500 bedra, wat bewys word by enige enkele geleentheid verlore te gegaan het, vernietig of beskadig te gewees het in omstandighede van <i>vis major</i> of in sodanige ander omstandighede wat die Kommissaris buitengewoon ag, terwyl sodanige goedere -</p> <p>(a) in enige doeane-en-aksynspakhuis of onder die beheer van die Kantoor is;</p> <p>(b) verwyder word onder waarborg of betaling van reg of met korting op reg vanaf 'n plek in die Republiek na enige ander plek ingevolge die voorwaardes van hierdie Wet; of</p> <p>(c) word gestoor in enige kortingstoor;</p> <p>Met dien verstande dat -</p> <p>(i) geen vergoeding ten opsigte van aksynsreg of brandstofheffing en Padongelukfondsheffing op sodanige goedere betaal is of verskuldig is aan die eienaar deur enige ander persoon nie;</p> <p>(ii) sodanige verlies, vernietiging of beskadiging was nie as gevolg van enige nalatigheid of bedrog aan die kant van enige persoon aanspreeklik vir die reg; en</p> <p>(iii) sodanige goedere het nie in verbruik gegaan nie; en verder voorsien dat die omstandighede in hierdie item beoog vyandige handeling deur derde party saamgestel deur roof of diefstal uitsluit.</p>	Volle reg nie gekort nie	

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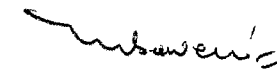
NO. R. 232

SOUTH AFRICAN REVENUE SERVICE

28 FEBRUARY 2020

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 6 (NO. 6/5/2)**

In terms of section 75 of the Customs and Excise Act, 1964, Part 5 of Schedule No. 6 to the said Act is hereby amended to the extent set out in the Schedule hereto.



**TT MBOWENI
MINISTER OF FINANCE**

SCHEDULE

By the substitution of the following:

Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate	Extent of Refund
690.01	00.00	01.00	01	Health promotion levy goods in respect of which the health promotion levy payable (if applicable) thereon amount to not less than R2 500, proved to have been lost, destroyed or damaged, on any single occasion in circumstances of <i>vis major</i> or in such other circumstances as the Commissioner deems exceptional, while such goods are - (a) in any customs and excise warehouse; or (b) under the control of the Commissioner: Provided that - (a) no compensation in respect of health promotion levy on such goods has been paid or is due to the owner by any other person; (b) such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty; and (c) that such goods did not enter into consumption; and provided further that circumstances contemplated in this item exclude robbery or theft.	Full duty	

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 6 (NO. 6/5/2)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 5 van Bylae No. 6 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


TT MBOWENI
MINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Kortingtem	Tariefitem	Kortingkode	TS	Beskrywing	Mate van Korting	Mate van Terugbetaling
690.01	00.00	01.00	01	<p>Gesondheidsbevorderingsheffinggoedere ten opsigte waarvan die gesondheidsbevorderingsheffing (indien van toepassing) betaalbaar daarop minstens R2 500 beloop, wat bewys is om verlore, vernietig of beskadig te wees, by enige enkele geleentheid in omstandighede van <i>vis major</i> of in sodanige ander omstandighede wat die Kommissaris buitengewoon ag terwyl sodanige goedere -</p> <p>(a) in enige doeane- en aksynspakhuis is; of</p> <p>(b) onder die beheer van die Kommissaris is;</p> <p>Met dien verstande dat-</p> <p>(i) geen vergoeding ten opsigte van die gesondheidsbevorderingsheffing op sodanige goedere betaal of verskuldig is aan die eienaar deur enige ander persoon nie;</p> <p>(ii) sodanige verlies, vernietiging of skade was nie as gevolg van enige nalatigheid of bedrog deur die persoon wat aanspreeklik is vir die skaal van reg; en</p> <p>(iii) dat sodanige goedere nie in verbruik geneem is nie; en</p> <p>verder voorsien dat die omstandighede in hierdie item beoog 'n vyandige handeling deur 'n derde party saamgestel deur roof of diefstal uitsluit.</p>	Volle reg	

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No. 43051 79

NO. R. 233

SOUTH AFRICAN REVENUE SERVICE

28 FEBRUARY 2020

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 6 (NO. 6/4/2)**

In terms of section 75 of the Customs and Excise Act, 1964, Part 4 of Schedule No. 6 to the said Act is hereby amended to the extent set out in the Schedule hereto.


TT MBOWENI
MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate	Extent of Refund
680.02	00.00	02.00	01	Environmental levy goods in respect of which the environmental levy payable (if applicable) thereon amount to not less than R2 500, proved to have been lost, destroyed or damaged, on any single occasion in circumstances of <i>vis major</i> or in such other circumstances as the Commissioner deems exceptional, while such goods are - (a) in any customs and excise warehouse; (b) being removed in bond; or (c) under the control of the Commissioner: Provided that - (i) no compensation in respect of environmental levy on such goods has been paid or is due to the owner by any other person; (ii) such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty; and (iii) such goods did not enter into consumption; and provided further that circumstances contemplated in this item exclude robbery or theft.	Full duty	

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 6 (NO. 6/4/2)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 4 van Bylae No. 6 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


TT MBOWENI
MINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Kortingtem	Tariefitem	Kortingkode	TS	Beskrywing	Mate van Korting	Mate van Terugbetaling
680.02	00.00	02.00	01	<p>Omgewingsheffinggoedere ten opsigte waarvan die omgewingsheffing betaalbaar daarop (indien van toepassing) daarop nie minder as R2 500 beloop nie, bewys dat dit verlore, vernietig of beskadig is, op enige enkele geleentheid in omstandighede van <i>vis major</i> of in sodanige ander omstandighede wat die Kommissaris as buitengewoon beskou, terwyl sodanige goedere -</p> <p>(a) in enige doeane-en-aksynspakhuis is;</p> <p>(b) verwyder word onder waarborg; of</p> <p>(c) onder beheer van die Kommissaris is:</p> <p>Met dien verstande dat -</p> <p>(i) geen vergoeding ten opsigte van omgewingsheffing op sodanige betaal of verskuldig is aan die eienaar deur enige ander persoon;</p> <p>(ii) sodanige verlies, vernietiging of skade nie te wyte was as gevolg van enige nalatigheid of bedrog aan die kant van die persoon verantwoordelik vir die reg; en</p> <p>(iii) dat sodanige goedere nie in verbruik gegaan het nie; en</p> <p>verder voorsien dat die omstandighede in hierdie item beoog 'n vyandige handeling deur 'n derde party saamgestel deur roof of diefstal uitsluit.</p>	Volle reg	

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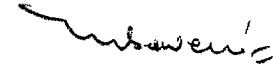
NO. R. 234

SOUTH AFRICAN REVENUE SERVICE

28 FEBRUARY 2020

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 6 (NO. 6/3/51)**

In terms of section 75 of the Customs and Excise Act, 1964, Part 3 of Schedule No. 6 to the said Act is hereby amended to the extent set out in the Schedule hereto.



TT MBOWENI
MINISTER OF FINANCE

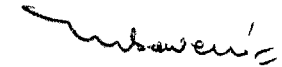
SCHEDULE

By the substitution of the following:

Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate	Extent of Refund
670.10	000.00	01.00	05	<p>Goods in respect of which the fuel levy and Road Accident Fund levy, together with the excise duty where applicable, amounts to not less than R2 500, proved to have been lost, destroyed or damaged, on any single occasion in circumstances of <i>vis major</i> or in such other circumstances as the Commissioner deems exceptional while such goods are in any customs and excise warehouse:</p> <p>Provided that -</p> <p>(a) no compensation in respect of the excise duty, fuel levy and Road Accident Fund levy on such goods has been paid or is due to the owner by any other person;</p> <p>(b) such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty; and</p> <p>(c) such goods did not enter into consumption; and</p> <p>provided further that circumstances contemplated in this item exclude robbery or theft.</p>	Full fuel levy and Road Accident Fund levy subject to Note 13	

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 6 (NO. 6/3/51)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 3 van Bylae No. 6 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.



**TT MBOWENI
MINISTER VAN FINANSIES**

BYLAE

Deur die vervanging van die volgende:

Kortingtem	Tariefitem	Kortingkode	TS	Beskrywing	Mate van Korting	Mate van Terugbetaling
670.10	000.00	01.00	05	<p>Goedere ten opsigte waarvan die brandstofheffing en Padongelukfonds-heffing, tesame met die aksynsreg waar van toepassing, nie minder as R2 500 beloop nie, bewys dat dit verlore, vernietig of beskadig was, op enige enkele geleentheid onder omstandighede van <i>vis major</i> of onder sodanige ander omstandighede wat die Kommissaris as buitengewoon beskou terwyl sodanige goedere in enige doeane-en-aksynspakhuis is:</p> <p>Met dien verstande dat -</p> <p>(a) geen vergoeding ten opsigte van die aksynsreg of brandstofheffing and Padongelukfondsheffing op sodanige goedere betaal is of aan die eienaar verskuldig is deur enige ander persoon;</p> <p>(b) sodanige verlies, vernietiging of skade nie te wyte was aan enige nalatigheid of bedrog aan die kant van die persoon verantwoordelik vir die reg; en</p> <p>(c) sodanige goedere nie in verbruik gegaan het nie; en</p> <p>verder voorsien dat die omstandighede in hierdie item beoog 'n vyandige handeling deur 'n derde party saamgestel deur roof of diefstal uitsluit.</p>	Volle brandstofheffing en Padongelukfondsheffing onderhewig aan Opmerking 13	

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