

**NOTICE 414 OF 2009**  
**DEPARTMENT OF LABOUR**  
**LABOUR RELATIONS ACT, 1995**

**APPLICATION FOR VARIATION OF SCOPE OF THE MOTOR INDUSTRY**  
**BARGAINING COUNCIL**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, in terms of section 109 read with section 58(1) of the Labour Relations Act, 1995, give notice that, following an application by the above mentioned Council, its scope has been varied as contained in the annexure hereto.

**J.T. CROUSE**

**REGISTRAR OF LABOUR RELATIONS**

**ANNEXURE**

The scope of registration of the above-named has, in terms of section 58(1) of the Labour Relations Act, No.66 of 1995 been varied. With affect from.....24 April 2009....., the Council is registered in the Motor Industry as defined hereunder, in the Republic of South Africa, excluding that portion of the Magisterial District of Somerset West, occupied by the Cape Explosives Works (Ltd.).

**"Motor Industry"** means, without in any way limiting the ordinary meaning of the expression –

- (a) assembling, erecting, testing, re-manufacturing, repairing, **installing**, adjusting, overhauling, wiring, upholstering, spraying, painting and/or reconditioning carried on in connection with –
  - (i) chassis and/or bodies of motor vehicles;
  - (ii) internal combustion engines and transmission components of motor vehicles; and
  - (iii) all electrical and electronic equipment and/or devices mainly or exclusively connected with motor vehicles.
- (b) automotive engineering;
- (c) auto valet establishments;
- (d) repairing, vulcanising and/or retreading tyres;
- (e) repairing, servicing and reconditioning batteries for motor vehicles;
- (f) the business of parking and/or storing motor vehicles;
- (g) the business conducted by filling and/or service stations including ancillary activities forming part of a 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.
- (h) the business carried on mainly or exclusively for the sale of motor vehicles or motor vehicle parts and/or spares and/or accessories (whether new or used) pertaining thereto, whether or not such sale is conducted from premises that are attached to a portion of an establishment wherein is conducted the assembly of or repair of motor vehicles is carried out;
- (i) the business of motor graveyards;

- (j) the business of manufacturing establishments wherein are fabricated motor vehicle parts and/or spares and/or accessories and/or components thereof;
- (k) vehicle body building;
- (l) the sale of tractors, agricultural and irrigational equipment (not connected with the manufacture thereof) in the Republic of South Africa, but excluding the Magisterial District of Kimberly, in respect of the sale of –
  - (i) agricultural and irrigational equipment, and
  - (ii) tractors, except when undertaken by establishments substantially engaged in the sale and/or repair of other motor vehicles.

For the purposes of this definition –

**“automotive engineering”** means the reconditioning of internal combustion engines or parts thereof for use in motor vehicles in establishments mainly or exclusively so engaged, whether such establishments are engaged in the dismantling and repair of motor vehicles or not.

**“Auto valet establishments”** means an establishment associated with filling and/or service stations forming part of the same enterprise within the Motor Industry wherein the under-mentioned activities pertaining to motor vehicles in or on the premises of such establishment are carried out:

- (a) Steam cleaning of chassis/or engines;
- (b) Washing and/or polishing of the exterior/body;
- (c) Vacuuming and/or cleaning of upholstery and/or interior;
- (d) Painting and/or polishing of tyres; and
- (e) Driving and/or parking of vehicles on premises of a valet establishment.

**"motor vehicle"** means any wheeled conveyance propelled by mechanical power (other than steam) or electrically and designed for haulage and/or for the transportation of persons and/or goods and/or loads, and includes trailers and caravans, and shall not include any equipment designed to run on fixed tracks, trailers designed to transport loads of 27 273 kg or over, or aircraft.

**"vehicle body building"** means any or all of the following activities carried on in a vehicle body building establishment, but shall not include vehicle body building done by assembly establishments incidentally to the assembling of motor vehicles:

- (a) The construction, repair or renovation of cabs and/or bodies and/or any superstructure for any type of vehicle;
- (b) the manufacture or repair of component parts for cabs and/or bodies and/or any superstructure, and the assembling, adjusting and installation of parts in cabs or bodies or on the superstructure of vehicles;
- (c) fixing cabs and/or bodies and/or any superstructure to the chassis of any type of vehicle;
- (d) coating and/or decoration of cabs and/or bodies and/or any superstructure with any preservative or decorative substance;
- (e) equipping, furnishing and finishing off the interior of cabs and/or bodies and/or any superstructures;
- (f) building of trailers, but not including the manufacture of wheels or axles therefor; and
- (g) all operations incidental to or consequent upon the activities referred to in paragraphs (a), (b), (c), (d), (e) and (f) above.

For the purposes of this definition **"vehicle"** does not include an aircraft.

## Exclusions

“**Industry**” as defined above shall not include the following:

- (a) The manufacture of motor vehicle parts and/or accessories and/or spares and/or components in establishments laid out for and normally producing metal and/or plastic goods of a different character on a substantial scale; or the sale of motor spare parts and accessories by assembly establishments from such establishments;
- (b) the assembling, erecting, testing, repairing, adjusting, overhauling, wiring, spraying, painting and/or reconditioning of agricultural tractors, except where carried on in establishments rendering similar service in respect of motor cars, motor lorries or motor trucks;
- (c) the manufacturing and/or maintenance and/or repair of –
  - (i) civil and mechanical engineering equipment, and/or parts thereof, whether or not mounted on wheels;
  - (ii) agricultural equipment or parts thereof; or
  - (iii) equipment designed for use in factories and/or workshops:  
Provided that, for the purposes of subparagraphs (a), (b) and (c) above, “equipment” shall not be taken to mean motor cars, motor lorries and/or motor trucks;
  - (iv) motor vehicle or other vehicle bodies and/or parts or components thereof made of steel plate of 3,175 mm thickness or thicker, when carried on in establishments laid out for and normally engaged in the manufacture and/or maintenance and/or repair of civil and/or mechanical engineering equipment on a substantial scale; and

- (d) Assembly establishment which shall mean establishments wherein motor vehicles are assembled from new components on an assembly line, and includes the manufacture and/or fabricating of any motor vehicle parts or components when carried on in such establishments, but shall not include vehicle body building, except in so far as it is carried on incidentally to the assembly of motor vehicles other than caravans and trailers.

**J. J. CROUSE**

**REGISTRAR OF LABOUR RELATIONS**

Date: 24 April 2009 .....