



STAATSKOERANT

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GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1860.

10 September 1986

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

—No. 87 van 1986: Wet op die Tydelike Opheffing van Beperkings op Ekonomiese Bedrywighede, 1986.

No. 1860.

10 September 1986

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 87 of 1986: Temporary Removal of Restrictions on Economic Activities Act, 1986.

TEMPORARY REMOVAL OF RESTRICTIONS ON ECONOMIC
ACTIVITIES ACT, 1986

Act No. 87, 1986

ACT

To empower the State President to suspend temporarily laws or conditions, limitations or obligations thereunder with regard to certain undertakings, industries, trades and occupations or to grant temporary exemption from the provisions thereof, if in his opinion circumstances exist under which the application of or compliance with those laws, conditions, limitations or obligations unduly impedes the economic progress of the persons engaged in those undertakings, industries, trades and occupations, or competition in the fields in question, or the creation of job opportunities; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 3 September 1986.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

1. (1) Subject to the provisions of subsections (2) and (3), the State President may, if he is of the opinion that circumstances exist
5 under which the application of any law, or compliance with any condition, limitation or obligation thereunder, relating to the carrying on or exercising of any undertaking, industry, trade or occupation unduly impedes the economic progress of the persons engaged in the carrying on or exercising of that undertaking, industry,
10 trade or occupation, or competition in the fields in question, or the creation of job opportunities, by proclamation in the *Gazette*—
(a) suspend that law, condition, limitation or obligation in whole or in part; or
(b) provide for the granting of exemption from the provisions of that law, condition, limitation or obligation,
15 with regard to—
(i) a specific class of undertaking, industry, trade or occupation;
(ii) a specific area in which, a specific class of persons
20 by whom, or specific circumstances under which, any undertaking, industry, trade or occupation is carried on or exercised.
- (2) An Act of Parliament or any condition, limitation or obligation thereunder shall be so suspended or exemption from the
25 provisions thereof granted, only—
(a) if and to the extent in which that Act relates to matter mentioned in the Schedule; and
(b) on the advice of a standing committee of Parliament to which the suspension or exemption in question has
30 been referred.

Power of State President to suspend laws or conditions, limitations or obligations thereunder or to grant exemption from the provisions thereof.

TEMPORARY REMOVAL OF RESTRICTIONS ON ECONOMIC
ACTIVITIES ACT, 1986

Act No. 87, 1986

- (3) A proclamation with regard to the suspension or exemption from the provisions of any law relating to a matter mentioned in Part II of the Schedule—
- 5 (a) shall be issued only on the advice of the Standing Committee contemplated in subsection (2) acting after consultation with the Minister of Manpower;
- (b) shall not affect any contract of employment entered into before the issue of such proclamation.
- (4) The State President may, by the said proclamation, make
- 10 regulations—
- (a) relating to conditions subject to which the law, condition, limitation or obligation in question is suspended or exemption from the provisions thereof is granted; and
- 15 (b) in order to give effect to that suspension or exemption, to regulate matters in connection therewith, to remove ambiguities and contradictions with other laws, and to remove any administrative problems which may be experienced.
- 20 (5) Before the State President issues a proclamation under subsection (1) with regard to the suspension or exemption from the provisions of an Act of Parliament, and of any other law relating to a matter mentioned in Part II of the Schedule, he shall
- 25 cause to be published in the *Gazette* a draft of the proposed proclamation together with a notice calling upon all interested persons to lodge any objections and representations in writing within a period of 21 days from the date of publication of the notice with the Secretary to Parliament for submission to the
- 30 Standing Committee contemplated in subsection (2): Provided that if the State President on the advice of the Standing Committee thereafter determines on any alteration in the draft proclamation published as aforesaid, it shall not be necessary to publish such alteration before finally issuing the proclamation in terms of this section.
- 35 (6) Regulations contemplated in subsection (4) may provide for penalties for any contravention thereof or failure to comply with the provisions thereof, of a fine or imprisonment not exceeding the maximum fine or imprisonment prescribed in the law to which the suspension or exemption in question relates.
- 40 2. Before issuing a proclamation under section 1, the State President may consult with, or authorize any Minister to consult with, any person or department of State who or which in the opinion of the State President—
- 45 (i) represents the persons of class of persons concerned contemplated in section 1;
- (ii) is concerned with the administration of the law in question; or
- (iii) is otherwise competent to advise the State President.
- 50 3. (1) A copy of any proclamation in terms of section 1 shall, in the case of a law dealing with general affairs, be Tabled in Parliament or, in the case of a law dealing with own affairs, be Tabled in the House in question within 14 days after the issue thereof, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within 14 days after the
- 55 commencement of its next ordinary session.
- (2) A proclamation contemplated in subsection (1) or any provision thereof may be annulled by Parliament or by the House in question, as the case may be, by resolution passed during the same session during which it was tabled, and if the proclamation or provision thereof has been so annulled, that proclamation or provision shall cease to be of force and effect from the date on which it was annulled by the last of the three Houses of Parliament or the House in question, as the case may be.
- 60 (3) The provisions of subsection (2) shall not derogate from the validity of anything done in terms of that proclamation or
- 65 any provision thereof before the date upon which it so ceased to

Consultation.

Tabling of proclamations.

TEMPORARY REMOVAL OF RESTRICTIONS ON ECONOMIC
ACTIVITIES ACT, 1986

Act No. 87, 1986

be of force and effect, or from any right, privilege, obligation or liability acquired, accrued or incurred at the said date in terms of such a proclamation or provision thereof.

- 5 4. (1) This Act shall cease to have effect on 31 March 1989. Duration of Act, and
saving.
- 10 (2) Notwithstanding the provisions of subsection (1) any proclamation issued under section 1 shall continue to be of force until it is amended, withdrawn or partially withdrawn by the State President by proclamation in the *Gazette*: Provided that any proclamation with regard to the suspension of or exemption from the provisions of an Act of Parliament, and of any other law relating to a matter mentioned in Part II of the Schedule, shall only be amended, withdrawn or partially withdrawn on the advice of a standing committee of Parliament to which the amendment or withdrawal in question has been referred.
- 15 (3) Any amendment, withdrawal or partial withdrawal of a proclamation referred to in subsection (2) shall not come into operation before the expiry of 30 days after the issue thereof, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, before the expiry of 30 days after the commencement of its next ordinary session.
- 20 (4) The provisions of section 3 (1) and (2) shall *mutatis mutandis* apply in respect of any proclamation issued under subsection (2) of this section.
- 25 5. This Act shall be called the Temporary Removal of Restrictions on Economic Activities Act, 1986. Short title.

Schedule

PART I

Matters with regard to—

- (a) the requirements for the registration and licensing of businesses, undertakings, industries, trades and occupations, and the employment or use of land and premises for the carrying on or exercising thereof;
- (b) health requirements with which premises and buildings on or in which activities contemplated in paragraph (a) are carried on, must comply;
- (c) the prohibition or regulation of, or restriction on, the erection of dwellings, buildings and other structures;
- (d) the conveyance of persons and goods within, from and to a specified area;
- (e) the establishment of towns and town planning;
- (f) the days on which and the times when business may be done.

PART II

Matters with regard to—

- (a) the registration of employees;
- (b) the registration of and control over factories;
- (c) the regulation of conditions of service and working hours;
- (d) the supervision of and use of machines;
- (e) the protection of the health and safety of employees.