



ACCESS TO INFORMATION MANUAL OF BELL EQUIPMENT LIMITED

Prepared in accordance with section 51 of
The Promotion of Access to Information Act 2 of 2000

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CONTENTS

1. INTRODUCTION.....	3
2. ABOUT BELL EQUIPMENT.....	3
3. SCOPE OF THE MANUAL.....	3
4. AVAILABILITY OF THE MANUAL.....	3
5. CONTACT PERSON.....	3
6. HUMAN RIGHTS COMMISSION GUIDE	4
7. RECORDS AUTOMATICALLY AVAILABLE TO PUBLIC.....	4
8. RECORDS HELD IN ACCORDANCE WITH LEGISLATION.....	5
9. RECORDS – SUBJECT AND CATEGORIES.....	5
10. ACCESS REQUESTS.....	9
10.1 ACCESS REQUEST PROCEDURE.....	9
10.2 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS.....	10
10.3 APPEAL AGAINST REFUSAL TO GRANT ACCESS.....	11
11. ADDITIONAL PRESCRIBED INFORMATION.....	11
ANNEXURE “1” – REQUEST FOR ACCESS FORM.....	12
ANNEXURE “2” – PRESCRIBED FEES.....	16
ANNEXURE “3” – OTHER LEGISLATION (SECTION 51(1)(d)).....	17

1. INTRODUCTION

On 9 March 2001, the Promotion of Access to Information Act, No.2 of 2000 (“the Act”) became operative, giving effect to the constitutional right to access to information as contained in section 32(2) of the Bill of Rights. The Act seeks to advance the values of transparency and accountability.

The Act establishes certain statutory rights of requestors to any record of a private body if:

- that record is required for the exercise of any of his or her legal rights;
- that requestor complies with all the procedural requirements; and
- access is not refused in terms of any ground referred to in the Act.

One of the main requirements specified in the Act, is the compilation of an information manual that provides information on both the types and categories of records held by a private body.

This document serves as the Bell Equipment Limited information manual and provides reference to the records held by Bell Equipment Limited, its subsidiaries and other juristic persons in which Bell Equipment Limited or its subsidiaries have an interest.

2. ABOUT BELL EQUIPMENT

Bell Equipment Limited, along with its subsidiaries and other juristic persons in which Bell Equipment Limited or its subsidiaries and other juristic persons in which Bell Equipment Limited or its subsidiaries have an interest (“the Group”), manufactures, distributes and supports a wide range of materials handling equipment including Articulated Dump Trucks, Front End Loaders, Tractor Loader Backhoes, Tri-Wheeled Loaders (timber/sugar cane loading machines), Haulage Tractors, Rollers, Graders and Excavators.

After sales operations include service, refurbishment and parts supply. The group has also expanded its compaction equipment range by concluding a deal in terms whereof the Bomag range of products will henceforth be distributed into the South African market by Bell Equipment.

Through an extensive network of customer service centres and distributors in many parts of the world, supported by strategic financing partners, the group is able to meet the requirements of customers in and suppliers to the mining, construction, forestry industries and agriculture

Further general information on Bell Equipment, its operations, corporate structures, history, interests and activities can be obtained from its website at www.bellequipment.com.

3. SCOPE OF THE MANUAL

The scope of this manual includes **Bell Equipment Limited** as the holding company of a group of local and offshore companies involved in the manufacturing and distribution of heavy earth moving machinery (more fully described above in 2). Also included under the scope of this manual are the Group’s South African corporate entities Bell Equipment Company SA (Pty) Limited and Bell Equipment Sales SA Limited (collectively referred to as “the Companies”).

4. AVAILABILITY OF THE MANUAL

A copy of this manual is available to the public for inspection on the Bell Equipment Limited website at www.bellequipment.com. The manual is further available for viewing as a hard copy at the office of the Company Secretary of Bell Equipment Limited, at 16 – 19 Carbonode Cell, Alton, Richards Bay.

5. CONTACT PERSON – INFORMATION OFFICER (SECTION 51(1)(a))

The responsibility for the administration of, and compliance with the Act, has been delegated to the Company Secretary, Bell Equipment Limited. Requests pursuant to the provisions of the Act should be directed as follows:

Information Officer	Pieter van der Sandt
Postal address	P/Bag X20046, Empangeni, 3880, South Africa
Physical address	16 – 18 Carbonode Cell, Alton, Richards Bay, South Africa
Business phone	+ 27 035 907 9201
Business fax	+ 27 035 797 4453
e-mail address	c/o debbiev@bell.co.za

6. HUMAN RIGHTS COMMISSION GUIDE (SECTION 51(1)(b))

The Human Rights Commission has compiled a guide in terms of section 10 of the Act. This guide contains information to assist a person wishing to exercise a right in terms of the Act. The guide can be obtained from:

The South African Human Rights Commission: PAIA Unit

Website : www.sahrc.org.za

Or

Postal address : Private Bag 2700, Houghton, 2041

Street address : 29 Princess of Whales Terrace, cnr. York and
St. Andrews Street, Parktown.

Business phone : + 27 11 484 8300

Business fax : + 27 11 484 0582

E-mail address : paia@sahrc.org.za

7. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC (SECTION 51(1)(c))

The following categories of information are automatically available for inspection or photocopying. It is not necessary to request this information in terms of the Act and it may be obtained by contacting our Information Officer:

- Statutory records as kept by the Registrar of Companies;
- The following information about Bell Equipment as provided at www.bellequipment.com:
 - Company profile and vision;

- Bell Equipment Brand;
- Code of Ethics;
- Products and Services;
- Investor Information, including annual reports, reviews and IFRS financial statements;
- Information about the companies performance for the current and previous financial years;
- Bell Equipment corporate governance information, including its board charter;
- Bell Equipment contact details; and
- Legal notices (including this manual).

8. RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION (SECTION 51(1)(d))

Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request.

Records are available in terms of the legislation detailed in **Annexure 3** to this manual (as amended from time to time).

If a requester believes that a right to access to a record exists in terms of the legislation above, or any other legislation, the requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

9. RECORDS – CATEGORIES AND SUBJECT OF RECORDS (SECTION 51(1)(e))

The information contained in this section is intended to identify the main categories of records held with the Companies and to help the requester to gain a better understanding of the main business activities of the Companies. Further assistance in identifying the records held by the Companies is obtainable from the Information Officer.

Records, to which the right and manner of access will be provided in accordance with the Act (subject to the restrictions and right of refusal to access provided for in the Act), are available in respect to the following aspects of the Companies' businesses and operations:

Branding

- brand policy and standards
- brand and advertising material
- print and audio-visual advertisements

Communications

- documents relating to public communications
- documents relating to internal communications

Company Secretarial Information

- share registers
- memorandums and articles of association

- statutory returns to appropriate authorities
- annual reports
- share certificates
- applicable statutory documents such as, but not limited to, certificates of incorporation and certificates to commence business
- corporate structure diagrams
- corporate calendars
- documents relating to share incentive schemes
- access to information manual

Financial

- audited financial statements
- accounting records
- income tax returns
- banking records
- invoices and statements
- agreements

Information Management and Technology

- information policies, standards, procedures and guidelines
- contracts and agreements

Insurance

- production and group liability policies
- other insurance policies
- documents relating to underwriting
- claim documents
- motor rules
- personal accident benefit rules

Intellectual Property

- patents and designs
 - applications for filings, lapsing, abandonment, withdrawal or defending of patents
 - documents relating to the assignment, cession or transfer of patents and designs
 - documents relating to validity attacks through a patent or design office or authority
- trademarks
 - applications for lapsing, abandonment, withdrawal or defence of trademarks
 - assignment, cession, transfer of trademarks
 - agreements relating to the licensing of trademarks

- documents relating to validity attacks through a trademark office or authority
- documents relating to the assignment, cession, transfer, licensing or other arrangement concerning a trademark
- copyright
 - documents relating to the assignment, cession, transfer or licensing of copyright material
- agreements

Internal Audit and Risk Management

- documents relating to generic risk management processes
- audit plans

Investor Relations

- general investor relations communications
- announcements on the JSE, Securities Exchange South Africa News Service
- presentations to analysts

Labour and Human Resources

- collective agreements and other agreements relating to collective issues conducted at sectoral or central level
- collective or other agreements relating to collective issues conducted at plant floor level
- documents relating to human resource policies and procedures
- documents relating to staff establishment and manpower planning
- documents relating to general terms of employment such as, but not limited to, pension and medical aid benefits, share incentive schemes and termination of services
- documents relating to appointments, promotions, dismissals, suspensions, demotions and disciplinary actions
- returns to UIF
- employment equity reports
- training schedules and material

Land Transactions

- documents in connection with land and servitude transactions including:
 - contracts
 - approvals

- consents
 - deeds
 - agreements
 - forms
 - securities
 - cancellations
 - amendments and/or substitutions
 - documents that require to be registered or lodged at the Deeds Office
- lease agreements
 - applications for changes in land use, re-zoning and consent uses

Library

- bulletins
- gazettes
- publications including books, patents, standards, research and development publications
- journals,

All related to and required for the conduct of the business and operations of the companies

Logistics/supply chain management

- contracts relating to transportation
- storage, handling, packaging and distribution agreements
- clearing and forwarding and surveying agreements

Manufacturing, production and distribution

- manufacturing and production specifications
- production statistics
- documents relating to deliveries and receipts of product
- warehouse and storage records

Marketing

- promotional material
- audio-visual material
- brochures and advertising material

Plant Maintenance

- maintenance and inspection schedules

- documents relating to preventative maintenance programmes
- procedures and guidelines relating to maintenance, inspections, modifications etc.
- emergency response plans
- operating procedures

Procurement and Supply Management

- documents and contracts relating to procurement and supply of commodities and services
- documents relating to stock management

Research and Development

- contracts and agreements
- technical publications

Safety, Health and Environment

- Bell Equipment Safety, Health and Environment policy
- documents relating to business unit/division/country/site best practices
- Sustainable Development Reports
- Safety, Health and Environment governance audits
- environmental impact assessments
- Safety, Health and Environment audits, inspections, plans, programmes, procedures, training and emergency response
- reports on Safety, Health and Environment related complaints or information
- documents relating to investigation and reporting on Safety, Health and Environment incidents
- applications in respect to permits, authorisations and exemptions
- documents relating to corporate policy, standards and systems of managing and optimising aspects of health and hygiene in the workplace
- documents relating to water conservation, waste management and emissions

10. ACCESS REQUESTS

10.1 ACCESS REQUEST PROCEDURE (SECTION 51(1) (e))

COMPLETION OF ACCESS REQUEST FORM

To facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- The Access Request Form, attached as **Annexure “1”** hereto, must be completed.
- Proof of identity is required to authenticate the identity of the requester – in addition to the Access Request Form, requesters will be required to supply a certified copy of their green bar-coded identification document or a valid passport document.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state “N/A” in response to that question.
- If there is nothing to disclose in reply to a particular question state “NIL” in response to that question.
- If there is insufficient space on the printed form, additional information may be provided of an additional attached folio.
- When the use of an additional folio is required, precede each answer with the applicable title.

***Please note** that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.*

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

SUBMISSION OF ACCESS REQUEST FORM

The completed Access Request Form together with a certified copy of the requester's identity document must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated above.

An initial **request fee of R57.00 (including VAT)** is payable on submission of the request. This fee is **not applicable to Personal Requesters**, referring to any person seeking access to records that contain their personal information.

PAYMENT OF FEES

Payment details can be obtained from the Information Officer indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

The access fee must be paid prior to access being given to the requested record. If the request for access is successful an **access fee** may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the **Prescribed Fees** as set out in **Annexure “2”** hereto.

NOTIFICATION

The Information Officer will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

This 30 (thirty) day period may be extended for a further period of not more than 30 (thirty) days, if the request is for a large volume of information, or the request requires a search for information held at other offices of one or more of the companies and the information can not reasonably be obtained within the original 30 (thirty) day period. The requester will be notified in writing should an extension be sought.

10.2 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4)

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
 - Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party.
 - Information disclosed by a third part to any of the Companies if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The commercial activities of the Companies, which may include:
 - Trade secrets of the Companies
 - Financial, commercial, scientific or technical information which, if disclosed, could likely cause harm to the financial or commercial interests of the Companies.

10.3 APPEAL AGAINST REFUSAL TO GRANT ACCESS

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within 30 (thirty) days of notification of the Information Officer's decision (or his or her deemed refusal in terms of Section 58 of the Act), apply to court for appropriate relief.

11. ADDITIONAL PRESCRIBED INFORMATION (SECTION 51(1)(f))

The Minister of Justice has not prescribed any additional information to be contained in this Manual.

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY- FORM C
(Section 53(1) of the Promotion of Access to Information, Act No. 2 of 2000))

[Regulation 10]

1. PARTICULARS OF PRIVATE BODY

Requests can be submitted either via conventional mail, e-mail or fax and should be addressed to the relevant contact person as indicated below:

The Company Secretary: Bell Equipment Limited

Information Officer : Pieter van der Sandt
 Postal address : P/Bag X20046, Empangeni, 3880, South Africa
 Street address : 16 – 18 Carbonode Cell, Alton, Richards Bay, South Africa
 Business phone : + 27 035 907 9201
 Business fax : + 27 035 797 4453
 e-mail address : c/o debbiev@bell.co.za

2A. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD (REQUESTER)

- (a) *The particulars of the persons who requests access to the record must be given below.*
 (b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
 (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname : _____

Identity number : _____

Postal address : _____

Fax number : _____ Telephone number : _____

email address : _____

Capacity in which request is made, when made on behalf of another person:

2B. PARTICULARS OF REQUESTER (IF A LEGAL ENTITY)

- (a) *The particulars of the entity that requests access to the record must be given below.*
 (b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
 (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Name of entity : _____

Registration number :

Postal address : _____

Fax number : _____ Telephone number : _____

email address : _____

Capacity in which request is made:

3. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname : _____

Identity number : _____

4. PARTICULARS OF RECORD

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
 (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record:

2. Reference number, if available:

3 Any further particulars of record:

5. FEES

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **non-refundable request fee of R57.00** has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption:

6. FORM OF ACCESS TO RECORDS

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
-------------	-----------------------------------

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined by the form in which access is requested.



1.	If the record is in written or printed form		
	copy of record*		inspection of record
2.	If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):		
	view the images	copy the images*	Transcription of the images*
3.	If record consists of recorded words or information which can be reproduced in sound:		
	listen to soundtrack (audio cassette)		transcription of soundtrack* (written or printed documents)
4.	If record is held on computer or in an electronic or machine-readable form:		
	printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (compact disc or USB)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?			
Postage is payable			
		YES	NO

7. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right.

8. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20 _____

**SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE**

PRESCRIBED FEES

(Section 54(7) of the Promotion of Access to Information, Act No. 2 of 2000))

[Regulation 11(3)]

- | | |
|--|--------|
| (a) For every photocopy of an A4-size page or part thereof | R1.25 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form | R0.85 |
| (c) For a copy in a computer-readable form on | |
| (i) stiffer disc | R8.55 |
| (ii) compact disc | R79.80 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | R45.60 |
| (ii) For a copy of visual images | R68.40 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | R22.80 |
| (ii) For a copy of an audio record | R34.20 |
| (f) To search for and prepare the record for disclosure or part thereof - R34.20 for each hour or part thereof reasonably required for such search and preparation | |
| (g) Six hours of searching to be exceeded before a deposit is payable | |
| (h) One third of the access fee is payable as a deposit by the requester | |
| (i) The actual postage fee is payable when a copy of a record must be posted to a requester | |

PLEASE NOTE THAT ALL PRICES LISTED ARE INCLUSIVE OF VALUED-ADDED TAX

RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION (SECTION 51(1)(d))

Records are available in terms of the following legislation, as amended from time to time:

Animal identification act 6 of 2002
Atmospheric pollution prevention act 45 of 1965
Auditing profession act 26 of 2005
Basic Conditions of Employment Act No. 75 of 1997
Broad Based Black Economic Empowerment Act No. 53 of 2003
Central energy fund act 38 of 1977
Close corporations act 69 of 1984
Companies Act No. 61 of 1973
Compensation for Occupational Injuries and Disease Act No. 130 of 1993
Competition Act No. 89 of 1998
Constitution of South Africa Act No. 108 of 1996
Copyright Act No. 98 of 1987
Consumer affairs (unfair business practices) act 71 of 1988 (updated 2006/05/31)
Criminal procedure act 51 of 1977 (updated 2008/04/15)
Customs and excise act 91 of 1964 (updated 2008/05/13)
Deeds Registries Act No. 47 of 1937
Electronic communications act 36 of 2005
Electricity act 41 of 1987 (updated 2008/03/31)
Electricity regulation act 4 of 2006 (updated 2008/04/30)
Electronic communications and transactions act 25 of 2002 (updated 2007/06/27)
Engineering profession act 46 of 2000 (updated 2008/04/15)
Employment Equity Act No. 55 of 1998
Environment Conservation Act No. 73 of 1989
Environmental Laws Rationalisation Act No. 51 of 1997
Explosives Act No. 26 of 1956 (updated 2008/01/14)
Fertilizers, Far Feeds, Agricultural Remedies and Stock Remedies Act No. 36 of 1947
Firearms Control Act No. 60 of 2000
Formalities in respect of Leases of Land Act No. 18 of 1969
Gas Act No. 48 of 2001
Gas regulator levies act 75 of 2002 (updated 2008/04/07)
Hazardous Substances Act No. 15 of 1973
Health act 63 of 1977 (updated 2007/04/10)
Immovable Property (Removal or Modification of Restrictions) Act No. 94 of 1965
Income Tax Act 58 of 1962
Information Act No. 70 of 2002
Labour Relations Act No. 66 of 1995
Long-Term Insurance Act No. 52 of 1998
Marketable Securities Act No. 32 of 1948
Medical Schemes Act No. 131 of 1998
Medicines and related substances act 101 of 1965 (updated 2008/05/08)
Minerals Act 50 of 1991
Mine Health and Safety Act No. 29 of 1996
Mineral and Petroleum Resources Development Act No. 28 of 2002
National credit act 34 of 2005 (updated 2007/08/31)
National energy regulator act 40 of 2004 (updated 2006/07/31)
National environmental management: protected areas act 57 of 2003 (updated 2008/03/03)
National key points act 102 of 1980
National nuclear regulator act 47 of 1999 (updated 2008/01/03)
National ports act 12 of 2005 (updated 2007/11/26)
National railway safety regulator act 16 of 2002 (updated 2008/05/15)
National Building Regulations and Buildings Standards Act No. 103 of 1997

National Environmental Management Act No. 107 of 1998
National Environmental Management: Air Quality Act No. 39 of 2004
National Environmental Management: Biodiversity Act No. 10 of 2004
National Road Traffic Act No. 93 of 1996
National Water Act No. 36 of 1998
Occupational diseases in mines and works act 78 of 1973 (updated 2008/01/02)
Occupational Health and Safety Act No. 85 of 1993
Patents Act No. 57 of 1987
Pension Funds Act No. 24 of 1956
Petroleum products act 120 of 1977 (updated 2008/05/08)
Petroleum Pipelines Act No. 60 of 2003
Petroleum pipelines levies act 28 of 2004 (updated 2008/04/07)
Preferential Procurement Policy Framework Act No. 5 of 2000
Promotion of Access to Information Act No. 2 of 2000
Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
Protected Disclosures Act No. 26 of 2000
Regulation of Interception of Communications and Provision of Communication Related
Revenue laws amendment act 35 of 2007
Revenue laws second amendment 36 of 2007
Sea Transport Documents Act No. 65 of 2000
Securities Services Act No. 36 of 2004
Securities transfer tax act 25 of 2007 (added 2008/01/14)
Security by means of Movable Property Act No. 57 of 1993
Short-Term Insurance Act No. 53 of 1998
Skills Development Act No. 97 of 1998
Skills Development Levy Act No. 9 of 1999
South African Reserve Bank Act No. 90 of 1989
Standards act 29 of 1993 (updated 2008/04/14)
Stamp Duties Act No. 77 of 1968
Stock Exchange Control Act No. 1 of 1985
Tobacco Products Control Act No. 12 of 1999
Trademarks Act No. 194 of 1993
Transfer Duty Act No. 40 of 1949
Trade metrology act 77 of 1973 (updated 2007/07/24)
Unemployment Insurance Act No. 63 of 2001
Unemployment insurance contributions act 4 of 2002 (updated 2008/02/04)
Value Added Tax Act No. 89 of 1991

PLEASE NOTE:

Although endeavours have been used to provide a complete list of applicable legislation herewith it is possible that the above list may be incomplete. Wherever it comes to our attention that existing or new legislation allows a requester access on a basis other than that set out in the Act we shall immediately update the list.