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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

CONTENTS

No.		Page No.	Gazette No.
GOVERNMENT NOTICE			
Labour, Department of			
<i>Government Notice</i>			
R. 928	Occupational Health and Safety Act (85/1993): General amendment.....	3	25128

INHOUD

No.		Bladsy No.	Koerant No.
GOEWERMENTSKENNISGEWING			
Arbeid, Departement van			
<i>Goewermentskennisgewing</i>			
R. 928	Wet op Beroepsgesondheid en Veilig- heid (85/1993): Algemene wysiging	5	25128

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 928

25 June 2003

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993 GENERAL AMENDMENT

The Minister of Labour, has under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), after consultation with the Advisory Council for Occupational Health and Safety, made the regulations in the Schedule.

SCHEDULE

1. The General Administrative Regulations, promulgated by Government Notice No. R. 1449 of 6 September 1996, are hereby amended by the deletion of regulation 10, 11 and 13.
2. The General Safety Regulations, promulgated by Government Notice No. R. 1031 of 30 May 1986, are hereby amended by—
(a) the insertion of the following regulations after regulation 2:

“Intoxication

2A.(1) Subject to the provisions of subregulation (3), an employer or a user, as the case may be, shall not permit any person who is or who appears to be under the influence of intoxicating liquor or drugs, to enter or remain at a workplace.

(2) Subject to the provisions of subregulation (3), no person at a workplace shall be under the influence of or have in his or her possession or partake of or offer any other person intoxicating liquor or drugs.

(3) An employer or a user, as the case may be, shall, in the case where a person is taking medicines, only allow such person to perform duties at the workplace if the side effects of such medicine do not constitute a threat to the health or safety of the person concerned or other persons at such workplace.

Display of substituted notices and signs

2B. If the provisions of any regulation prescribe a particular notice or sign to be displayed by an employer or by a user at a workplace, the employer or user may, in lieu

thereof, display a corresponding symbolic sign, as contained in a safety standard incorporated for this purpose into these regulations under section 44 of the Act, in which case the employer or user shall be deemed to have complied with such provisions.

Admittance of persons

2C.(1) Subject to section 8 of the Act, an employer or user, as the case may be, shall not permit a person to enter a workplace where the health or safety of such person is at risk or may be at risk, unless such person enters such workplace with the express or implied permission of and subject to the conditions laid down by such employer or user: Provided that such express or implied permission shall not apply in respect of a person entitled by law to enter such workplace or premises.

(2) An employer or a user, as the case may be, shall, if he deems it necessary in the interests of health and safety, post up a notice at every entrance to a workplace prohibiting the entry of unauthorised persons to such workplace and no person shall enter or remain at such workplace without the permission of the employer or user, as the case may be.”; and

(b) the insertion in regulation 14 of the expressions “2A” and “2C” as follows:

“Offences and penalties

14. Any person who contravenes or fails to comply with any provision of regulation 2(1), 2(2) [read with 2(3)], 2(4), 2(5), 2(6), 2A, 2C, 3, 4, 5, 6, 7, 8(1), 8(2), 8(3), 8(4), 9, 10(1), 10(2), 10(3), 10(4), 11(1), 12, 13A, 13B, 13C, 13D, 13E, 13F, or 13G shall be guilty of an offence and liable, on conviction to a fine or to imprisonment for a period not exceeding six months and, in the case of a continuous offence, to an additional fine of R200 for each day on which the offence continues, or to additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall in no case exceed 90 days.”.

No. R. 928

25 Junie 2003

WET OP BEROEPSGESONDHEID EN VEILIGHEID, 1993**ALGEMENE WYSIGING**

Die Minister van Arbeid het, kragtens artikel 43 van die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993), na oorleg met die Adviesraad vir Beroepsgesondheid en Veiligheid, die regulasies in die Bylae uitgevaardig.

BYLAE

1. Die Algemene Administratiewe Regulasies, gepromulgeer by Goewermentskennisgewing No. R. 1449 van 6 September 1996 word hierby gewysing deur regulasie 10, 11 en 13 te skrap.
2. Die Algemene Veiligheidsregulasies, gepromulgeer by Goewermentskennisgewing No. R. 1031 of 30 Mei 1986, word hierby gewysig deur—
 - (a) die volgende regulasies na regulasie 2 in te voeg:

“Intoksikasie

2A.(1) Behoudens die bepalings van subregulasie (3) mag 'n werkgewer of 'n gebruiker, na gelang van die geval, geen persoon wat onder die invloed van sterk drank of dwelmmiddels is of blyk te wees, toelaat om 'n werkplek te betree of daarin te bly nie.

(2) Behoudens die bepalings van subregulasie (3) mag geen persoon by 'n werkplek onder die invloed van sterk drank of dwelmmiddels wees of dit in sy besit hê of daarvan neem of aan enige ander persoon aanbied nie.

(3) 'n Werkgewer of 'n gebruiker, na gelang van die geval, moet in die geval waar 'n persoon geneesmiddels neem, sodanige persoon slegs by die werkplek toelaat om pligte uit te voer indien die nuwe-effekte van sodanige geneesmiddels nie 'n gevaar inhou vir die gesondheid of veiligheid van die betrokke persoon of ander persone by sodanige werkplek nie.

Vertoon van vervangde kennisgewings en tekens

2B. Indien die bepalings van enige regulasie 'n bepaalde kennisgewing of teken voorskryf wat deur 'n werkgewer of deur 'n gebruiker by 'n werkplek vertoon moet word,

kan die werkgewer of gebruiker in plaas daarvan 'n ooreenstemmende simboliese teken vertoon soos vervat in 'n veiligheidstandaard vir hierdie doel ingelyf by hierdie regulasies kragtens artikel 44 van die Wet, in welke geval die werkgewer of gebruiker geag sal word aan sodanige bepalings te voldoen het.

Toelating van persone

2C.(1) Behoudens artikel 8 van die Wet mag 'n werkgewer of 'n gebruiker, na gelang van die geval, nie 'n persoon toelaat om 'n werkplek binne te gaan waar die gesondheid of veiligheid van sodanige persoon bedreig word of bedreig kan word nie, tensy sodanige persoon sodanige werkplek binnegaan met die uitdruklike of geïmpliseerde toestemming van en behoudens die voorwaardes neergelê deur sodanige werkgewer of gebruiker: Met dien verstande dat sodanige uitdruklike of geïmpliseerde toestemming nie van toepassing is ten opsigte van 'n persoon wat by wet gemagtig is om sodanige werkplek of perseel binne te gaan nie.

(2) 'n Werkgewer of 'n gebruiker, na gelang van die geval, indien hy dit nodig ag in die belang van gesondheid en veiligheid, moet by elke toegang tot 'n werkplek 'n kennisgewing aanbring wat die binnegaan van sodanige werkplek deur ongemagtigde persone verbied en geen persoon mag sodanige werkplek sonder die toestemming van die werkgewer of gebruiker, na gelang van die geval, binnegaan of daar bly nie.”; en

(b) die uitdrukkings "2A" en "2C" soos volg in regulasie 14 in te voeg:

"Misdrywe en strawwe

14. Enige persoon wat enige bepaling van regulasie 2(1), 2(2) [gelees met 2(3)], 2(4), 2(5), 2(6), 2A, 2C, 3, 4, 5, 6, 7, 8(1), 8(2), 8(3), 8(4), 9, 10(1), 10(2), 10(3), 10(4), 11(1), 12, 13A, 13B, 13C, 13D, 13E, 13F, of 13G oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens ses maande en, in die geval van 'n voortgesette misdryf, met 'n bykomende boete van R200 vir elke dag waarop die misdryf voortduur of met bykomende gevangenisstraf van een dag vir elke dag waarop die misdryf voortduur: Met dien verstande dat die tydperk van sodanige bykomende gevangenisstraf in geen geval 90 dae mag oorskry nie.”.

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