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OF
SOUTH AFRICA



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No. 16387

PROCLAMATION

by the
President

of the Republic of South Africa

No. R. 45, 1995

COMMENCEMENT OF SECTIONS 1 AND 2 OF THE INTEGRATION OF LABOUR LAWS ACT, 1994 (ACT No. 49 OF 1994), WITH RESPECT TO CERTAIN LAWS

Under section 4 of the Integration of Labour Laws Act, 1994 (Act No. 49 of 1994), hereinafter referred to as "the Integration Act", I hereby determine 1 May 1995 as the date on which—

(a) section 1 of the Integration Act shall come into operation with respect to the laws mentioned in the Schedule hereto; and

(b) section 2 of the Integration Act shall, with respect to the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), come into operation in those parts of the national territory which immediately prior to the commencement of the Constitution, comprised the territories of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei and the former self-governing territories of KwaZulu, Qwaqwa, Lebowa, Gazankulu, KaNgwane and KwaNdebele.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Sixth day of April, One thousand Nine hundred and Ninety-five.

N. R. MANDELA,
President.

By order of the President-in-Cabinet:

T. T. MBOWENI,
Minister of the Cabinet.

PROKLAMASIE

van die
President

van die Republiek van Suid-Afrika

No. R. 45, 1995

INWERKINGTREDING VAN ARTIKELS 1 EN 2 VAN DIE WET OP DIE INTEGRERING VAN ARBEIDSWETTE, 1994 (WET No. 49 VAN 1994), MET BETREKKING TOT SEKERE WETTE

Kragtens artikel 4 van die Wet op die Integrering van Arbeidswette, 1994 (Wet No. 49 van 1994), hieronder "die Integreringswet" genoem, bepaal ek hiermee 1 Mei 1995 as die datum waarop—

(a) artikel 1 van die Integreringswet in werking tree met betrekking tot die wette in die Bylae hierby vermeld; en

(b) artikel 2 van die Integreringswet met betrekking tot die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993), in werking tree in daardie dele van die nasionale grondgebied wat onmiddellik voor die inwerkingtreding van die Grondwet die grondgebiede van die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei en die voormalige selfregerende gebiede van KwaZulu, Qwaqwa, Lebowa, Gazankulu, KaNgwane en KwaNdebele uitgemaak het.

Gegee onder my Hand en die Seël van die Republiek van Suid Afrika te Kaapstad, op hede die Sesde dag van April Eenduisend Negehonderd Vyf-en-negentig.

N. R. MANDELA,
President.

Op las van die President-in-Kabinet:

T. T. MBOWENI,
Minister van die Kabinet.

SCHEDULE

1. LAW OF THE FORMER REPUBLIC OF TRANSKEI
Machinery and Occupational Safety Act, 1985 (Act No. 24 of 1985)
2. LAW OF THE FORMER REPUBLIC OF BOPHUTHATSWANA
Occupational Safety Act, 1992 (Act No. 49 of 1992)
3. LAW OF THE FORMER REPUBLIC OF VENDA
Machinery and Occupational Safety Act, 1987 (Act No. 11 of 1987)
4. LAW OF THE FORMER REPUBLIC OF CISCHEI
Machinery and Occupational Safety Act, 1984 (Act No. 35 of 1984)
5. LAW OF THE FORMER SELF-GOVERNING TERRITORY OF KWAZULU
Machinery and Occupational Safety Act, 1985 (Act No. 10 of 1985)
6. LAW OF THE FORMER SELF-GOVERNING TERRITORY OF QWAQWA
Machinery and Occupational Safety Act, 1992 (Act No. 15 of 1992)

GOVERNMENT NOTICE**DEPARTMENT OF LABOUR****No. R. 639****28 April 1995****INTEGRATION OF LABOUR LAWS ACT, 1994****REGULATIONS FOR THE INTEGRATION OF THE OCCUPATIONAL HEALTH AND SAFETY ACT**

The Minister of Labour, under section 3 of the Integration of Labour Laws Act, 1994 (Act No. 49 of 1994), has made the regulations as set out in the Schedule.

SCHEDULE**Definitions**

1. In these regulations, unless the context otherwise indicates—

“**Department of Labour**” means the Department of Labour mentioned in column I of Schedule I to the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994);

“**effective date**” means the date on which the repeal of the repealed laws takes effect, being 1 May 1995;

“**repealed law**” means any one of the following laws repealed by section 1 of the Integration of Labour Laws Act, 1994 (Act No. 49 of 1994), namely—

(a) the Machinery and Occupational Safety Act, 1985 (Act No. 24 of 1985), of the former Republic of Transkei;

BYLAE

1. WET VAN DIE VOORMALIGE REPUBLIEK VAN TRANSKEI
Wet op Masjinerie en Beroepsveiligheid, 1985 (Wet No. 24 van 1985)
2. WET VAN DIE VOORMALIGE REPUBLIEK VAN BOPHUTHATSWANA
Wet op Beroepsveiligheid, 1992 (Wet No. 49 van 1992)
3. WET VAN DIE VOORMALIGE REPUBLIEK VAN VENDA
Wet op Masjinerie en Beroepsveiligheid, 1987 (Wet No. 11 van 1987)
4. WET VAN DIE VOORMALIGE REPUBLIEK VAN CISCHEI
Wet op Masjinerie en Beroepsveiligheid, 1984 (Wet No. 35 van 1984)
5. WET VAN DIE VOORMALIGE SELFREGULERENDE GEBIED VAN KWAZULU
Wet op Masjinerie en Beroepsveiligheid, 1985 (Wet No. 10 van 1985)
6. WET VAN DIE VOORMALIGE SELFREGULERENDE GEBIED VAN QWAQWA
Wet op Masjinerie en Beroepsveiligheid, 1992 (Wet No. 15 van 1992)

GOEWERMENSKENNISGEWING**DEPARTEMENT VAN ARBEID****No. R. 639****28 April 1995****WET OP INTEGRERING VAN ARBEIDSWETTE, 1994****REGULASIES TER INTEGRERING VAN DIE WET OP BEROEPSGESONDHEID EN VEILIGHEID**

Die Minister van Arbeid het kragtens artikel 3 van die Wet op die Integrering van Arbeidswette, 1994 (Wet No. 49 van 1994), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“**Departement van Arbeid**” die Departement van Arbeid vermeld in kolom I van Bylae I by die Staatsdienswet, 1994 (afgekondig by Proklamasie No. 103 van 1994);

“**die Wet**” die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993), asook die regulasies daarkragtens uitgevaardig;

“**effektiewe datum**” die datum waarop die herroeping van die herroepe wette van krag word, synde 1 Mei 1995;

“**gebied**” engeen van die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei en die voormalige selfregerende gebiede van KwaZulu, Qwaqwa, Lebowa, Gazankulu, KaNgwane en KwaNdebele;

(b) the Occupational Safety Act, 1992 (Act No. 49 of 1992), of the former Republic of Bophuthatswana;

(c) the Machinery and Occupational Safety Act, 1987 (Act No. 11 of 1987), of the former Republic of Venda;

(d) the Machinery and Occupational Safety Act, 1984 (Act No. 35 of 1984), of the former Republic of Ciskei;

(e) the Machinery and Occupational Safety Act, 1985 (Act No. 10 of 1985), of the former self-governing territory of KwaZulu; and

(f) the Machinery and Occupational Safety Act, 1992 (Act No. 15 of 1992), of the former self-governing territory of Qwaqwa;

"the Act" means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), and the regulations made thereunder;

"territory" means any one of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei and the former self-governing territories of KwaZulu, Qwaqwa, Lebowa, Gazankulu, KaNgwane and KwaNdebele.

Health and safety representatives and committees

2. In applying section 17 (1) of the Act within a territory, the business of an employer shall be deemed to have commenced on the effective date.

Inspectors

3. (1) Any officer who, immediately prior to the effective date, holds the office of inspector by virtue of his or her designation as such in terms of any repealed law, shall be deemed to hold the office of inspector by virtue of a designation made in terms of section 28 of the Act.

(2) Whenever the expression "inspector" appears in the Act, it means—

(a) in the Province of Eastern Cape, an inspector in the office of the Provincial Director: Eastern Cape, Department of Labour, Private Bag X9005, East London, 5200;

(b) in the Province of Eastern Transvaal, an inspector in the office of the Provincial Director: Eastern Transvaal, Department of Labour, Private Bag X7263, Witbank, 1035;

(c) in the Province of the Orange Free State ("Free-State"), an inspector in the office of the Provincial Director: Free-State, Department of Labour, P.O. Box 522, Bloemfontein, 9300;

(d) in the Province of Pretoria-Witwatersrand-Vereeniging ("Gauteng"), an inspector in the office of the Provincial Director: Gauteng, Department of Labour, P.O. Box 4560, Johannesburg, 2000;

(e) in the Province of KwaZulu/Natal, an inspector in the office of the Provincial Director: KwaZulu/Natal, Department of Labour, P.O. Box 940, Durban, 4000;

(f) in the Province of the Northern Cape, an inspector in the office of the Provincial Director: Northern Cape, Department of Labour, Private Bag X5012, Kimberley, 8300;

"herroepe wet" enigeen van die volgende wette by artikel 1 van die Wet op die Integrering van Arbeidswette, 1994 (Wet No. 49 van 1994), herroep, naamlik—

(a) die Wet op Masjinerie en Beroepsveiligheid, 1985 (Wet No. 24 van 1985), van die voormalige Republiek van Transkei;

(b) die Wet op Beroepsveiligheid, 1992 (Wet No. 49 van 1992), van die voormalige Republiek van Bophuthatswana;

(c) die Wet op Masjinerie en Beroepsveiligheid, 1987 (Wet No. 11 van 1987), van die voormalige Republiek van Venda;

(d) die Wet op Masjinerie en Beroepsveiligheid, 1984 (Wet No. 35 van 1984), van die voormalige Republiek van Ciskei;

(e) die Wet op Masjinerie en Beroepsveiligheid, 1985 (Wet No. 10 van 1985), van die voormalige selfregerende gebied van KwaZulu; en

(f) die Wet op Masjinerie en Beroepsveiligheid, 1992 (Wet No. 15 van 1992), van die voormalige selfregerende gebied van Qwaqwa.

Gesondheids- en veiligheidsvertegenwoordigers en -komitees

2. By die toepassing van artikel 17 (1) van die Wet binne 'n gebied word die besigheid van 'n werkgever geag 'n aanvang te geneem het op die effektiewe datum.

Inspekteurs

3. (1) Enige beamppte wat onmiddellik voor die effektiewe datum die amp van inspekteur beklee uit hoofde van sy of haar aanwysing as sodanig ingevolge enige herroepe wet, word geag die amp van 'n inspekteur te beklee uit hoofde van 'n aanwysing ingevolge artikel 28 van die Wet gedoen.

(2) Die uitdrukking "inspekteur" waar dit in die Wet voorkom, beteken—

(a) in die provinsie Pretoria-Witwatersrand-Vereeniging ("Gauteng"), 'n inspekteur in die kantoor van die Provinsiale Direkteur: Gauteng, Departement van Arbeid, Posbus 4560, Johannesburg, 2000;

(b) in die provinsie KwaZulu/Natal, 'n inspekteur in die kantoor van die Provinsiale Direkteur: KwaZulu/Natal, Departement van Arbeid, Posbus 940, Durban, 4000;

(c) in die provinsie Noord-Kaap, 'n inspekteur in die kantoor van die Provinsiale Direkteur: Noord-Kaap, Departement van Arbeid, Privaatsak X5012, Kimberley, 8300;

(d) in die provinsie Noord-Transvaal, 'n inspekteur in die kantoor van die Provinsiale Direkteur: Noord-Transvaal, Departement van Arbeid, Privaatsak X9368, Pietersburg, 0700;

(e) in die provinsie Noordwes, 'n inspekteur in die kantoor van die Provinsiale Direkteur: Noordwes, Departement van Arbeid, Privaatsak X2040, Mmabatho, 8681;

(f) in die provinsie Oos-Kaap, 'n inspekteur in die kantoor van die Provinsiale Direkteur: Oos-Kaap, Departement van Arbeid, Privaatsak X9005, Oos-Londen, 5200;

(g) in the Province of Northern Transvaal, an inspector in the office of the Provincial Director: Northern Transvaal, Department of Labour, Private Bag X9368, Pietersburg, 0700;

(h) in the Province of North-West, an inspector in the office of the Provincial Director: North-West, Department of Labour, Private Bag X2040, Mmabatho, 8681; and

(i) in the Province of Western Cape, an inspector in the office of the Provincial Director: Western Cape, Department of Labour, P.O. Box 872, Cape Town, 8000.

Exemptions

4. Any exemption granted under a repealed law and in force immediately prior to the effective date, shall be deemed to have been granted under section 40 of the Act.

Prohibited work

5. Any work prohibited in terms of any repealed law shall be deemed to have been prohibited in terms of section 21 of the Act.

Reports to inspectors and chief inspectors

6. Any incident reported to an inspector or occupational disease reported to a chief inspector prior to the effective date in terms of a repealed law, shall be deemed to have been reported in accordance with section 24 or 25 of the Act respectively.

Records to be kept by employers

7. Records which were kept by an employer prior to the effective date in terms of any law, shall be deemed to be records which have been kept by him or her in terms of the Act.

Pending investigations

8. Any investigation in terms of a repealed law pending immediately prior to the effective date, shall be disposed of in accordance with such law as if it had not been repealed.

Pending prosecutions

9. Whereon the effective date any prosecution on account of an offence under a repealed law is pending, such prosecution shall be concluded as if such law had not been repealed.

Electrical installations

10. (1) The provisions of the Electrical Installation Regulations, 1992, promulgated under Government Notice No. R. 2920 of 23 October 1992, shall not, for a period of 12 months from the effective date, be applied in regard to any electrical installation which exists on the effective date in a territory in which no enactment with similar provisions existed immediately prior to the effective date.

(2) Any installation electrician or electrical contractor accredited or registered in terms of any repealed law, shall be deemed to have been accredited or registered in terms of the Electrical Installation Regulations, 1992.

(g) in die provinsie Oos-Transvaal, 'n inspekteur in die kantoor van die Provinsiale Direkteur: Oos-Transvaal, Departement van Arbeid, Privaatsak X7263, Witbank, 1035;

(h) in die provinsie die Oranje-Vrystaat ("Vrystaat"), 'n inspekteur in die kantoor van die Provinsiale Direkteur: Vrystaat, Departement van Arbeid, Posbus 522, Bloemfontein, 9300; en

(i) in die provinsie Wes-Kaap, 'n inspekteur in die kantoor van die Provinsiale Direkteur: Wes-Kaap, Departement van Arbeid, Posbus 872, Kaapstad, 8000.

Vrystellings

4. Enige vrystelling verleen kragtens 'n herroepe wet en van krag onmiddellik voor die effektiewe datum, word geag kragtens artikel 40 van die Wet verleen te gewees het.

Verbode werk

5. Enige werk wat verbied is ingevolge 'n herroepe wet word geag verbied te wees kragtens artikel 21 van die Wet.

Aanmelding by inspekteurs en hoofinspekteurs

6. 'n Voorval by 'n inspekteur en 'n beroepsiekte by 'n hoofinspekteur aangemeld voor die effektiewe datum ingevolge 'n herroepe wet, word geag ooreenkomstig artikel 24 of 25 van die Wet, onderskeidelik, aangemeld te gewees het.

Hou van rekords deur werkgewers

7. Rekords wat voor die effektiewe datum deur 'n werkgewer gehou was ingevolge enige herroepe wet, word geag rekords te wees wat ingevolge die Wet deur hom of haar gehou is.

Hangende ondersoeke

8. Daar word oor enige ondersoek ingevolge 'n herroepe wet wat onmiddellik voor die effektiewe datum hangende is, ooreenkomstig sodanige wet beskik asof dit nie herroep was nie.

Hangende vervolgings

9. Wanneer enige vervolging weens 'n misdryf ingevolge 'n herroepe wet op die effektiewe datum hangende is, word sodanige vervolging afgehandel asof sodanige wet nie herroep was nie.

Elektriese installasies

10. (1) Die bepalings van die Elektriese Installasie-regulasies, 1992, afgekondig by Goewermentskennisgewing No. R. 2920 van 23 Oktober 1992, word vir 'n tydperk van 12 maande vanaf die effektiewe datum nie toegepas nie ten aansien van enige elektriese installasie wat op die effektiewe datum bestaan in 'n gebied waarin daar onmiddellik voor die effektiewe datum geen wetsmaatreël met soortgelyke bepalings bestaan het nie.

(2) Enige installasie-elektrisiën of elektriese kontrakteur wat geakkrediteer of geregistreer is ingevolge enige herroepe wet, word geag ingevolge die Elektriese Installasieregulasies, 1992, geakkrediteer of geregistreer te wees.

(3) Any certificate of compliance in respect of an electrical installation or part thereof, issued in terms of any repealed law, shall be deemed to have been issued in terms of the Electrical Installation Regulations, 1992.

Registered factories, boilers, lifts, escalators and passenger conveyors

11. (1) Any factory which, immediately prior to the effective date, is registered as such in terms of any repealed law, shall be deemed to have been registered in terms of regulation 15 of the General Administrative Regulations promulgated under Government Notice No. R. 2206 of 5 October 1984.

(2) Any boiler which, immediately prior to the effective date, is registered as such in terms of any repealed law, shall be deemed to have been registered in terms of regulation 5 (3) of the Vessels Under Pressure Regulations, 1992, promulgated under Government Notice No. R. 2919 of 23 October 1992.

(3) Any lift, escalator or passenger conveyor which, immediately prior to the effective date, is registered as such in terms of any repealed law, shall for the purposes of regulation 2 (4) of the Lift, Escalator and Passenger Conveyor Regulations, 1994, promulgated under Government Notice No. R. 797 of 29 April 1994, be deemed to have been registered with the Department of Labour.

Compulsory notification to regional director or divisional inspector

12. Any notification given by an employer or any other person to a regional director or divisional inspector under any repealed law in compliance with the provisions thereof, shall be deemed to have been given under the corresponding provisions of the Act.

Short title and commencement

13. These regulations shall be called the Regulations for the Integration of the Occupational Health and Safety Act, 1995, and shall come into operation on 1 May 1995.

(3) Enige sertifikaat van nakoming ten opsigte van 'n elektriese installasie of gedeelte daarvan, wat uitgereik is ingevolge enige herroepe wet, word geag ingevolge die Elektriese Installasieregulasies, 1992, uitgereik te wees.

Geregistreerde fabriek, stoomketels, hysers, roltrappe en passasiersvervoerders

11. (1) Enige fabriek wat onmiddellik voor die effektiewe datum as sodanig geregistreer is ingevolge enige herroepe wet, word geag ingevolge regulasie 15 van die Algemene Administratiewe Regulasies, afgekondig by Goewermentskennisgewing No. R. 2206 van 5 Oktober 1984, geregistreer te wees.

(2) Enige stoomketel wat onmiddellik voor die effektiewe datum as sodanig geregistreer is ingevolge enige herroepe wet, word geag ingevolge regulasie 5 (3) van die Regulasies vir Houers Onder Druk, 1992, afgekondig by Goewermentskennisgewing No. R. 2919 van 23 Oktober 1992, geregistreer te wees.

(3) Enige hyser, roltrap of passasiersvervoerder wat onmiddellik voor die effektiewe datum as sodanig geregistreer is ingevolge enige herroepe wet, word vir die doeleindes van regulasie 2 (4) van die Hyser, Roltrap en Passasiersvervoerder Regulasies, 1994, afgekondig by Goewermentskennisgewing No. R. 797 van 29 April 1994, geag by die Departement van Arbeid geregistreer te gewees het vóórdat daardie regulasie in werking getree het.

Verpligte kennisgewing aan die streekdirekteur of afdelingsinspekteur

12. Enige kennisgewing wat deur 'n werkgewer of enige ander persoon aan 'n streekdirekteur of afdelingsinspekteur gegee is ingevolge enige herroepe wet ter nakoming van die bepalings daarvan, word geag ingevolge die ooreenstemmende bepalings van die Wet gegee te gewees het.

Kort titel en inwerkingtreding

13. Hierdie regulasies heet die Regulasies ter Integrering van die Wet op Beroepsgesondheid en Veiligheid, 1995, en tree in werking op 1 Mei 1995.

IMPORTANT ANNOUNCEMENT***Closing times PRIOR TO PUBLIC HOLIDAYS for*****LEGAL NOTICES 1995
GOVERNMENT NOTICES**

The closing time is 15:00 sharp on the following days:

- ▶ **16 March**, Thursday, for the issue of Friday **24 March**
- ▶ **6 April**, Thursday, for the issue of Thursday **13 April**
- ▶ **12 April**, Wednesday, for the issue of Friday **21 April**
- ▶ **20 April**, Thursday, for the issue of Friday **28 April**
- ▶ **26 April**, Wednesday, for the issue of Friday **5 May**
- ▶ **8 June**, Thursday, for the issue of Thursday **15 June**
- ▶ **3 August**, Thursday, for the issue of Friday **11 August**
- ▶ **21 September**, Thursday, for the issue of Friday **29 September**
- ▶ **20 December**, Wednesday, for the issue of Friday **29 December**
- ▶ **28 December**, Thursday, for the issue of Friday **5 January 1996**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is being accepted, a double tariff will be charged

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BELANGRIKE AANKONDIGING***Sluitingstye VOOR VAKANSIEDAE vir*****WETLIKE KENNISGEWINGS 1995
GOEWERMENSKENNISGEWINGS**

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **16 Maart**, Donderdag, vir die uitgawe van Vrydag **24 Maart**
- ▶ **6 April**, Donderdag, vir die uitgawe van Donderdag **13 April**
- ▶ **12 April**, Woensdag, vir die uitgawe van Vrydag **21 April**
- ▶ **20 April**, Donderdag, vir die uitgawe van Vrydag **28 April**
- ▶ **26 April**, Woensdag, vir die uitgawe van Vrydag **5 Mei**
- ▶ **8 Junie**, Donderdag, vir die uitgawe van Donderdag **15 Junie**
- ▶ **3 Augustus**, Donderdag, vir die uitgawe van Vrydag **11 Augustus**
- ▶ **21 September**, Donderdag, vir die uitgawe van Vrydag **29 September**
- ▶ **20 Desember**, Woensdag, vir die uitgawe van Vrydag **29 Desember**
- ▶ **28 Desember**, Donderdag, vir die uitgawe van Vrydag **5 Januarie 1996**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word.

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

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DAPHNE BURGER June 1991 issue of
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