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PROCLAMATION

*by the
President*

of the Republic of South Africa

No. R. 74, 1995

COMMENCEMENT OF THE INTEGRATION OF
LABOUR LAWS ACT, 1994 (ACT No. 49 OF 1994)

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 September 1995** as the date on which—

(a) the Integration Act, excluding sections 1 and 2 thereof, shall come into operation generally;

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

(c) section 2 of the Integration Act shall, only with respect to the laws mentioned in the first column of Schedule II hereto, come into operation in those areas mentioned in the second column of that Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Tenth day of August, 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. 74, 1995

INWERKINGTREDING VAN DIE WET OP DIE INTEGRERING VAN ARBEIDSWETTE, 1994 (WET No. 49 VAN 1994)

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

(a) die Integreringswet, uitgesonderd artikels 1 en 2 daarvan, algemeen in werking tree;

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

(c) artikel 2 van die Integreringswet net met betrekking tot die wette vermeld in die eerste kolom van Bylae II hierby, in werking tree in die gebiede in die tweede kolom van daardie Bylae vermeld.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Tiende dag van Augustus Eenduisend Negehoenderd Vyf-en-negentig.

N. R. MANDELA,
President.

Op las van die President-in-Kabinet:

T. T. MBOWENI,
Minister van die Kabinet.

SCHEDULE I**1. LAWS OF THE FORMER REPUBLIC OF TRANSKEI**

Labour Relations Decree, 1990 (Decree No. 12 of 1990)
Labour Act, 1977 (Act No. 14 of 1977)
Wage Act, 1977 (Act No. 15 of 1977)
Shops and Offices Act, 1979 (Act No. 3 of 1979)

2. LAWS OF THE FORMER REPUBLIC OF BOPHUTHATSWANA

Labour Relations Decree, 1994 (Decree No. 10 of 1994)
Bophuthatswana Labour Act, 1979 (Act No. 4 of 1979)
Basic Conditions of Employment Act, 1992 (Act No. 22 of 1992)

3. LAWS OF THE FORMER REPUBLIC OF VENDA

Labour Relations Proclamation, 1991 (Proclamation No. 3 of 1991)
Basic Conditions of Employment Act, 1988 (Act No. 11 of 1988)
Wage Act, 1981 (Act No. 5 of 1981)

4. LAWS OF THE FORMER REPUBLIC OF CISKEI

Labour Relations Decree, 1990 (Decree No. 15 of 1990)
Wage Act, 1989 (Act No. 1 of 1989)
Conditions of Employment Regulation Act, 1984 (Act No. 34 of 1984)

5. LAWS OF THE FORMER SELF-GOVERNING TERRITORY OF KWAZULU

Labour Relations Act, 1988 (Act No. 7 of 1985)
Wage and Basic Conditions of Employment Act, 1985 (Act No. 9 of 1985)

6. LAWS OF THE FORMER SELF-GOVERNING TERRITORY OF QWAQWA

Labour Relations Act, 1988 (Act No. 13 of 1988)
Wage Act, (Act No. 19 of 1992)
Basic Conditions of Employment Act, 1992 (Act No. 16 of 1992)

7. LAWS IN FORCE IN THE FORMER SELF-GOVERNING TERRITORIES OF LEBOWA, GAZANKULU AND KANGWANE

(a) Lebowa and Gazankulu:

Bantu Labour (Settlement of Disputes) Act, 1953 (Act No. 48 of 1953)
Industrial Conciliation Act, 1956 (Act No. 28 of 1956)

(b) KaNgwane:

Labour Relations Act, 1956 (Act No. 28 of 1956).

8. LAWS OF THE FORMER SELF-GOVERNING TERRITORY OF KWANDEBELE

Labour Relations Act, 1991 (Act No. 19 of 1991)

SCHEDULE II**LAWS****AREAS**

Labour Relations Act, 1956 (Act No. 28 of 1956)	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.
Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983)	
Wage Act, 1957 (Act No. 5 of 1957)	
Agricultural Labour Act, 1993 (Act No. 147 of 1993)	

GOVERNMENT NOTICES

DEPARTMENT OF LABOUR**No. R. 1257****18 August 1995****INTEGRATION OF LABOUR LAWS ACT, 1994:
REGULATIONS REGARDING THE INTEGRATION OF THE LABOUR RELATIONS
ACT, 1956**

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

SCHEDULE**Definitions**

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

"**commencement date**" means the date of commencement of these regulations, which shall be the same as the date on which the repeal of the laws specified in the definition of "repealed law" becomes effective;

"**Labour Relations Act**" means the Labour Relations Act, 1956 (Act No. 28 of 1956);

"**Minister**" means the Minister of Labour;

"**repealed law**" means any one of the following laws applicable immediately prior to the commencement date and repealed by section 1 of the Integration of Labour Laws Act, 1994 (Act No. 49 of 1994), namely -

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- (a) the Bantu Labour (Settlement of Disputes) Act, 1953 (Act No. 48 of 1953) as so applicable in the former self-governing territories of Lebowa and Gazankulu, respectively;
 - (b) the Industrial Conciliation Act, 1956 (Act No. 28 of 1956) as so applicable in the former self-governing territories of Lebowa and Gazankulu, respectively, and the Labour Relations Act, 1956 (Act No. 28 of 1956) as so applicable in the former self-governing territory of KaNgwane;
 - (c) the Labour Relations Act, 1985 (Act No. 7 of 1985), of the former self-governing territory of KwaZulu;
 - (d) the Labour Relations Act, 1988 (Act No. 13 of 1988), of the former self-governing territory of Qwaqwa;
 - (e) the Labour Relations Decree, 1990 (Decree No. 12 of 1990), of the former Republic of Transkei;
 - (f) the Labour Relations Decree, 1990 (Decree No. 15 of 1990), of the former Republic of Ciskei;
 - (g) the Labour Relations Proclamation, 1991 (Proclamation No. 3 of 1991), of the former Republic of Venda;
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- (h) the Labour Relations Act, 1991 (Act No. 19 of 1991), of the former self-governing territory of KwaNdebele; and
- (i) the Labour Relations Decree, 1994 (Decree No. 10 of 1994), of the former Republic of Bophuthatswana;

"registrar" means the Industrial Registrar appointed under section 3 of the Labour Relations Act; and

"wage regulating measure" means any collective agreement, notice, award, order or determination binding in terms of the Labour Relations Act or the Agricultural Labour Act, 1993 (Act No. 147 of 1993), and a determination made or deemed to have been made under the Wage Act, 1957 (Act No. 5 of 1957).

Trade unions and employers' organizations registered under repealed laws

- 2.(1) Subject to this regulation, any trade union or employers' organization registered as such in respect of any particular interests immediately prior to the commencement date in terms of any repealed law or deemed by a repealed law to be so registered, shall be deemed to be registered respectively as a trade union or employers' organization under the Labour Relations Act in respect of such interests for the area within which it had lawfully functioned in furtherance of such interests immediately prior to the commencement date, and as soon as may be reasonably practicable after the commencement date, the registrar shall enter -

- (a) into the register of trade unions, the name of each such trade union;
- (b) into the register of employers' organizations, the name of each such employers' organization,

and issue to each trade union and each employers' organization whose name has been so entered in the appropriate register, the relevant certificate of registration in the prescribed form.

- (2) Notwithstanding subregulation (1), the registrar may in writing direct a trade union or employers' organization to which a certificate of registration has been issued in terms of that subregulation, to submit to him or her within 30 days from the date of such direction -

- (a) a copy of its constitution and any alteration thereof, duly authenticated under the signatures of the chairperson and secretary thereof, and
- (b) a so authenticated copy of its certificate of registration as a trade union or employers' organization,

which was approved or issued (as the case may be) in terms of the relevant repealed law.

- (3) If the registrar is satisfied that a trade union or employers' organization to which a certificate of registration has been issued in terms of subregulation (1) -

- (a) has a constitution which -

(i) is inconsistent with the Labour Relations Act or contrary to the provisions of any other law; or

(ii) contains provisions which are calculated to hinder the attainment of the objects of any law or are unreasonable in relation to members or the public; or

(b) has been formed for the purpose of evading the provisions of any law,

the registrar may, notwithstanding subregulation (1), direct such union or organization in writing to rectify its constitution and submit the rectified constitution to him or her for scrutiny within such period (which shall not be shorter than 90 days) as may be specified in such direction.

(4) Upon failure by a trade union or employers' organization to comply with a direction issued to it in terms of subregulation (2) or (3), the registrar shall send to such union or organization by registered post a notice to the effect that due to such failure, its registration as a trade union or employers' organization will be cancelled at the expiration of 30 days from the date of such notice unless good cause to the contrary be shown within that period.

(5) (a) Upon the expiration of the said 30 day period, the registrar, unless good cause to the contrary has been shown prior to such expiration, shall cancel the registration

of the relevant trade union or employers' organization, and thereupon the provisions of subregulation (1) shall cease to apply in respect of such union or organization.

- (b) The registrar shall by registered post notify the trade union or employers' organization as to whether or not its registration has been so cancelled and, where it has been cancelled, cause a notice to that effect to be published in the *Gazette*.
- (6) The provisions of section 14(3), (4) and (5) of the Labour Relations Act shall *mutatis mutandis* apply where the registrar has cancelled the registration of a trade union or employers' organization by virtue of this regulation.

Industrial Councils registered under repealed laws

- 3.(1) Subject to this regulation, any industrial council registered immediately prior to the commencement date in terms of any repealed law in respect of any undertaking, industry, trade or occupation or deemed by a repealed law to be so registered, shall be deemed to be registered as an industrial council under the Labour Relations Act in respect of that undertaking, industry, trade or occupation and for the area in respect of which it had lawfully exercised jurisdiction immediately prior to the commencement date.
- (2) (a) Within 180 days after the commencement date or such extension of that period as the registrar in any particular case may determine in writing, an industrial council referred to in subregulation (1) shall submit to the registrar -

- (i) three copies of its previously registered constitution, duly authenticated under the signatures of the chairperson and secretary thereof; and
 - (ii) a so authenticated copy of the certificate pertaining to its previous registration as an industrial council in terms of any repealed law, and upon timeous receipt thereof by the registrar, he or she shall, notwithstanding section 19 of the Labour Relations Act, enter the name and other required particulars of such industrial council in the register of industrial councils.
 - (b) Where any industrial council contemplated in subregulation (1) has failed to comply with paragraph (a) of this subregulation before the expiration of the 180 day period contemplated in that paragraph or (where applicable) any extension of that period allowed in respect of such council in terms of that paragraph, the provisions of subregulation (1) shall cease to apply in respect of such council with effect from the date of such expiration.
- (3) (a) Where the constitution of an industrial council whose name and particulars have been entered into the register of industrial councils in terms of subregulation (2)(a) is objectionable inasmuch as it contains provisions militating against any of the criteria mentioned in section 19(3)(b) of the Labour Relations Act, the registrar may, notwithstanding subregulation (1) or (2)(a), in writing direct such council to rectify its constitution and submit the rectified constitution to him or her for

scrutiny within such period (which shall not be shorter than 90 days) as may be specified in such direction.

- (b) Upon failure by such an industrial council to comply with a direction issued to it in terms of paragraph (a), the registrar may remove its name from the said register, and thereupon the provisions of subregulation (1) shall cease to apply in respect of such industrial council.

Variation of registered scope of industrial councils registered by virtue of regulation 3(2)

- 4.(1) Notwithstanding subregulations (1) and (2)(a) of regulation 3, any industrial council which is registered in terms of section 19 of the Labour Relations Act and which was so registered immediately prior to the commencement date, may apply in writing to the registrar for the variation of the area or undertaking, industry, trade or occupation for or in respect of which an industrial council referred to in subregulation (1) of regulation 3 has been registered by virtue of subregulation (2)(a) of that regulation.
- (2) Any industrial council making application in terms of subregulation (1) may simultaneously apply, in terms of subsection (8) of section 19 of the Labour Relations Act, for the variation of the area or undertaking, industry, trade or occupation for or in respect of which it is registered in terms of that section.
- (3) Any industrial council applying in terms of subregulation (1) for variation, shall in its application -

- (a) state the variation it proposes;
 - (b) specify the grounds in motivation of the proposed variation; and
 - (c) disclose all such information and particulars as are relevant to such application.
- (4)
 - (a) As soon as may be reasonably practicable after he or she has received an application in terms of subregulation (1) and any additional information which he or she may have required, the registrar shall cause to be published in the *Gazette* a notice containing all the material particulars of such application and inviting interested parties to lodge their written objections or representations in regard thereto with him or her in the manner specified in such notice not later than 30 days after the date of such notice.
 - (b) The registrar shall simultaneously cause a copy of such notice to be sent by registered post or delivered to each of the parties to the industrial council to which the variation applied for, relates.
- (5)
 - (a) If, after having duly considered the application, any additional information required by and furnished to him or her by virtue of this regulation (if any) and any objections and representations received by him or her in response to and in compliance with a notice issued under subregulation (4), the registrar, with due regard to the criteria contained in paragraphs (a), (b) and (c) of section 19(8) of

the Labour Relations Act, is satisfied that variation of the area or undertaking, industry, trade or occupation in respect of which the industrial council referred to in subregulation (4)(b) is registered, is in the best interest of effective collective bargaining in such area or undertaking, industry, trade or occupation, he or she may effect such a variation in such manner and to such extent as in his or her opinion is best suited to achieve that purpose.

- (b) The provisions of section 19(10) and (11) of the Labour Relations Act shall *mutatis mutandis* be applied where the registrar in terms of paragraph (a) of this subregulation has varied the area, undertaking, industry, trade or occupation in respect of which an industrial council was registered in terms of regulation 3(2)(a).

(6) The provisions of this regulation shall not preclude an industrial council registered in terms of regulation 3(2)(a) from requesting the registrar to effect a variation in terms of section 19(8) of the Labour Relations Act, nor shall they preclude the registrar from effecting such a variation on such request.

Section 16 of Labour Relations Act relating to appeals against decisions of registrar, to apply *mutatis mutandis* with regard to decisions of registrar in terms of regulations 2, 3 and

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5. The provisions of section 16 of the Labour Relations Act shall *mutatis mutandis* apply in relation to any decision, order, direction, determination, requirement or request of the registrar in terms of

regulation 2, 3 or 4 or any cancellation of registration by virtue of regulation 2 or 3 or any variation by virtue of regulation 4.

Continuation of collective agreements, notices, awards, orders or determinations in force under repealed laws immediately prior to commencement date

6. (1) Subject to subregulation (2), any collective agreement, notice, award, order or determination binding and in force under any repealed law immediately prior to the commencement date, shall remain binding and in force until -
- (a) the period in respect of which it was made binding, expires; or
 - (b) the Minister causes to be published in the *Gazette* a notice declaring such collective agreement, notice, award, order or determination to cease being binding; or
 - (c) such collective agreement, notice, award, order or determination is superseded by a wage regulating measure.
- (2) Notwithstanding subregulation (1), the Minister may by notice in the *Gazette* extend the period of any collective agreement, notice, award, order or determination by 12 months in the maximum.
- (3) (a) Subject to paragraph (b), the Minister shall not extend any wage regulating measure to any area where a repealed law had been operative and in force except

after consultation with the National Economic, Development and Labour Council established by section 2 of the National Economic, Development and Labour Council Act, 1994 (Act No. 35 of 1994), and, unless there are good reasons for not doing so, also the wage board established by section 3 of the Wage Act, 1957 (Act No. 5 of 1957): Provided that a wage regulating measure shall not be extended to the area and interests in respect of which an industrial council is by regulation 3(1) deemed to be registered unless such industrial council has consented thereto in writing and the extension is effected in accordance with the provisions of the Labour Relations Act.

- (b) The provisions of paragraph (a) shall apply for a period of three years reckoned as from the commencement date.

Adjudication of pending disputes

7. (1) Any dispute which, prior to the commencement date, arose within any area where a repealed law was operative and in force shall, where proceedings in respect of such dispute had not been instituted in any court or tribunal prior to that date, be dealt with as if the repealed law were still so operative and in force: Provided that such proceedings shall be instituted in and the relevant dispute shall be determined by the industrial court established by section 17 of the Labour Relations Act.
- (2) Any such dispute in respect of which proceedings have already been instituted in any court or tribunal before the commencement date, shall thereafter be proceeded with in and be

determined by that court or tribunal as if the relevant repealed law were still operative and in force in the relevant area.

- (3) The Labour Appeal Court established by section 17A of the Labour Relations Act shall be the court of appeal or review in the event of an appeal against the decision, judgment or order of any court or tribunal in any proceedings instituted therein in accordance with subregulation (1) or (2), or the review of any such proceedings, respectively.
- (4) The appeal and review jurisdiction of the Labour Appeal Court in terms of subregulation (3), shall in relation to each court or tribunal contemplated in subregulation (1) or (2), be exercised by that division of the Labour Appeal Court whose area of jurisdiction includes the place where or area within which the cause of action in the court or tribunal *a quo* had arisen.

Exemptions in terms of repealed laws

- 8. Any exemption granted in terms of a provision of any repealed law and in force immediately prior to the commencement date, shall be deemed to have been granted and to be in force in terms of the corresponding provision of the Labour Relations Act.

Labour brokers registered under repealed laws

9. Any labour broker registered as such immediately prior to the commencement date in terms of any repealed law, shall be deemed to be registered as a labour broker in terms of section 63 of the Labour Relations Act.

Inspectors holding offices under repealed laws

10. Any officer who, immediately prior to the commencement date, holds the office of inspector by virtue of his or her appointment in that office in terms of any repealed law, shall be deemed to hold the office of inspector by virtue of an appointment made in terms of section 60 of the Labour Relations Act.

Pending criminal prosecutions

11. Any criminal prosecution pending immediately prior to the commencement date on account of an alleged offence in terms of any repealed law, shall be processed and proceeded with or (as the case may be) be continued, as if such repealed law were still operative and in force.

Title and commencement

12. These regulations shall be called the Labour Relations Act (1956) Integration Regulations, 1995, and shall come into operation on 1 September 1995.

No. R. 1258**18 August 1995****LABOUR RELATIONS ACT, 1956
AMENDMENT OF REGULATIONS**

The Minister of Labour has under section 81 of the Labour Relations Act, 1956 (Act No. 28 of 1956), made the regulations set out in the Schedule.

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the regulations published under Government Notice No. R.235 of 21 February 1964, as amended by Government Notices Nos. R.2024 of 15 December 1966, R.443 of 22 March 1968, R.1334 of 21 August 1970, R.1543 of 18 September 1970, R.733 of 18 April 1975, R.2158 of 28 September 1979, R.2317 of 30 October 1981, R.1883 of 3 September 1982, R.970 of 13 May 1983, R.1928 of 31 August 1984, R.1709 of 26 August 1988, R.2100 of 21 October 1988, R.426 of 2 March 1990, R.3027 of 28 December 1990 and R.847 of 19 April 1991.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the regulations is hereby amended by the substitution for subregulation (5) of the following subregulation:

"(5) Whenever the expression 'inspector defined by regulation' appears in the Act or the regulations, it means -

- (a) in the province of KwaZulu/Natal and in, on or above the adjacent continental shelf referred to in section 2(1) of the Act, the Provincial Director, Department of Labour, P O Box 940, Durban, 4000;
- (b) in the province of Northern Cape and in, on or above the adjacent continental shelf referred to in section 2(1) of the Act, the Provincial Director, Department of Labour, Private Bag X5012, Kimberley, 8300;
- (c) in the Northern Province, the Provincial Director, Department of Labour, Private Bag X9368, Pietersburg, 0700;
- (d) in the province of North-West, the Provincial Director, Department of Labour, Private Bag X2040, Mmabatho, 8681;
- (e) in the province of Eastern Cape and in, on or above the adjacent continental shelf referred to in section 2(1) of the Act, the Provincial Director, Department of Labour, Private Bag X9005, East London, 5200;

- (f) in the province of Eastern Transvaal, the Provincial Director, Department of Labour, Private Bag X7263, Witbank, 1035;
- (g) in the province of the Free State, the Provincial Director, Department of Labour, P O Box 522, Bloemfontein, 9300;
- (h) in the province of Gauteng:
 - Gauteng South: - in the Magisterial Districts of Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kempton Park, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging and Westonaria,
the Provincial Director, Department of Labour, P O Box 4560, Johannesburg, 2000;
 - Gauteng North: - in the Magisterial Districts of Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs, and Wonderboom,
the Provincial Director, Department of Labour, P O Box 393, Pretoria, 0001; and
- (i) in the province of the Western Cape and in, on or above the adjacent continental shelf referred to in section 2(1) of the Act, the Provincial Director, Department of Labour, P O Box 872, Cape Town, 8000.”.

Commencement

3. These regulations shall come into operation on 1 September 1995.

No. R. 1259

18 August 1995

**INTEGRATION OF LABOUR LAWS ACT, 1994: REGULATIONS REGARDING THE
INTEGRATION OF THE WAGE ACT, 1957**

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

SCHEDULE

Definitions

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

"**board**" means the wage board established by section 3 of the Wage Act;

"**commencement date**" means the date of commencement of these regulations, which shall be the same as the date on which the repeal of the laws specified in the definition of "repealed law" becomes effective;

"**Minister**" means the Minister of Labour;

"**repealed law**" means any one of the following laws applicable immediately prior to the commencement date and repealed by section 1 of the Integration of Labour Laws Act, 1994 (Act No. 49 of 1994), namely -

- (a) the Labour Act, 1977 (Act No. 14 of 1977), of the former Republic of Transkei;

- (b) the Wage Act, 1977 (Act No. 15 of 1977), of the former Republic of Transkei;
- (c) the Bophuthatswana Labour Act, 1979 (Act No. 4 of 1979), of the former Republic of Bophuthatswana;
- (d) the Wage Act, 1981 (Act No. 5 of 1981), of the former Republic of Venda;
- (e) the Wage and Basic Conditions of Employment Act, 1985 (Act No. 9 of 1985), of the former self-governing territory of KwaZulu;
- (f) the Wage Act, 1989 (Act No. 1 of 1989), of the former Republic of Ciskei; and
- (g) the Wage Act, 1992 (Act No. 19 of 1992), of the former self-governing territory of Qwaqwa;

"Wage Act" means the Wage Act, 1957 (Act No. 5 of 1957); and

"wage regulating measure" means any collective agreement, notice, award, order or determination binding in terms of the Labour Relations Act, 1956 (Act No. 28 of 1956), or the Agricultural Labour Act, 1993 (Act No. 147 of 1993).

Board to succeed wage boards which existed in terms of repealed laws

2. (1) With effect from the commencement date, the board shall be the legal successor of any wage board which had been established by or in terms of any repealed law and which in law ceased to exist on that date, and for that purpose but without derogating from the generality of the foregoing provisions -

(a) any investigation and any recommendation made and any other act performed by such a wage board prior to the commencement date in terms of such a law shall be deemed to have been made or performed by the board in terms of the Wage Act;

(b) any investigation which, prior to the commencement date, had been commenced by such a wage board in terms of a repealed law and which had not been finalized before or on the day immediately preceding the commencement date, may be continued and finalized by the board as if such investigation had been made and conducted by it *ab initio* in terms of the Wage Act.

(2) For the purposes of subregulation (1), "wage board" means any board, committee or other body, of whatever appellation, entrusted, by or in terms of a repealed law, with functions similar to those imposed on the board by or in terms of the Wage Act, irrespective of whether or not such board, committee or body had also been so entrusted with other functions.

Continuation of certain determinations made under repealed laws

3. (1) Any determination made under any repealed law and in force immediately prior to the commencement date, shall be deemed to have been made under section 14 of the Wage Act and shall continue in force until superseded by a wage regulating measure or cancelled by the Minister under section 16 of the Wage Act: Provided that the provisions of this subregulation shall not be construed so as to preclude any amendment of such a determination in accordance with section 15 of the Wage Act.
- (2) (a) Notwithstanding section 17 of the Wage Act, but subject to paragraph (b) of this subregulation, the Minister shall not under that section extend the application of any determination which, prior to the commencement date, had been made under that section, to any area where a repealed law had been operative and in force unless the board had recommended such an extension and the Minister had consulted with the National Economic, Development and Labour Council established by section 2 of the National Economic, Development and Labour Council Act, 1994 (Act No. 35 of 1994), beforehand.
- (b) the provisions of paragraph (a) shall apply for a period of three years reckoned as from the commencement date.

Wage registers or similar records kept under repealed laws

4. Any wage registers or any records relating to time to be worked and the remuneration to be paid therefor which, prior to the commencement date, were kept by an employer in respect of his or her employees in compliance with the requirements of any repealed law, shall be deemed to have been kept by him or her in compliance with section 29 of the Wage Act.

Exemptions under repealed laws

5. Any exemption granted in terms of a provision of any repealed law and in force immediately prior to the commencement date, shall be deemed to have been granted and to be in force in terms of the corresponding provision of the Wage Act.

Court orders issued in terms of repealed laws but not complied with before commencement date

6. An order in the nature of any order contemplated in section 21 of the Wage Act which had been issued by a competent court in terms of any repealed law but which had not been complied with before or on the day immediately preceding the commencement date, shall be deemed to have been issued under the said section 21.

Pending criminal prosecutions

7. Any criminal prosecution pending immediately prior to the commencement date on account of an offence in terms of any repealed law, shall be processed and proceeded with, or (as the case may be) be continued, as if such repealed law were still operative and in force.

Inspectors holding offices under repealed laws

8. Any person who, immediately prior to the commencement date, holds the office of an inspector by virtue of his or her appointment in that office in terms of any repealed law, shall be deemed to hold the office of inspector by virtue of an appointment made in terms of section 26 of the Wage Act.

Title and commencement

9. These regulations shall be called the Wage Act (1957) Integration Regulations, 1995, and shall come into operation on 1 September 1995.
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No. R. 1260**18 August 1995****WAGE ACT, 1957****AMENDMENT OF REGULATIONS**

The Minister of Labour has under section 36 of the Wage Act, 1957 (Act No. 5 of 1957), made the regulations set out in the Schedule.

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the regulations published under Government Notice No. R.1385 of 6 September 1963 as amended by Government Notices Nos. R.1333 of 21 August 1970, R.2321 of 31 October 1981, R.2254 of 4 November 1988 and R.3029 of 28 December 1990.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the substitution for subregulation (4) of the following subregulation:

"(4) Whenever the expression 'inspector defined by regulation' appears in these regulations, it means-

- (a) in the province of KwaZulu/Natal, the Provincial Director, Department of Labour, P O Box 940, Durban, 4000;
- (b) in the province of Northern Cape, the Provincial Director, Department of Labour, Private Bag X 5012, Kimberley, 8300;
- (c) in the Northern Province, the Provincial Director, Department of Labour, Private Bag X9368, Pietersburg, 0700;
- (d) in the province of North-West, the Provincial Director, Department of Labour, Private Bag X2040, Mmabatho, 8681;
- (e) in the province of Eastern Cape, the Provincial Director, Department of Labour, Private Bag X9005, East London, 5200;
- (f) in the province of Eastern Transvaal, the Provincial Director, Department of Labour, Private Bag X7263, Witbank, 1035;
- (g) in the province of the Free State, the Provincial Director, Department of Labour, P O Box 522, Bloemfontein, 9300;
- (h) in the province of Gauteng:

Gauteng South: - in the Magisterial Districts of Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kempton Park, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging and Westonaria,
the Provincial Director, Department of Labour, P O Box 4560, Johannesburg, 2000;

Gauteng North: - in the Magisterial Districts of Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs, and Wonderboom,
the Provincial Director, Department of Labour, P O Box 393, Pretoria, 0001; and

- (i) in the province of the Western Cape, the Provincial Director, Department of Labour, P O Box 872, Cape Town, 8000.”.

Commencement

3. These regulations shall come into operation on 1 September 1995.
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No. R. 1261**18 August 1995****INTEGRATION OF LABOUR LAWS ACT, 1994: REGULATIONS REGARDING THE
INTEGRATION OF THE BASIC CONDITIONS OF EMPLOYMENT ACT, 1983.**

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

SCHEDULE**Definitions**

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

"Basic Conditions Act" means the Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983);

"commencement date" means the date of commencement of these regulations, which shall be the same as the date on which the repeal of the laws specified in the definition of "repealed law" becomes effective; and

"repealed law" means any one of the following laws applicable immediately prior to the commencement date and repealed by section 1 of the Integration of Labour Laws Act, 1994 (Act No. 49 of 1994), namely -

- (a) the Shops and Offices Act, 1979 (Act No. 3 of 1979), of the former Republic of Transkei;
- (b) the Conditions of Employment Regulation Act, 1984 (Act No. 34 of 1984), of the former Republic of Ciskei;
- (c) the Wage and Basic Conditions of Employment Act, 1985 (Act No. 9 of 1985), of the former self-governing territory of KwaZulu;
- (d) the Basic Conditions of Employment Act, 1988 (Act No. 11 of 1988), of the former Republic of Venda;
- (e) the Basic Conditions of Employment Act, 1992 (Act No. 16 of 1992), of the former self-governing territory of Qwaqwa; and
- (f) the Basic Conditions of Employment Act, 1992 (Act No. 22 of 1992), of the former Republic of Bophuthatswana.

Written permissions or authorities issued in terms of repealed laws in relation to performance of work in factories and shops on Sundays

2. Any written permission or written authority granted to an employer in terms of any repealed law and in force immediately prior to the commencement date, by virtue whereof the

employer is entitled to require or permit an employee to perform any work in or in connection with a factory or shop on a Sunday, shall be deemed to be a written permission granted for that purpose in terms of section 10(1)(a) of the Basic Conditions Act.

Records kept in terms of repealed laws

3. Any record which, prior to the commencement date and in compliance with the requirements of any repealed law, were kept by an employer with respect to the time worked by and the remuneration paid to each of his or her employees and with respect to such matters or particulars prescribed in terms of such law as correspond to the particulars prescribed by virtue of subsection (1)(c) of section 20 of the Basic Conditions Act, shall be deemed to be records kept by such employer in compliance with section 20 of the Basic Conditions Act.

Declarations of continuous activities made in terms of repealed laws

4. Any activity which in terms of any repealed law, had been declared to be a continuous activity shall, where such a declaration had not been withdrawn prior to the commencement date, be deemed to be a continuous activity for the purposes of the Basic Conditions Act in all respects as if such declaration had been made in terms of section 33 of that Act.

Exemptions in terms of repealed laws

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5. Any exemption granted in terms of a provision of any repealed law and in force immediately prior to the commencement date, shall be deemed to have been granted and to be in force in terms of the corresponding provision of the Basic Conditions Act.

Court orders issued in terms of repealed laws but not complied with before commencement date

6. Any order in the nature of an order contemplated in section 28 of the Basic Conditions Act which had been issued by a competent court in terms of any repealed law but which had not been complied with before or on the day immediately preceding the commencement date, shall be deemed to have been issued under the said section 28.

Pending criminal prosecutions

7. Any criminal prosecution pending immediately prior to the commencement date on account of an offence in terms of any repealed law, shall be processed and proceeded with, or (as the case may be) be continued, as if such repealed law were still operative and in force.

Inspectors holding offices under repealed laws

8. Any person who, immediately prior to the commencement date, holds the office of an inspector by virtue of his or her appointment as such in terms of any repealed law, shall be deemed to hold the office of inspector by virtue of an appointment made in terms of section 22 of the Basic Conditions Act.
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Title and commencement

9. These regulations shall be called the Basic Conditions of Employment Act (1983) Integration Regulations, 1995, and shall come into operation on 1 September 1995.

No. R. 1262

18 August 1995

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1983
AMENDMENT OF REGULATIONS**

The Minister of Labour has under section 37 of the Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983), made the regulations set out in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published under Government Notice No. R.1148 of 3 June 1983, as amended by Government Notices Nos. R.1056 of 25 May 1984, R.1018 of 10 May 1985, R.501 of 18 March 1988, R.2253 of 4 November 1988, R.922 of 27 April 1990, R.3028 of 28 December 1990, R.490 of 8 April 1993, R.2544 of 31 December 1993 and R.2545 of 31 December 1993.

Amendment of Regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) Whenever the expression 'inspector defined by regulation' or 'Regional Director' appears in the Act or in these regulations, it means-

- (a) in the province of KwaZulu/Natal, the Provincial Director, Department of Labour, P O Box 940, Durban, 4000;
- (b) in the province of Northern Cape, the Provincial Director, Department of Labour, Private Bag X 5012, Kimberley, 8300;
- (c) in the Northern Province, the Provincial Director, Department of Labour, Private Bag X9368, Pietersburg, 0700;
- (d) in the province of North-West, the Provincial Director, Department of Labour, Private Bag X2040, Mmabatho, 8681;
- (e) in the province of Eastern Cape, the Provincial Director, Department of Labour, Private Bag X9005, East London, 5200;
- (f) in the province of Eastern Transvaal, the Provincial Director, Department of Labour, Private Bag X7263, Witbank, 1035;
- (g) in the province of the Free State, the Provincial Director, Department of Labour, P O Box 522, Bloemfontein, 9300;
- (h) in the province of Gauteng:

Gauteng South: - in the Magisterial Districts of Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kempton Park, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging and Westonaria,
the Provincial Director, Department of Labour, P O Box 4560, Johannesburg, 2000;

Gauteng North: - in the Magisterial Districts of Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs, and Wonderboom,
the Provincial Director, Department of Labour, P O Box 393, Pretoria, 0001; and

- (i) in the province of the Western Cape, the Provincial Director, Department of Labour, P O Box 872, Cape Town, 8000.”.

Commencement

3. These regulations shall come into operation on 1 September 1995.

BYLAE I

1. WETTE VAN DIE VOORMALIGE REPUBLIEK VAN TRANSKEI

Dekreet op Arbeidsverhoudinge, 1990 (Dekreet No. 12 van 1990)
Arbeidswet, 1977 (Wet No. 14 van 1977)
Loonwet, 1977 (Wet No. 15 van 1977)
Wet op Winkels en Kantore, 1979 (Wet No. 3 van 1979)

2. WETTE VAN DIE VOORMALIGE REPUBLIEK VAN BOPHUTHATSWANA

Dekreet op Arbeidsverhoudinge, 1994 (Dekreet No. 10 van 1994)
Bophuthatswana Arbeidswet, 1979 (Wet No. 4 van 1979)
Wet op Basiese Diensvoorwaardes, 1992 (Wet No. 22 van 1992)

3. WETTE VAN DIE VOORMALIGE REPUBLIEK VAN VENDA

Proklamasie op Arbeidsverhoudinge, 1991 (Proklamasie No. 3 van 1991)
Wet op Basiese Diensvoorwaardes, 1988 (Wet No. 11 van 1988)
Loonwet, 1981 (Wet No. 5 van 1981)

4. WETTE VAN DIE VOORMALIGE REPUBLIEK VAN CISKEI

Dekreet op Arbeidsverhoudinge, 1990 (Dekreet No. 15 van 1990)
Loonwet, 1989 (Wet No. 1 van 1989)
Wet op Diensvoorwaardesregulering, 1984 (Wet No. 34 van 1984)

5. WETTE VAN DIE VOORMALIGE SELFREGERENDE GEBIED VAN KWAZULU

Wet op Arbeidsverhoudinge, 1988 (Wet No. 7 van 1985)
Loon en Basiese Diensvoorwaardeswet, 1985 (Wet No. 9 van 1985)

6. WETTE VAN DIE VOORMALIGE SELFREGERENDE GEBIED VAN QWAQWA

Wet op Arbeidsverhoudinge, 1988 (Wet No. 13 van 1988)
Loonwet, 1992 (Wet No. 19 van 1992)
Wet op Basiese Diensvoorwaardes, 1992 (Wet No. 16 van 1992)

7. WETTE VAN KRAG IN DIE VOORMALIGE SELFREGERENDE GEBIEDE VAN LEBOWA, GAZANKULU EN KANGWANE**(a) Lebowa en Gazankulu:**

Wet op Bantoe-arbeid (Beslegting van Geskille), 1953 (Wet No. 48 van 1953).
Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956)

(b) KaNgwane:

Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956).

8. WETTE VAN DIE VOORMALIGE SELFREGERENDE GEBIED VAN KWANDEBELE

Wet op Arbeidsverhoudinge, 1991 (Wet No. 19 van 1991)

BYLAE II**WETTE****GEBIEDE**

Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956)

Wet op Basiese Diensvoorwaardes, 1983 (Wet No. 3 van 1983)

Loonwet, 1957 (Wet No. 5 van 1957)

Wet op Landbou- arbeid, 1993 (Wet No. 147 van 1993)

Die dele van die nasionale grondgebied wat onmiddelik 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.

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN ARBEID**No. R. 1257****18 Augustus 1995****WET OP DIE INTEGRERING VAN ARBEIDSWETTE, 1994:****REGULASIES BETREFFENDE DIE INTEGRERING VAN DIE WET OP
ARBEIDSVERHOUDINGE, 1956**

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

BYLAE**Woordomskrywing**

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

"herroepe wet" enigeen van die onderstaande wette wat onmiddellik voor die inwerkingtredingsdatum van toepassing was en by artikel 1 van die Wet op die Integrering van Arbeidswette, 1994 (Wet No. 49 van 1994), herroep is, naamlik -

- (a) die Wet op Bantoe-arbeid (Beslegting van Geskille), 1953 (Wet No. 48 van 1953), soos dit aldus van toepassing was in die voormalige selfregerende gebiede van Lebowa en Gazankulu, onderskeidelik;
 - (b) die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956), soos dit aldus van toepassing was in die voormalige selfregerende gebiede van Lebowa en Gazankulu,
-

onderskeidelik, en die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956) soos dit aldus van toepassing was in die voormalige selfregerende gebied van KaNgwana;

- (c) die Wet op Arbeidsverhoudinge, 1985 (Wet No. 7 van 1985), van die voormalige selfregerende gebied van KwaZulu;
- (d) die Wet op Arbeidsverhoudinge, 1988 (Wet No. 13 van 1988), van die voormalige selfregerende gebied van Qwaqwa;
- (e) die Dekreet op Arbeidsverhoudinge, 1990 (Dekreet No. 12 van 1990), van die voormalige Republiek van Transkei;
- (f) die Dekreet op Arbeidsverhoudinge, 1990 (Dekreet No. 15 van 1990), van die voormalige Republiek van Ciskei;
- (g) die Proklamasie op Arbeidsverhoudinge, 1991 (Proklamasie No. 3 van 1991), van die voormalige Republiek van Venda;
- (h) die Wet op Arbeidsverhoudinge, 1991 (Wet No. 19 van 1991), van die voormalige selfregerende gebied van KwaNdebele; en
- (i) die Dekreet op Arbeidsverhoudinge, 1994 (Dekreet No. 10 van 1994), van die voormalige Republiek van Bophuthatswana;

"inwerkingtredingsdatum" die datum waarop hierdie regulasies in werking tree, wat dieselfde is as die datum waarop die herroeping van die wette vermeld in die omskrywing van "herroepe wet", van krag word;

"loonreëlende maatreël" enige kollektiewe ooreenkoms, kennisgewing, toekenning, order of vasstelling bindend ingevolge die Wet op Arbeidsverhoudinge of die Wet op Landbou-arbeid, 1993 (Wet No. 147 van 1993), en 'n vasstelling wat kragtens die Loonwet, 1957 (Wet No. 5 van 1957), gedoen is of geag word daarkragtens gedoen te gewees het;

"Minister" die Minister van Arbeid;

"registrateur" die Nywerheidsregistrateur kragtens artikel 3 van die Wet op Arbeidsverhoudinge aangestel; en

"Wet op Arbeidsverhoudinge" die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956).

Vakverenigings en werkgewersorganisasies ingevolge herroepe wette geregistreer

2.(1) Behoudens hierdie regulasie word enige vakvereniging of werkgewersorganisasie wat onmiddellik voor die inwerkingtredingsdatum ingevolge 'n herroepe wet as sodanig geregistreer was of by 'n herroepe wet geag word aldus geregistreer te wees ten opsigte van enige bepaalde belange, geag ingevolge die Wet op Arbeidsverhoudinge onderskeidelik as 'n vakvereniging of werkgewersorganisasie ten opsigte van sodanige belange geregistreer te

wees vir die gebied waarbinne hy onmiddellik voor die inwerkingtredingsdatum wettiglik ter nastrewing van sodanige belange gefunksioneer het, en so spoedig as wat na die inwerkingtredingsdatum redelikerwys doenlik is, moet die registrateur die naam van -

- (a) iedere sodanige vakvereniging in die register van vakverenigings inskryf,
- (b) iedere sodanige werkgewersorganisasie in die register van werkgewersorganisasies inskryf,

en reik hy of sy aan elke vakvereniging en elke werkgewersorganisasie wie se naam aldus in die toepaslike register ingeskryf is die tersaaklike registrasiesertifikaat in die voorgeskrewe vorm uit.

- (2) Ondanks subregulasie (1), kan die registrateur 'n vakvereniging of werkgewersorganisasie waaraan 'n registrasiesertifikaat ingevolge daardie subregulasie uitgereik is, skriftelik gelas om aan hom of haar -

- (a) 'n afskrif van sy konstitusie en enige verandering daarvan, behoorlik gewaarmerk onder die handtekeninge van die voorsitter en sekretaris daarvan;
en
- (b) 'n aldus gewaarmerkte afskrif van sy registrasiesertifikaat as 'n vakvereniging of werkgewersorganisasie,

wat ingevolge die tersaaklike herroepe wet goedgekeur of uitgereik is (na gelang van die geval), voor te lê binne 30 dae vanaf die datum van sodanige lasgewing.

(3) Indien die registrateur oortuig is dat 'n vakvereniging of werkgewersorganisasie waaraan 'n registrasiesertifikaat ingevolge subregulasie (1) uitgereik is -

(a) 'n konstitusie het wat -

(i) met die Wet op Arbeidsverhoudinge onbestaanbaar of met die bepalings van enige ander wet strydig is; of

(ii) bepalings bevat wat bereken is om die bereiking van die oogmerke van enige wet te verhinder of onredelik teenoor lede of die publiek is; of

(b) in die lewe geroep is om die bepalings van enige wet te ontduik,

kan die registrateur, ondanks subregulasie (1), sodanige vereniging of organisasie skriftelik gelas om sy konstitusie reg te stel en die verbeterde konstitusie aan hom of haar vir die nagaan daarvan voor te lê binne die tydperk (wat nie korter as 90 dae mag wees nie) wat in sodanige lasgewing vermeld word.

(4) By die versuim van 'n vakvereniging of werkgewersorganisasie om te voldoen aan 'n lasgewing wat ingevolge subregulasie (2) of (3) aan hom uitgereik is, stuur die registrateur per geregistreerde pos aan sodanige vereniging of organisasie 'n kennisgewing met die strekking dat sy registrasie as 'n vakvereniging of werkgewersorganisasie, te wyte aan sodanige versuim, ingetrek sal word by die

verstryking van 30 dae vanaf datum van sodanige kennisgewing tensy grondige redes daarteen binne dié tydperk aangevoer word.

- (5) (a) By verstryking van bedoelde 30 dae-tydperk, moet die registrateur die registrasie van die betrokke vakvereniging of werkgewersorganisasie intrek tensy grondige redes daarteen voor sodanige verstryking aangevoer is, en daarop hou die bepalings van subregulasie (1) op om ten opsigte van sodanige vereniging of organisasie van toepassing te wees.
- (b) Die registrateur moet die vakvereniging of werkgewersorganisasie per geregistreerde pos in kennis stel of sy registrasie aldus ingetrek is, al dan nie, en moet, indien dit aldus ingetrek is, 'n kennisgewing met dié strekking in die *Staatskoerant* laat publiseer.
- (6) Die bepalings van artikel 14(3), (4) en (5) van die Wet op Arbeidsverhoudinge is *mutatis mutandis* van toepassing wanneer die registrateur die registrasie van 'n vakvereniging of werkgewersorganisasie uit hoofde van hierdie regulasie ingetrek het.

Nywerheidsrade ingevolge herroepe wette geregistreer

3.(1) Behoudens hierdie regulasie word enige nywerheidsraad wat onmiddellik voor die inwerkingtredingsdatum ingevolge 'n herroepe wet geregistreer was of by 'n herroepe wet geag word aldus geregistreer te wees ten opsigte van enige onderneming, nywerheid, bedryf of beroep, geag ingevolge die Wet op Arbeidsverhoudinge as 'n nywerheidsraad geregistreer

te wees ten opsigte van daardie onderneming, nywerheid, bedryf of beroep en vir die gebied ten opsigte waarvan hy onmiddellik voor die inwerkingtredingsdatum regtens jurisdiksie uitgeoefen het.

(2) (a) 'n Nywerheidsraad bedoel in subregulasie (1) moet binne 180 dae na die inwerkingtredingsdatum of die verlenging van daardie tydperk wat die registrateur in enige besondere geval skriftelik bepaal, aan die registrateur voorlê -

(i) drie afskrifte van sy vorige geregistreerde konstitusie, na behore gewaarmerk onder die handtekening van die voorsitter en sekretaris daarvan;

(ii) 'n aldus gewaarmerkte afskrif van die sertifikaat met betrekking tot sy vorige registrasie as 'n nywerheidsraad ingevolge enige herroepe wet,

en by tydige ontvangs daarvan deur die registrateur, moet hy of sy, ondanks artikel 19 van die Wet op Arbeidsverhoudinge, die naam en ander vereiste besonderhede van sodanige nywerheidsraad in die register van nywerheidsrade inskryf.

(b) Indien 'n nywerheidsraad beoog in subregulasie (1) in gebreke gebly het om aan paragraaf (a) van hierdie subregulasie te voldoen voor verstryking van die 180 dae-tydperk in dié paragraaf beoog of (waar van toepassing) enige

verlenging van daardie tydperk wat ingevolge dié paragraaf ten opsigte van sodanige raad toegestaan is, hou die bepalings van subregulasie (1) op om ten opsigte van sodanige raad van toepassing te wees met ingang vanaf die datum van bedoelde verstryking.

- (3) (a) Waar daar teen die konstitusie van 'n nywerheidsraad wie se naam en besonderhede ingevolge subregulasie (2)(a) in die register van nywerheidsrade ingeskryf is, die beswaar ingebring kan word dat dit bepalings bevat wat teenstrydig is met enige van die maatstawwe genoem in artikel 19(3)(b) van die Wet op Arbeidsverhoudinge, kan die registrateur, ondanks subregulasie (1) of (2)(a), sodanige raad skriftelik gelas om sy konstitusie reg te stel en die verbeterde konstitusie aan hom of haar vir die nagaan daarvan voor te lê binne die tydperk (wat nie korter as 90 dae mag wees nie) wat in sodanige lasgewing vermeld word.
- (b) By die versuim van so 'n nywerheidsraad om te voldoen aan 'n lasgewing wat ingevolge paragraaf (a) aan hom uitgereik is, kan die registrateur sy naam uit genoemde register verwyder, en daarop hou die bepalings van subregulasie (1) op om ten opsigte van sodanige nywerheidsraad van toepassing te wees.

Verandering van registrasiebestek van nywerheidsrade uit hoofde van regulasie

3(2) geregistreer

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- 4.(1) Ondanks subregulasies (1) en (2)(a) van regulasie 3 kan enige nywerheidsraad wat ingevolge artikel 19 van die Wet op Arbeidsverhoudinge geregistreer is en wat onmiddellik voor die inwerkingtredingsdatum aldus geregistreer was, by die registrateur skriftelik aansoek doen om verandering van die gebied of onderneming, nywerheid, bedryf of beroep waarvoor of ten opsigte waarvan 'n nywerheidsraad bedoel in subregulasie (1) van regulasie 3 uit hoofde van subregulasie (2)(a) van daardie regulasie geregistreer is.
- (2) 'n Nywerheidsraad wat ingevolge subregulasie (1) aansoek doen, kan terselfdertyd ingevolge subartikel (8) van artikel 19 van die Wet op Arbeidsverhoudinge aansoek doen om die verandering van die gebied of onderneming, nywerheid, bedryf of beroep waarvoor of ten opsigte waarvan hy ingevolge daardie artikel geregistreer is.
- (3) 'n Nywerheidsraad wat ingevolge subregulasie (1) om 'n verandering aansoek doen, moet in sy aansoek -
- (a) die verandering wat hy voorstel, vermeld;
 - (b) die gronde ter motivering van die voorgestelde verandering, in besonderhede aangee; en
 - (c) al die inligting en besonderhede wat by sodanige aansoek ter sake is, openbaar.
-

- (4) (a) So spoedig as wat redelikerwys doenlik is nadat hy of sy 'n aansoek ingevolge subregulasie (1) en enige bykomende inligting wat deur hom of haar aangevra is, ontvang het, moet die registrateur in die *Staatskoerant* 'n kennisgewing laat publiseer waarin al die wesenlike besonderhede van sodanige aansoek vervat word en waarby belanghebbendes uitgenooi word om hulle skriftelike besware of vertoë in verband daarmee by hom of haar in te dien, op die wyse soos in sodanige kennisgewing vermeld, nie later nie as 30 dae na die datum van sodanige kennisgewing.
- (b) Die registrateur moet terselfdertyd 'n afskrif van sodanige kennisgewing laat stuur per geregistreerde pos of laat aflewer aan elk van die partye by die nywerheidsraad waarop die verandering waarom aansoek gedoen word, betrekking het.
- (5) (a) Indien, na behoorlike oorweging van die aansoek, enige bykomende inligting aangevra deur en verstrekk aan hom of haar uit hoofde van hierdie regulasie (indien daar is) en enige besware en vertoë deur hom of haar ontvang na aanleiding van en met voldoening aan 'n kennisgewing kragtens subregulasie (4) uitgereik, die registrateur, met behoorlike inagneming van die maatstawwe vervat in paragrawe (a), (b) en (c) van artikel 19(8) van die Wet op Arbeidsverhoudinge, oortuig is dat verandering van die gebied of onderneming, nywerheid, bedryf of beroep ten opsigte waarvan die nywerheidsraad bedoel in subregulasie (4)(b) geregistreer is, in die beste belang van doeltreffende kollektiewe bedinging in sodanige gebied of

onderneming, nywerheid, bedryf of beroep is, kan hy of sy so 'n verandering aanbring op die wyse en in die mate wat na sy of haar oordeel die mees gepaste is om daardie doel te bereik.

(b) Die bepalings van artikel 19(10) en (11) van die Wet op Arbeidsverhoudinge word *mutatis mutandis* toegepas waar die registrateur ingevolge paragraaf (a) van hierdie subregulasie die gebied, onderneming, nywerheid, bedryf of beroep ten opsigte waarvan 'n nywerheidsraad ingevolge regulasie 3(2)(a) geregistreer was, verander het.

(6) Die bepalings van hierdie regulasie belet nie 'n nywerheidsraad wat ingevolge regulasie 3(2)(a) geregistreer is, om die registrateur te versoek om 'n verandering ingevolge artikel 19(8) van die Wet op Arbeidsverhoudinge aan te bring nie en verhinder ook nie die registrateur om op sodanige versoek so 'n verandering aan te bring nie.

Artikel 16 van Wet op Arbeidsverhoudinge met betrekking tot appèlle teen beslissings van registrateur, *mutatis mutandis* toegepas te word wat betref sy of haar beslissings ingevolge regulasies 2, 3 en 4

5. Die bepalings van artikel 16 van die Wet op Arbeidsverhoudinge is *mutatis mutandis* van toepassing met betrekking tot enige beslissing, order, lasgewing, bepaling, vereiste of aanvraag of versoek van die registrateur ingevolge regulasie 2, 3 of 4 of enige intrekking van registrasie uit hoofde van regulasie 2 of 3 of enige verandering uit hoofde van regulasie 4.

Voortsetting van kollektiewe ooreenkomste, kennisgewings, toekennings, orders of vasstellings ingevolge herroepe wette van krag onmiddellik voor inwerkingtredingsdatum

- 6.(1) Behoudens subregulasie (2) bly enige kollektiewe ooreenkoms, kennisgewing, toekenning, order of vasstelling wat onmiddellik voor die inwerkingtredingsdatum bindend en van krag was ingevolge enige herroepe wet, bindend en van krag totdat -
- (a) die tydperk ten opsigte waarvan dit bindend gemaak was, verstryk; of
 - (b) die Minister 'n kennisgewing in die *Staatskoerant* laat publiseer waarby verklaar word dat sodanige kollektiewe ooreenkoms, kennisgewing, toekenning, order of vasstelling ophou om bindend te wees; of
 - (c) sodanige kollektiewe ooreenkoms, kennisgewing, toekenning, order of vasstelling deur 'n loonreëlende maatreël vervang word.
- (2) Ondanks subregulasie (1) kan die Minister by kennisgewing in die *Staatskoerant* die tydperk van enige kollektiewe ooreenkoms, kennisgewing, toekenning, order of vasstelling met hoogstens 12 maande verleng.
- (3) (a) Behoudens paragraaf (b) mag die Minister nie 'n loonreëlende maatreël na enige gebied waar 'n herroepe wet in werking en van krag was, uitbrei nie

behalwe na oorleg met die Nasionale Ekonomiese, Ontwikkelings- en Arbeidsraad ingestel by artikel 2 van die Wet op die Nasionale Ekonomiese, Ontwikkelings- en Arbeidsraad, 1994 (Wet No. 35 van 1994), en, tensy daar goeie redes bestaan om dit nie te doen nie, ook die loonraad ingestel by artikel 3 van die Loonwet, 1957 (Wet No. 5 van 1957): Met dien verstande dat 'n loonreëlende maatreël nie uitgebrei word na die gebied en belange ten opsigte waarvan 'n nywerheidsraad by regulasie 3(1) geag word geregistreer te wees nie tensy sodanige nywerheidsraad skriftelik daartoe ingestem het en die uitbreiding ooreenkomstig die bepalings van die Wet op Arbeidsverhoudinge teweeggebring word.

- (b) Die bepalings van paragraaf (a) is van toepassing vir 'n tydperk van drie jaar met ingang vanaf die inwerkingtreedingsdatum.

Beregting van hangende geskille

- 7.(1) Enige geskil wat voor die inwerkingtreedingsdatum ontstaan het binne enige gebied waar 'n herroepe wet van toepassing en van krag was, word, waar daar nie voor dié datum ten opsigte van sodanige geskil verrigtinge in enige hof of tribunaal aanhangig gemaak is nie, mee gehandel asof die herroepe wet steeds aldus van toepassing en van krag was: Met dien verstande dat sodanige verrigtinge aanhangig gemaak word in en dat die betrokke geskil beslis word deur die nywerheidshof by artikel 17 van die Wet op Arbeidsverhoudinge ingestel.

- (2) Enige sodanige geskil ten opsigte waarvan verrigtinge alreeds in enige hof of tribunaal voor die inwerkingtredingsdatum aanhangig gemaak is, word daarna voortgesit in en beslis deur daardie hof of tribunaal asof die betrokke herroepe wet steeds in die betrokke gebied van toepassing en van krag was.
- (3) Die Arbeidsappèlhof ingestel by artikel 17A van die Wet op Arbeidsverhoudinge is die hof van appèl en hersiening in die geval van 'n appèl teen die beslissing, vonnis of bevel van 'n hof of tribunaal vir enige verrigtinge wat ooreenkomstig subregulasie (1) of (2) daarin aanhangig gemaak is of die hersiening van enige sodanige verrigtinge, onderskeidelik.
- (4) Die appèl- en hersieningsjurisdiksie van die Arbeidsappèlhof ingevolge subregulasie (3) word met betrekking tot 'n hof of tribunaal beoog in subregulasie (1) of (2) uitgeoefen deur daardie afdeling van die Arbeidsappèlhof wie se regsgebied die plek waar of gebied waarin die gedingsoorsaak ontstaan het, insluit.

Vrystellings ingevolge herroepe wette

8. Enige vrystelling ingevolge 'n bepaling van enige herroepe wet verleen en van krag onmiddellik voor die inwerkingtredingsdatum, word geag verleen te gewees het en van krag te wees ingevolge die ooreenstemmende bepaling van die Wet op Arbeidsverhoudinge.

Arbeidsmakelaars ingevolge herroepe wette geregistreer

-
9. Enige arbeidsmakelaar wat onmiddellik voor die inwerkingtredingsdatum as sodanig geregistreer was ingevolge 'n herroepe wet word geag ingevolge artikel 63 van die Wet op Arbeidsverhoudinge as 'n arbeidsmakelaar geregistreer te wees.

Inspekteurs wat ampte ingevolge herroepe wette bekleë

10. Enige beampte wat onmiddellik voor die inwerkingtredingsdatum die amp van 'n inspekteur bekleë uit hoofde van sy of haar aanstelling in dié amp ingevolge enige herroepe wet, word geag die amp van inspekteur te bekleë uit hoofde van 'n aanstelling ingevolge artikel 60 van die Wet op Arbeidsverhoudinge gedoen.

Hangende strafregtelike vervolgings

11. Enige strafregtelike vervolging weens 'n misdryf ingevolge 'n herroepe wet wat onmiddellik voor die inwerkingtredingsdatum hangende is, word hanteer en mee voortgegaan, of (na gelang van die geval), word voortgesit, asof sodanige herroepe wet steeds van toepassing en van krag was.

Titel en inwerkingtreding

12. Hierdie regulasies heet die Wet op Arbeidsverhoudinge (1956) Integreringsregulasies, 1995 en tree in werking op 1 September 1995.
-

No. R. 1258

18 Augustus 1995

WET OP ARBEIDSVERHOUDINGE, 1956**WYSIGING VAN REGULASIES**

Die Minister van Arbeid het kragtens artikel 81 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No R.235 van 21 Februarie 1964, soos gewysig by Goewermentskennisgewings Nos. R.2024 van 15 Desember 1966, R.443 van 22 Maart 1968, R.1334 van 21 Augustus 1970, R.1543 van 18 September 1970, R.733 van 18 April 1975, R.2158 van 28 September 1979, R.2317 van 30 Oktober 1981, R.1883 van 3 September 1982, R.970 van 13 Mei 1983, R.1928 van 31 Augustus 1984, R.1709 van 26 Augustus 1988, R.2100 van 21 Oktober 1988, R.426 van 2 Maart 1990, R.3027 van 28 Desember 1990 en R.847 van 19 April 1991.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die regulasies word hierby gewysig deur subregulasie (5) deur die volgende subregulasie te vervang:

"(5) Wanneer die uitdrukking 'inspekteur by regulasie omskryf' in die Wet of hierdie regulasies voorkom, beteken dit-

- (a) in die provinsie KwaZulu/Natal en in, op of bo die aangrensende vastelandsplat bedoel in artikel 2(1) van die Wet, die Provinsiale Direkteur, Departement van Arbeid, Posbus 940, Durban, 4000;
- (b) in die provinsie Noord-Kaap en in, op of bo die aangrensende vastelandsplat bedoel in artikel 2(1) van die Wet, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X5012, Kimberley, 8300;
- (c) in die Noordelike Provinsie, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X9368, Pietersburg, 0700;
- (d) in die provinsie Noordwes, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X2040, Mmabatho, 8681;

- (e) in die provinsie Oos-Kaap en in, op of bo die aangrensende vastelandsplat bedoel in artikel 2(1) van die Wet, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X9005, Oos-Londen, 5200;
- (f) in die provinsie Oos-Transvaal, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X7263, Witbank, 1035;
- (g) in die provinsie Vrystaat, die Provinsiale Direkteur, Departement van Arbeid, Posbus 522, Bloemfontein, 9300;
- (h) in die provinsie Gauteng:
 - Gauteng Suid: - in die Landdrosdistrikte van Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kemptonpark, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging en Westonaria,
die Provinsiale Direkteur, Departement van Arbeid, Posbus 4560, Johannesburg, 2000;
 - Gauteng Noord: - in die Landdrosdistrikte van Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs en Wonderboom,
die Provinsiale Direkteur, Departement van Arbeid, Posbus 393, Pretoria, 0001; en
- (i) in die provinsie Wes-Kaap en in, op of bo die aangrensende vastelandsplat bedoel in artikel 2(1) van die Wet, die Provinsiale Direkteur, Departement van Arbeid, Posbus 872, Kaapstad, 8000."

Inwerkingtreding

3. Hierdie regulasies tree in werking op 1 September 1995.

No. R. 1259**18 Augustus 1995****WET OP DIE INTEGRERING VAN ARBEIDSWETTE, 1994: REGULASIES
BETREFFENDE DIE INTEGRERING VAN DIE LOONWET, 1957**

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

BYLAE**Woordomskrywing**

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

"herroepe wet" enigeen van die onderstaande wette wat onmiddellik voor die inwerkingtreddingsdatum van toepassing was en by artikel 1 van die Wet op die Integrering van Arbeidswette, 1994 (Wet No. 49 van 1994), herroep is, naamlik -

- (a) die Arbeidswet, 1977 (Wet No. 14 van 1977), van die voormalige Republiek van Transkei;
- (b) die Loonwet, 1977 (Wet No. 15 van 1977), van die voormalige Republiek van Transkei;
- (c) die Bophuthatswana Arbeidswet, 1979 (Wet No. 4 van 1979), van die voormalige Republiek van Bophuthatswana;

- (d) die Loonwet, 1981 (Wet No. 5 van 1981), van die voormalige Republiek van Venda;
- (e) die Loon- en Basiese Diensvoorwaardeswet, 1985 (Wet No. 9 van 1985), van die voormalige selfregerende gebied van KwaZulu;
- (f) die Loonwet, 1989 (Wet No. 1 van 1989), van die voormalige Republiek van Ciskei;
en
- (g) die Loonwet, 1992 (Wet No. 19 van 1992), van die voormalige selfregerende gebied van Qwaqwa;

"inwerkingtredingsdatum" die datum waarop hierdie regulasies in werking tree, wat dieselfde is as die datum waarop die herroeping van die wette vermeld in die omskrywing van "herroepe wet", van krag word;

"loonreëlende maatreël" enige kollektiewe ooreenkoms, kennisgewing, toekenning, order of vasstelling bindend ingevolge die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), of die Wet op Landbou-arbeid, 1993 (Wet No. 147 van 1993);

"Loonwet" die Loonwet, 1957 (Wet No. 5 van 1957);

"Minister" die Minister van Arbeid; en

"raad" die loonraad ingestel by artikel 3 van die Loonwet.

Loonrade wat ingevolge herroepe wette bestaan het, word deur raad opgevolg

- 2.(1) Met ingang vanaf die inwerkingtreedingsdatum is die raad die regsopvolger van enige loonraad wat by of ingevolge 'n herroepe wet ingestel was en wat op daardie datum regtens opgehou het om te bestaan, en vir dié doel maar sonder om aan die algemeenheid van die voorafgaande bepalings afbreuk te doen -
- (a) word enige ondersoek, enige aanbeveling en enige ander handeling ingestel, gedoen of verrig deur so 'n loonraad ingevolge so 'n wet voor die inwerkingtreedingsdatum, geag ingestel, gedoen of verrig te gewees het deur die raad ingevolge die Loonwet;
- (b) kan enige ondersoek waarmee so 'n loonraad voor die inwerkingtreedingsdatum 'n aanvang geneem het maar wat op die dag onmiddellik voor die inwerkingtreedingsdatum nog nie afgehandel was nie, deur die raad voortgesit en afgehandel word asof sodanige ondersoek van meet af deur hom ingevolge die Loonwet ingestel en gedoen was.
- (2) By die toepassing van subartikel (1) omvat "loonraad" enige raad, komitee of ander liggaam, met welke benaming ook al, waaraan daar by of ingevolge 'n herroepe wet werksaamhede toevertrou is wat soortgelyk is aan dié wat die raad by of ingevolge die

Loonwet opgelê word, ongeag of daar aan sodanige raad, komitee of liggaam ook ander werksaamhede aldus toevertrou is, al dan nie.

Voortgesette gelding van sekere vasstellings kragtens herroepe wette gemaak

3. (1) 'n Vasstelling kragtens 'n herroepe wet gemaak en van krag onmiddellik voor die inwerkingtredingsdatum, word geag kragtens artikel 14 van die Loonwet gemaak te gewees het en bly van krag totdat dit deur 'n loonreëlende maatreël vervang of deur die Minister kragtens artikel 16 ingetrek word: Met dien verstande dat die bepalings van hierdie subregulasie nie uitgelê word as sou dit die wysiging van so 'n vasstelling ooreenkomstig artikel 15 van die Loonwet in die weg staan nie.
- (2)(a) Ondanks artikel 17 van die Loonwet maar behoudens paragraaf (b) van hierdie subregulasie mag die Minister die toepassing van enige vasstelling wat voor die inwerkingtredingsdatum kragtens daardie artikel gemaak is, nie uitbrei na enige gebied waar 'n herroepe wet van toepassing en van krag was nie tensy die raad so 'n uitbreiding aanbeveel het en die Minister vooraf met die Nasionale Ekonomiese, Ontwikkeling- en Arbeidsraad ingestel by artikel 2 van die Wet op die Nasionale Ekonomiese, Ontwikkelings- en Arbeidsraad, 1994 (Wet No. 35 van 1994), oorleg gepleeg het.
- (b) Die bepalings van paragraaf (a) is van toepassing vir 'n tydperk van drie jaar bereken vanaf die inwerkingtredingsdatum.

Loonregisters of soortgelyke rekords ingevolge herroepe wette bygehou

4. Enige Loonregisters of enige aantekeninge of rekords wat betrekking het op tyd wat gewerk en die beloning wat daarvoor betaal moet word en wat voor die inwerkingtredingsdatum deur 'n werkgever ten opsigte van sy of haar werknemers gehou en bygehou is ter nakoming van die vereistes van enige herroepe wet, word geag deur hom of haar ter nakoming van artikel 29 van die Loonwet gehou en bygehou te gewees het.

Vrystellings ingevolge herroepe wette

5. Enige vrystelling ingevolge 'n bepaling van enige herroepe wet verleen en van krag onmiddellik voor die inwerkingtredingsdatum, word geag verleen te gewees het en van krag te wees ingevolge die ooreenstemmende bepaling van die Loonwet.

Hofbevele ingevolge herroepe wette uitgereik maar waaraan nie voor inwerkingtredingsdatum voldoen is nie

6. 'n Bevel in die aard van enige bevel beoog in artikel 21 van die Loonwet wat ingevolge enige herroepe wet deur 'n bevoegde hof uitgereik was maar waaraan daar nie voor of op die dag onmiddellik voor die inwerkingtredingsdatum voldoen was nie, word geag ingevolge genoemde artikel 21 uitgereik te gewees het.

Hangende strafregtelike vervolgings

7. Enige strafregtelike vervolging weens 'n misdryf ingevolge 'n herroepe wet wat onmiddellik voor die inwerkingtreddingsdatum hangende is, word hanteer en mee voortgegaan, of (na gelang van die geval) word voortgesit, asof sodanige herroepe wet steeds van toepassing en van krag was.

Inspekteurs wat ampte ingevolge herroepe wette bekleë

8. Enige beampte wat onmiddellik voor die inwerkingtreddingsdatum die amp van 'n inspekteur bekleë uit hoofde van sy of haar aanstelling in dié amp ingevolge enige herroepe wet, word geag die amp van inspekteur te bekleë uit hoofde van 'n aanstelling ingevolge artikel 26 van die Loonwet gedoen.

Titel en inwerkingtredding

9. Hierdie regulasies heet die Loonwet (1957) Integreringsregulasies, 1995, en tree in werking op 1 September 1995

No. R. 1260**18 Augustus 1995****LOONWET, 1957****WYSIGING VAN REGULASIES**

Die Minister van Arbeid het kragtens artikel 36 van die Loonwet, 1957 (Wet No. 5 van 1957), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R.1385 van 6 September 1963 soos gewysig by Goewermentskennisgewings Nos. R.1333 van 21 Augustus 1970, R.2321 van 31 Oktober 1981, R.2254 van 4 November 1988 en R.3029 van 28 Desember 1990.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig deur subregulasie (4) deur die volgende subregulasie te vervang:

"(4) Wanneer die uitdrukking 'inspekteur by regulasie omskryf' in hierdie regulasies voorkom beteken dit-

- (a) in die provinsie KwaZulu/Natal, die Provinsiale Direkteur, Departement van Arbeid, Posbus 940, Durban, 4000;
- (b) in die provinsie Noord-Kaap, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X5012, Kimberley, 8300;
- (c) in die Noordelike Provinsie, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X9368, Pietersburg, 0700;
- (d) in die provinsie Noordwes, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X2040, Mmabatho, 8681;
- (e) in die provinsie Oos-Kaap, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X9005, Oos-London, 5200;
- (f) in die provinsie Oos-Transvaal, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X7263, Witbank, 1035;
- (g) in die provinsie Vrystaat, die Provinsiale Direkteur, Departement van Arbeid, Posbus 522, Bloemfontein, 9300;
- (h) in die provinsie Gauteng;

Gauteng Suid: - in die Landdrosdistrikte van Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kemptonpark, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging en Westonaria,
die Provinsiale Direkteur, Departement van Arbeid, Posbus 4560, Johannesburg, 2000;

Gauteng Noord: - in die Landdrosdistrikte van Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs en Wonderboom,
die Provinsiale Direkteur, Departement van Arbeid, Posbus 393, Pretoria, 0001; en

- (i) in die provinsie Wes-Kaap, die Provinsiale Direkteur, Departement van Arbeid, Posbus 872, Kaapstad, 8000.”.

Inwerkingtreding

3. Hierdie regulasies tree op 1 September 1995 in werking.

No. R. 1261**18 Augustus 1995**

**WET OP DIE INTEGRERING VAN ARBEIDSWETTE, 1994: REGULASIES
BETREFFENDE DIE INTEGRERING VAN DIE WET OP BASIESE
DIENSVOORWAARDES, 1983**

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

BYLAE

Woordomskrywing

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

"Basiese Diensvoorwaardeswet" die Wet op Basiese Diensvoorwaardes, 1983 (Wet No. 3 van 1983);

"herroepe wet" enigeen van die onderstaande wette wat onmiddellik voor die inwerkingtredingsdatum van toepassing was en by artikel 1 van die Wet op die Integrering van Arbeidswette, 1994 (Wet No. 49 van 1994), herroep is, naamlik -

- (a) die Wet op Winkels en Kantore, 1979 (Wet No. 3 van 1979), van die voormalige Republiek van Transkei;

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- (b) die Wet op Diensvoorwaardesregulering, 1984 (Wet No. 34 van 1984), van die voormalige Republiek van Ciskei;
 - (c) die Loon- en Basiese Diensvoorwaardeswet, 1985 (Wet No. 9 van 1985), van die voormalige selfregerende gebied van KwaZulu;
 - (d) die Wet op Basiese Diensvoorwaardes, 1988 (Wet No. 11 van 1988), van die voormalige Republiek van Venda;
 - (e) die Wet op Basiese Diensvoorwaardes, 1992 (Wet No. 16 van 1992), van die voormalige selfregerende gebied van Qwaqwa; en
 - (f) die Wet op Basiese Diensvoorwaardes, 1992 (Wet No. 22 van 1992), van die voormalige Republiek van Bophuthatswana; en

"inwerkingtreddingsdatum" die datum waarop hierdie regulasies in werking tree, wat dieselfde is as die datum waarop die herroeping van die wette vermeld in die omskrywing van "herroepe wet", van krag word.

Skriftelike toestemmings of magtigings ingevolge herroepe wette uitgereik met betrekking tot verrigting van werk in fabrieke en winkels op Sondag

2. Enige skriftelike toestemming of skriftelike magtiging ingevolge 'n herroepe wet aan 'n werkgewer verleen en van krag onmiddellik voor die inwerkingtreddingsdatum, uit hoofde
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waarvan die werkgewer geregtig is om te vereis of toe te laat dat 'n werknemer enige werk in of in verband met 'n fabriek of winkel op 'n Sondag verrig, word geag skriftelike toestemming te wees wat vir dié doel ingevolge artikel 10(1)(a) van die Basiese Diensvoorwaardeswet verleen is.

Rekords ingevolge herroepe wette bygehou

3. Enige rekord of aantekening wat voor die inwerkingtredingsdatum en ter nakoming van die vereistes van 'n herroepe wet deur 'n werkgewer gehou en bygehou is betreffende die tyd gewerk deur en die beloning betaal aan elk van sy of haar werknemers en betreffende sodanige aangeleenthede of besonderhede ingevolge so 'n wet voorgeskryf, as wat ooreenstem met die besonderhede wat uit hoofde van subartikel (1)(c) van artikel 20 van die Basiese Diensvoorwaardeswet voorgeskryf is, word geag 'n rekord of aantekening te wees wat deur sodanige werkgewer ter nakoming van artikel 20 van die Basiese Diensvoorwaardeswet gehou en bygehou is.

Verklarings tot aaneenlopende bedrywighede ingevolge herroepe wette gedoen

4. Enige bedrywigheid wat ingevolge 'n herroepe wet verklaar is tot 'n aaneenlopende bedrywigheid word, indien so 'n verklaring nie voor die inwerkingtredingsdatum ingetrek is nie, by die toepassing van die Basiese Diensvoorwaardeswet geag 'n aaneenlopende bedrywigheid te wees in alle opsigte asof sodanige verklaring ingevolge artikel 33 van daardie Wet gedoen was.

Vrystellings ingevolge herroepe wette

5. Enige vrystelling ingevolge 'n bepaling van enige herroepe wet verleen en van krag onmiddellik voor die inwerkingtredingsdatum, word geag verleen te gewees het en van krag te wees ingevolge die ooreenstemmende bepaling van die Basiese Diensvoorwaardeswet.

Hofbevele ingevolge herroepe wette uitgereik maar waaraan nie voor inwerkingtredingsdatum voldoen is nie

6. Enige bevel in die aard van 'n bevel beoog in artikel 28 van die Basiese Diensvoorwaardeswet wat ingevolge enige herroepe wet deur 'n bevoegde hof uitgereik was maar waaraan daar nie voor of op die dag onmiddellik voor die inwerkingtredingsdatum voldoen was nie, word geag ingevolge genoemde artikel 28 uitgereik te gewees het.

Hangende strafregtelike vervolgings

7. Enige strafregtelike vervolging weens 'n misdryf ingevolge 'n herroepe wet wat onmiddellik voor die inwerkingtredingsdatum hangende is, word hanteer en mee voortgegaan, of (na gelang van die geval) word voortgesit, asof sodanige herroepe wet steeds van toepassing en van krag was.

Inspekteurs wat ampte ingevolge herroepe wette beklee

8. Enige beampte wat onmiddellik voor die inwerkingtredingsdatum die amp van 'n inspekteur beklee uit hoofde van sy of haar aanstelling in dié amp ingevolge enige herroepe wet, word geag die amp van inspekteur te beklee uit hoofde van 'n aanstelling ingevolge artikel 22 van die Basiese Diensvoorwaardeswet gedoen.

Titel en inwerkingtreding

9. Hierdie regulasies heet die Wet op Basiese Diensvoorwaardes (1983) Integreringsregulasies, 1995 en tree in werking op 1 September 1995.

No. R. 1262

18 Augustus 1995

**WET OP BASIESE DIENSVOORWAARDES, 1983
WYSIGING VAN REGULASIES**

Die Minister van Arbeid het kragtens artikel 37 van die Wet op Basiese Diensvoorwaardes, 1983 (Wet No. 3 van 1983), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R.1148 van 3 Junie 1983, soos gewysig by Goewermentskennisgewings Nos. R.1056 van 25 Mei 1984, R.1018 van 10 Mei 1985, R.501 van 18 Maart 1988, R.2253 van 4 November 1988, R.922 van 27 April 1990, R.3028 van 28 Desember 1990, R.490 van 8 April 1993, R.2544 van 31 Desember 1993, en R.2545 van 31 Desember 1993.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

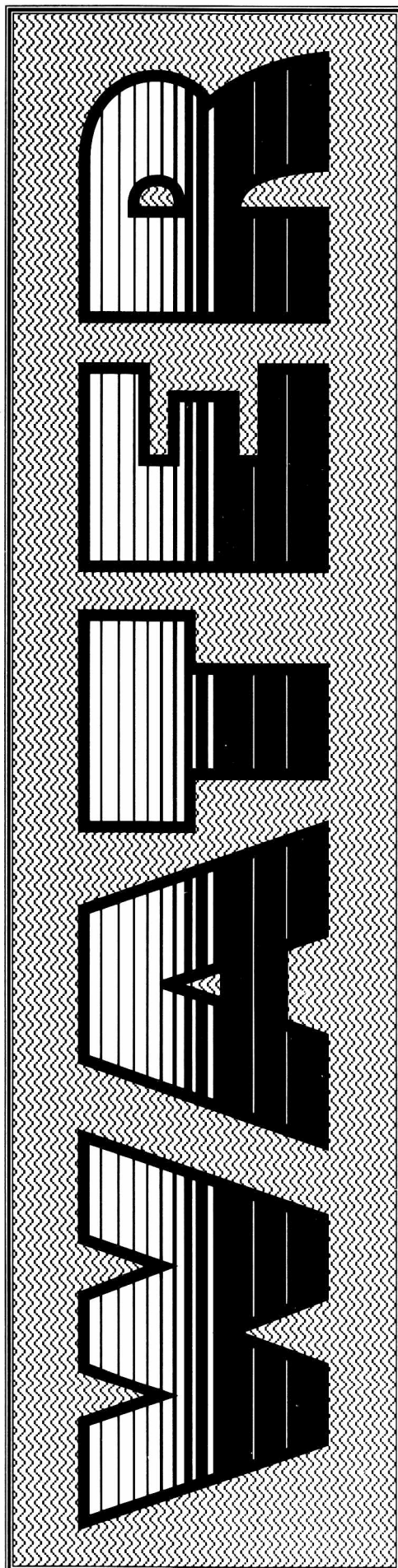
"(2) Wanneer die uitdrukking 'inspekteur by regulasie omskryf' of 'Streekdirekteur' in die Wet of hierdie regulasies voorkom beteken dit-

- (a) In die provinsie KwaZulu/Natal, die Provinsiale Direkteur, Departement van Arbeid, Posbus 940, Durban, 4000;
- (b) in die provinsie Noord-Kaap, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X5012, Kimberley, 8300;
- (c) in die Noordelike Provinsie, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X9368, Pietersburg, 0700;
- (d) in die provinsie Noordwes, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X2040, Mmabatho, 8681;
- (e) in die provinsie Oos-Kaap, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X9005, Oos-London, 5200;
- (f) in die provinsie Oos-Transvaal, die Provinsiale Direkteur, Departement van Arbeid, Privaatsak X7263, Witbank, 1035;
- (g) in die provinsie Vrystaat, die Provinsiale Direkteur, Departement van Arbeid, Posbus 522, Bloemfontein, 9300;

- (h) in die provinsie Gauteng:
Gauteng Suid: - in die Landdrosdistrikte van Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kemptonpark, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging en Westonaria,
die Provinsiale Direkteur, Departement van Arbeid, Posbus 4560, Johannesburg, 2000;
- Gauteng Noord: - in die Landdrosdistrikte van Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs en Wonderboom,
die Provinsiale Direkteur, Departement van Arbeid, Posbus 393, Pretoria, 0001; en
- (i) in die provinsie Wes-Kaap, die Provinsiale Direkteur, Departement van Arbeid, Posbus 872, Kaapstad, 8000.”.

Inwerkingtreding

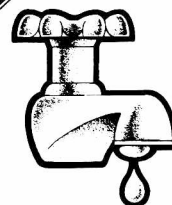
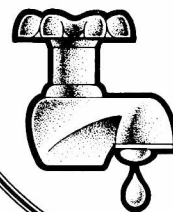
3. Hierdie regulasies tree in werking op 1 September 1995.

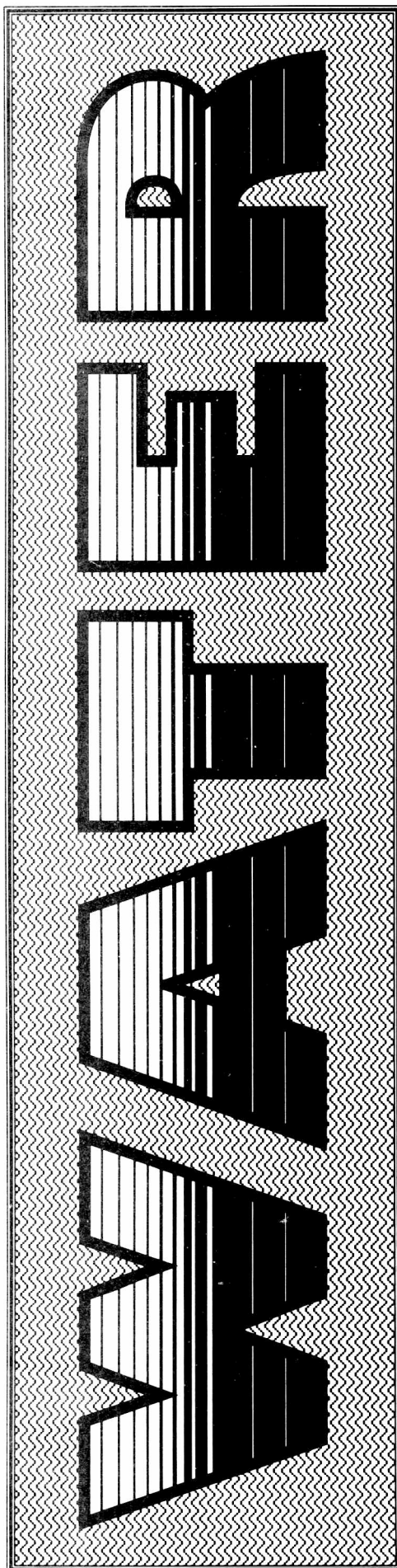


DON'T

WASTE

IT!

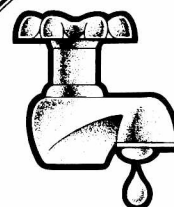




WERK

SPAARSAAM

DAARMEE !



Please keep our country,
South Africa, clean!



Help om ons land, Suid-Afrika,
skoon te hou!

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