

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

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THE UNION OF SOUTH AFRICA

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:

No. 1162.] [29 Junie 1956.

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word:

BLADSY

No. 57 van 1956: Pneumokoniosewet, 1956 2

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:

No. 1162.] [29th June, 1956.

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Act, which is hereby published for general information:

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No. 57 of 1956: Pneumoconiosis Act, 1956 3

No. 57, 1956.]

WET

Tot samevatting en wysiging van die wetsbepalings met betrekking tot die betaling van vergoeding ten opsigte van sekere siektes opgedoen deur persone wat by mynbouwerksaamhede in diens is en aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 12 Junie 1956.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Woordoms-
krywing.

1. (1) Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „aangenome kind” nie ook ’n kind wat nie ooreenkomstig die wetsbepalings op die aanneem van kinders aangeneem is nie, maar wel ’n kind, hetsy ooreenkomstig bedoelde bepalinge aangeneem al dan nie, aan of ten opsigte van wie voor die inwerkingtreding van hierdie Wet ’n pensioen ingevolge die Wet van 1946 toegeken was op grond van die feit dat hy ’n aangenome kind volgens daardie Wet was, en ’n kind wat deur enigiemand onderhou is vir enige tydperk onmiddellik voor die datum waarop hy daardie kind werklik aangeneem het, word by die toepassing van hierdie Wet geag gedurende daardie tydperk die aangenome kind van so iemand te gewees het; (ii)
- (ii) „afhanklike”—
 - (a) met betrekking tot ’n naturelle-arbeider, enigiemand vir wie se onderhoud hy volgens die oordeel van die owerheid vir naturellesake geheel en al of ten dele aanspreeklik is;
 - (b) met betrekking tot ’n oorlede mynwerker of oorlede kleurlingarbeider—
 - (i) sy weduwee;
 - (ii) sy afhanklike kind; en
 - (c) met betrekking tot ’n oorlede naturelle-arbeider, enigiemand vir wie se onderhoud daardie naturelle-arbeider, volgens die oordeel van die owerheid vir naturellesake, voor sy dood geheel en al of ten dele aanspreeklik was, of vir wie se onderhoud daardie naturelle-arbeider, volgens die oordeel van die owerheid vir naturellesake, geheel en al of ten dele aanspreeklik sou gewees het as hy nie gesterf het nie; (xiii)
- (iii) „afhanklike kind”—
 - (a) met betrekking tot ’n mynwerker of kleurlingarbeider, ’n wettige kind of ’n aangenome kind of ’n stiefkind, maar nie ook ’n stiefkind—
 - (i) wie se moeder nie meer daardie mynwerker of kleurlingarbeider se eggenote is nie, of wie se moeder daardie mynwerker of kleurlingarbeider nie regtens verplig is om te onderhou nie, tensy bedoelde stiefkind in die een of die ander geval by die mynwerker of kleurlingarbeider woon; of
 - (ii) tot wie se onderhoud iemand anders as daardie mynwerker of kleurlingarbeider of sy eggenote ’n bydrae, hetsy in geld of in natura, maak, of verplig kan word en in staat is om ’n bydrae te maak, wat volgens die raad se oordeel voldoende is om in die behoeftes van bedoelde stiefkind te voorsien; of
 - (iii) indien volgens die raad se oordeel andersins vir hom voorsiening gemaak word of hy in staat is om in sy eie behoeftes te voorsien, en ’n kind wat ’n stiefkind of ’n aangenome kind geword het na die datum waarop daardie mynwerker of kleurlingarbeider die eerste maal op ’n voordeel geregtig geword het, word by die toepassing van hierdie omskrywing geag sy stiefkind of sy aangenome kind te geword het na verloop van ’n tydperk van ses maande vanaf die datum waarop daardie kind werklik sy stiefkind of sy aangenome kind geword het; en
 - (b) met betrekking tot ’n oorlede mynwerker of oorlede kleurlingarbeider—

No. 57, 1956.]

ACT

To consolidate and amend the law relating to the payment of compensation in respect of certain diseases contracted by persons employed in mining operations and matters incidental thereto.

(Afrikaans text signed by the Governor-General.)
(Assented to 12th June, 1956.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. (1) In this Act, unless the context otherwise indicates— Definitions.
 - (i) "actuary" means an actuary appointed by the Minister for the purposes of this Act; (iv)
 - (ii) "adopted child" does not include a child which has not been adopted in accordance with the laws relating to the adoption of children, but does include any child, whether or not adopted in accordance with the said laws, to or in respect of which a pension was, prior to the commencement of this Act, awarded under the 1946 Act, by reason of the fact that it was an adopted child in terms of that Act, and any child which has been maintained by any person for any period immediately prior to the date on which he actually adopted that child, shall for the purposes of this Act be deemed to have been the adopted child of that person during the said period; (i)
 - (iii) "benefit" means money which has been paid or the payment of money or a claim for the payment of money, as the context may require, to or in respect of a miner or coloured labourer or native labourer or to or in respect of a dependant of a deceased miner or coloured labourer or native labourer, in terms of a repealed Act or this Act, on the ground that such miner or coloured labourer or native labourer has been found to be or to have been suffering from pneumoconiosis (or, in the case of a repealed Act, from silicosis or pulmonary disability as defined in that Act) or from tuberculosis as defined in the Act in question, but does not include money or the payment of money or a claim for the payment of money—
 - (a) awarded under any repealed Act which was in force before the first day of August, 1916, to a miner who after that date lawfully worked in a dusty occupation, as defined in any other repealed Act, but did not after that date become entitled to a benefit under any other such Act; or
 - (b) under section *sixty-eight* or *sixty-nine* of the 1946 Act; or
 - (c) under section *eighty-one* or *eighty-two* of this Act; (xl)
 - (iv) "board" means the Pneumoconiosis Board established under section *forty-two*; (xxxiii)
 - (v) "bureau" means the Pneumoconiosis Bureau established under section *two*; (vii)
 - (vi) "cardio-respiratory organs" means all or any one of the following organs, namely, larynx, trachea, bronchial tree, lung parenchyma, pleurae, lymphatic system of the lungs, regional lymph glands, vascular system of the lungs, nerve supply of the lungs, diaphragm and nerve supply to diaphragm, heart, pericardium and large intra-thoracic bloodvessels; (xiv)
 - (vii) "child" means a person under the age of eighteen years; (xvii)
 - (viii) "coloured labourer" means any person, other than a miner or a native labourer, who has or is deemed to have lawfully worked in a dusty atmosphere at a controlled mine, but does not for the purposes of section *eighty-three*, *eighty-four*, *eighty-five* or *eighty-six*, include a coloured female; (xviii)
 - (ix) "commissioner" means the Pneumoconiosis Compensation Commissioner appointed under section *forty*; (xix)
 - (x) "committee" means the Pneumoconiosis Certification Committee established under section *eight*; (xx)
 - (xi) "compensation fund" means the Controlled Mines Compensation Fund established under section *fifty-five*; (xxxix)

- (i) sy wettige, aangenome of stiefkind ten opsigte van wie hy onmiddellik voor sy dood 'n pensioen ontvang het, of ten opsigte van wie hy op 'n pensioen geregtig sou gewees het as hy nie gesterf het nie;
- (ii) sy posthume kind ten opsigte van wie hy volgens die raad se oordeel op 'n pensioen geregtig sou gewees het as hy nie gesterf het nie; en
- (iii) sy onegte kind (met inbegrip van enige posthume onegte kind) indien bedoelde mynwerker of kleurlingarbeider op die datum van geboorte van daardie kind, of, in die geval van 'n posthume kind, op die datum van afsterwe van bedoelde mynwerker of kleurlingarbeider, nie op 'n pensioen geregtig was nie; (xiv)
- (iv) „aktuaris” 'n aktuaris vir die doeleindes van hierdie Wet deur die Minister aangestel; (i)
- (v) „beheerde myn” 'n myn waarvan die naam of beskrywing op die in sub-artikel (4) van artikel *vier-en-vyftig* bedoelde register verskyn; (xii)
- (vi) „boekjaar” die tydperk van die eerste dag van April in enige jaar tot die een-en-dertigste dag van Maart in die eersvolgende jaar; (xvii)
- (vii) „buro” die ingevolge artikel *twee* ingestelde Pneumokonioseburo; (v)
- (viii) „direkteur” die persoon kragtens artikel *drie* as direkteur van die buro aangestel, of iemand deur die Minister aangestel om as direkteur van die buro op te tree gedurende enige tydperk wanneer daar nie 'n direkteur is nie of wanneer die direkteur om een of ander rede nie in staat is om sy werksaamhede te verrig nie; (xv)
- (ix) „eerste ondersoek” 'n mediese ondersoek na aanleiding waarvan 'n eerste sertifikaat uitgereik kan word; (xxi)
- (x) „eerste sertifikaat” 'n sertifikaat ingevolge sub-artikel (2) van artikel *sewentien* of sub-artikel (1) van artikel *agtien* uitgereik; (xx)
- (xi) „eienaar”, met betrekking tot 'n myn, die persoon wat uit hoofde van die eiendomsreg op die onedele minerale of uit hoofde van 'n myntitel kragtens een of ander wetsbepaling verkry, die reg het om vir sy eie voordeel 'n mineraal uit daardie myn te haal; (xxxiv)
- (xii) „geneesheer” ook 'n amptenaar kragtens paragraaf (b) van sub-artikel (1) van artikel *drie* aangestel; (xxiii)
- (xiii) „geneeskundige adviseur” die persoon kragtens sub-artikel (1) van artikel *sewe* aangestel; (xxii)
- (xiv) „hart- en asemhalingsorgane” enige van of al die volgende organe, te wete, strottehoof, gorrelpyp, lugpypvertakking, long-parencheem, longvlies, longlimfstelsel, streekslimfkliere, vaatstelsel van die longe, senu-toevoer van die longe, mantelvlies en senu-toevoer van mantelvlies, hart, hartsak en groot binnedorakale bloedvate; (vi)
- (xv) „herroepe Wet” die Wet van 1946 en enige vorige wet op myntering wat herroep is; (xl)
- (xvi) „hierdie Wet” ook enige regulasie; (xlv)
- (xvii) „kind” iemand onder die leeftyd van agtien jaar; (vii)
- (xviii) „kleurlingarbeider” iemand wat nie 'n mynwerker of 'n naturelle-arbeider is nie, en wat wettiglik in stowwige lug by 'n beheerde myn gewerk het of wat geag word aldus te gewerk het, maar by die toepassing van artikel *drie-en-tagtig*, *vier-en-tagtig*, *vyf-en-tagtig* of *ses-en-tagtig*, nie ook 'n vroulike kleurling nie; (viii)
- (xix) „kommissaris” die Kommissaris vir Pneumokoniosevergoeding kragtens artikel *veertig* aangestel; (ix)
- (xx) „komitee” die by artikel *agt* ingestelde Komitee vir die Sertifisering van Pneumokoniose; (x)
- (xxi) „maandloon”, met betrekking tot 'n mynwerker of oorlede mynwerker, of 'n kleurlingarbeider of oorlede kleurlingarbeider, wat op 'n voordeel geregtig geword het of ten opsigte van wie iemand aldus geregtig geword het, een-sesde van die bedrag wat daardie mynwerker of oorlede mynwerker of kleurlingarbeider of oorlede kleurlingarbeider as besoldiging verdien het (met inbegrip van die waarde van voedsel en huisvesting wat sy werkgewer verplig was om aan hom te verstrek)

- (xii) "controlled mine" means a mine whereof the name or description appears upon the register mentioned in sub-section (4) of section *fifty-four*; (v)
- (xiii) "dependant" means—
 - (a) in relation to a native labourer, any person for whose maintenance he is, in the opinion of the native affairs authority, wholly or partly responsible;
 - (b) in relation to a deceased miner or deceased coloured labourer—
 - (i) his widow;
 - (ii) his dependent child; and
 - (c) in relation to a deceased native labourer, any person for whose maintenance such native labourer was, in the opinion of the native affairs authority, wholly or partly responsible before his death, or for whose maintenance such native labourer would, in the opinion of the native affairs authority, have been wholly or partly responsible had he not died; (ii)
- (xiv) "dependent child"—
 - (a) in relation to a miner or coloured labourer, means a legitimate child or an adopted child or a step-child, but does not include a step-child—
 - (i) whose mother has ceased to be the wife of such miner or coloured labourer or whose mother such miner or coloured labourer is not by law obliged to maintain, unless in either case such step-child is living with the miner or coloured labourer; or
 - (ii) towards whose maintenance any person (other than such miner or coloured labourer or his wife) makes or can be compelled and is able to make a contribution, whether in money or in kind, which in the opinion of the board is sufficient to meet the needs of such step-child; or
 - (iii) which in the opinion of the board is being otherwise provided for or is able to provide for its own needs,
 and a child which became a step-child or an adopted child after the date on which such miner or coloured labourer first became entitled to a benefit, shall for the purposes of this definition be deemed to have become his step-child or his adopted child after the lapse of a period of six months from the date on which such child actually became his step-child or his adopted child; and
 - (b) in relation to a deceased miner or deceased coloured labourer means—
 - (i) his legitimate, adopted or step-child in respect of whom he was immediately before his death in receipt of a pension or in respect of whom he would have been entitled to a pension had he not died;
 - (ii) his posthumous child in respect of whom he would, in the opinion of the board, have been entitled to a pension had he not died; and
 - (iii) his illegitimate child (including any posthumous illegitimate child) if such miner or coloured labourer was not, at the date of birth of such child, or, in the case of a posthumous child, at the date of death of such miner or coloured labourer, entitled to a pension; (iii)
- (xv) "director" means the person appointed under section *three* as director of the bureau, or any person appointed by the Minister to act as director of the bureau during any period when there is no director or when the director is for any reason unable to perform his functions; (viii)
- (xvi) "dusty atmosphere" means a place where dust occurs or is produced which causes or is likely to cause pneumoconiosis in persons employed in mining operations therein or thereat, if such place is—
 - (a) below the natural surface of the earth; or
 - (b) a place on or above the natural surface of the earth—
 - (i) where rock or stone or ore or any mineral is ordinarily reduced in size or classified or

vir werk wat hy in stowwige lug by 'n beheerde myn verrig het gedurende enige aaneenlopende tydperk van honderd ses-en-vyftig dae binne die tydperk van driehonderd vyf-en-sestig dae onmiddellik voorafgaande aan die dag waarop bedoelde mynwerker of kleurlingarbeider of, al na die geval, bedoelde ander persoon op daardie voordeel geregtig geword het, of (in die geval van 'n mynwerker of kleurlingarbeider wat tevore op 'n voordeel geregtig geword het, en wat nie sedert hy op sy laaste vorige voordeel geregtig geword het, in stowwige lug by 'n beheerde myn gewerk het nie) waarop hy op bedoelde laaste vorige voordeel geregtig geword het: Met dien verstande dat waar die kommissaris om een of ander rede nie in staat is om die maandloon van 'n mynwerker of oorlede mynwerker of kleurlingarbeider of oorlede kleurlingarbeider te bepaal nie, die bedrag van daardie loon so 'n bedrag is as wat die kommissaris met goedkeuring van die raad op grondslag van die beskikbare gegewens mag beraam; (xxix)

- (xxii) „mineraalstof” of „stof” stof wat in die loop van mynbouwerksaamhede van enige mineraal (met inbegrip van steenkool) verkry word; (xxvi)
- (xxiii) „Minister” die Minister van Mynwese; (xxviii)
- (xxiv) „myn” enige grond waarop mynbouwerksaamhede gedryf is of word; (xxiv)
- (xxv) „mynbouwerksaamheid” enige werk of proses in verband met die soek na of uithaal uit die aarde van enige mineraal (behalwe water), of die behandeling of verwydering of bewerking daarvan, en as die vraag ontstaan of een of ander werk of proses 'n mynbouwerksaamheid met betrekking tot 'n bepaalde mineraal of myn uitmaak, al dan nie, is die beslissing van die Minister handelende op advies van die Staatsmyn-ingenieur afdoende; (xxvii)
- (xxvi) „mynwerker” 'n manlike persoon van blanke afkoms wat wettiglik in stowwige lug by 'n beheerde myn gewerk het of wat geag word aldus te gewerk het, en ook enige persoon of amptenaar in sub-artikel (1) van artikel vier-en-twintig bedoel; (xxv)
- (xxvii) „naturel” iemand wat tot een of ander van die volgende groepe behoort, te wete—
 - (a) inboorlingstamme of -rasse van Afrika, met inbegrip van Boesmans, Hottentotte en Korannas; en
 - (b) persone op wie 'n algemene of plaaslike belasting ooreenkomstig die Naturelle Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925), of 'n belasting wat daardie belasting vervang, gehef word,

maar nie ook Amerikaanse negers, Eurafrikane, Eurasië of persone algemeen as Kaapse Slamaaiers, Griekwas, Maurisië of St. Helenas bekend nie; (xxx)
- (xxviii) „naturelle-arbeider” 'n naturel (met inbegrip van 'n vroulike naturel) wat wettiglik in stowwige lug by 'n beheerde myn gewerk het of geag word aldus te gewerk het; (xxxii)
- (xxix) „owerheid vir naturellesake” die Sekretaris van Naturellesake of 'n ander amptenaar in die Departement van Naturellesake aan wie bedoelde Sekretaris 'n werksaamheid van die owerheid vir naturellesake ingevolge hierdie Wet toegewys het; (xxxi)
- (xxx) „periodieke ondersoek” 'n mediese ondersoek na aanleiding waarvan 'n periodieke sertifikaat uitgereik kan word; (xxxvi)
- (xxxi) „periodieke sertifikaat” 'n sertifikaat in sub-artikel (3) van artikel negentien bedoel, en ook 'n periodieke sertifikaat uitgereik na aanleiding van 'n geneeskundige ondersoek ingevolge artikel twintig, een-en-twintig of twee-en-twintig; (xxxv)
- (xxxii) „pneumokoniose” siekte van die hart- en asemhalingsorgane (hoe dit ook al ontdek word) wat deur blootstelling aan stof in die loop van werk in stowwige lug veroorsaak is; en 'n persoon word geag te ly of te gely het aan pneumokoniose—
 - (a) in die eerste stadium, indien bevind is dat sy hart- en asemhalingsorgane blywend deur pneumokoniose aangetas is of was, hetsy sy vermoë om hande-arbeid te verrig daardeur blywend verminder is of was, al dan nie;

moved or handled by any dust producing process, which in the opinion of the Minister acting on the advice of the Government Mining Engineer is likely to cause pneumoconiosis;

- (ii) on a dump where rock or ore, or tailings not in the form of liquid or mud, are deposited;
- (iii) where drills used in mining operations are sharpened;
- (iv) in a building which is provided for the purpose of enabling miners or coloured labourers or native labourers to change their working clothes;
- (v) where ground rock, ore or mineral is manipulated for purposes of assay by any dust producing process which in the opinion of the Minister acting on the advice of the Government Mining Engineer is likely to cause pneumoconiosis;
- (vi) where mining operations are being or have been carried on and which the Minister has, on the advice of the Government Mining Engineer, declared, by notice in the *Gazette*, to be or to have been a dusty atmosphere for the purposes of this Act:

Provided that if the Minister is satisfied, after considering the advice of the Government Mining Engineer, that dust which causes or is likely to cause pneumoconiosis no longer occurs at any such place aforesaid, he may, by notice in the *Gazette*, exclude that place from the operation of this definition; (xxxvi)

- (xvii) "financial year" means the period from the first day of April in any year to the thirty-first day of March in the next ensuing year; (vi)
- (xviii) "former board" means the Silicosis Board mentioned in section *two* of the 1946 Act; (xliv)
- (xix) "former bureau" means the Silicosis Medical Bureau constituted under section *fourteen* of the 1946 Act; (xliii)
- (xx) "initial certificate" means a certificate issued under sub-section (2) of section *seventeen* or sub-section (1) of section *eighteen*; (x)
- (xxi) "initial examination" means a medical examination in pursuance of which an initial certificate may be issued; (ix)
- (xxii) "medical adviser" means the person appointed under sub-section (1) of section *seven*; (xiii)
- (xxiii) "medical practitioner" includes any officer appointed under paragraph (b) of sub-section (1) of section *three*; (xii)
- (xxiv) "mine" means any land upon which mining operations are or have been carried on; (xxiv)
- (xxv) "miner" means a male person of European descent who has or is deemed to have lawfully worked in a dusty atmosphere at a controlled mine, and includes any person or officer referred to in sub-section (1) of section *twenty-four*; (xxvi)
- (xxvi) "mineral dust" or "dust" means dust derived from any mineral, including coal, in the course of mining operations; (xxii)
- (xxvii) "mining operation" means any work or process in connection with the search for or extraction from the earth or treatment or removal or manipulation of any mineral other than water, and if the question arises whether any work or process does or does not amount to a mining operation with reference to any particular mineral or mine, the decision of the Minister acting on the advice of the Government Mining Engineer shall be conclusive; (xxv)
- (xxviii) "Minister" means the Minister of Mines; (xxiii)
- (xxix) "monthly earnings", in relation to a miner or deceased miner, or a coloured labourer or deceased coloured labourer, who has or in respect of whom any other person has become entitled to a benefit, means one-sixth of the amount which that miner or deceased miner or coloured labourer or deceased coloured labourer earned as remuneration (including the value of food and accommodation with which his employer

- (b) in die tweede stadium, indien bevind is dat sy hart- en asemhalingsorgane blywend aangetas is of was deur pneumokoniose as gevolg waarvan hy blywend onbekwaam is of was om swaarder werk as matige hande-arbeid te verrig;
- (c) in die derde stadium, indien bevind is dat sy hart- en asemhalingsorgane blywend aangetas is of was deur pneumokoniose as gevolg waarvan hy blywend onbekwaam is of was om swaarder werk as ligte hande-arbeid te verrig;
- (d) in die vierde stadium, indien bevind is dat sy hart- en asemhalingsorgane blywend aangetas is of was deur pneumokoniose as gevolg waarvan hy blywend onbekwaam is of was om enige hande-arbeid te verrig; (xxxvii)
- (xxxiii) „raad” die Pneumokonioseraad kragtens artikel twee-en-veertig ingestel; (iv)
- (xxxiv) „regulasie” ’n kragtens hierdie Wet uitgevaardigde regulasie; (xxxix)
- (xxxv) „spesiale sertifikaat” ’n sertifikaat in sub-artikel (1) van artikel vier-en-twintig bedoel; (xlii)
- (xxxvi) „stowwige lug” ’n plek waar stof voorkom of veroorsaak word, wat pneumokoniose teweegbring of waarskynlik sal teweegbring by persone wat in verband met mynbouwerksaamhede daarin of aldaar werk-saam is, indien so ’n plek—
 - (a) benede die natuurlike oppervlakte van die aarde is; of
 - (b) ’n plek op of bo die natuurlike oppervlakte van die aarde is—
 - (i) waar rots of klippe of erts of ’n mineraal gewoonlik kleiner gemaak of geklassifiseer of verskuiwe of gehanteer word deur middel van ’n stofveroorsakende proses wat volgens die oordeel van die Minister handelende op advies van die Staatsmyningenieur waarskynlik pneumokoniose sal teweegbring;
 - (ii) op ’n hoop waar rots of erts, of tailings wat nie vloeibaar of in die vorm van modder is nie, uitgegooi word;
 - (iii) waar bore vir gebruik by mynbouwerksaamhede skerp gemaak word;
 - (iv) in ’n gebou wat ingerig is vir mynwerkers of kleurlingarbeiders of naturelle-arbeiders om hul werksklere aan of uit te trek;
 - (v) waar gemaalde rots, erts of mineraal vir essaiering bewerk word deur ’n stofveroorsakende proses wat volgens die oordeel van die Minister handelende op advies van die Staatsmyningenieur waarskynlik pneumokoniose sal teweegbring;
 - (vi) waar mynbouwerksaamhede gedryf word of is, en ten opsigte waarvan die Minister op advies van die Staatsmyningenieur by kennisgewing in die *Staatskoerant* verklaar het dat dit vir die doeleindes van hierdie Wet stowwige lug is of was:

Met dien verstande dat indien die Minister na ooreweging van die advies van die Staatsmyningenieur oortuig is dat stof wat pneumokoniose veroorsaak of waarskynlik sal veroorsaak, nie meer op so ’n voormelde plek voorkom nie, hy daardie plek by kennisgewing in die *Staatskoerant* van die toepassing van hierdie omskrywing kan uitsluit; (xvi)

- (xxxvii) „suidelike Afrika” daardie deel van Afrika wat suid van die ewenaar lê; (xli)
- (xxxviii) „tuberkulose” tuberkulose van die hart- en asemhalingsorgane, of sy gevolge, maar nie ook onaktiewe verkalkte foci nie; en ’n persoon word geag aan tuberkulose te ly of te gely het indien tekens van aktiewe tuberkulose of tuberkulose wat waarskynlik aktief sal word by so ’n persoon gevind is, hetsy sy werksvermoë daardeur verminder is of was, al dan nie; (xlv)
- (xxxix) „vergoedingsfonds” die Vergoedingsfonds vir Beheerde Myne ingevolge artikel vyf-en-vyftig ingestel; (xi)
- (xl) „voordeel” geld wat betaal is of die betaling van geld of ’n vordering tot betaling van geld, al na die samehang vereis, aan of ten opsigte van ’n mynwerker of kleurlingarbeider of naturelle-arbeider of aan of ten opsigte van ’n afhanklike van ’n oorlede mynwerker

was obliged to supply him) for work which he performed in a dusty atmosphere at a controlled mine during any continuous period of one hundred and fifty-six days in the period of three hundred and sixty-five days immediately preceding the day on which such miner or coloured labourer or, as the case may be, such other person became entitled to that benefit, or (in the case of a miner or coloured labourer who has previously become entitled to a benefit, and who has not worked in a dusty atmosphere at a controlled mine since he became entitled to his last previous benefit) on which he became entitled to such last previous benefit: Provided that where the commissioner is for any reason unable to determine the monthly earnings of a miner or deceased miner or coloured labourer or deceased coloured labourer, the amount of such earnings shall be such an amount as the commissioner may, with the approval of the board, estimate on the basis of such data as may be available; (xxi)

- (xxx) "native" means any person belonging to one or other of the following groups, namely—
 - (a) aboriginal tribes or races of Africa, including Bushmen, Hottentots and Korannas; and
 - (b) persons upon whom is levied general or local tax in terms of the Native Taxation and Development Act, 1925 (Act No. 41 of 1925), or any tax substituted for any such tax,
 but does not include American negroes, Eurafricans, Eurasians or persons commonly known as Cape Malays, Griquas, Mauritians or St. Helenians; (xxvii)
- (xxxi) "native affairs authority" means the Secretary for Native Affairs or any other officer in the Department of Native Affairs to whom the said Secretary has assigned any function of the native affairs authority under this Act; (xxix)
- (xxxii) "native labourer" means a native (including a native female) who has or is deemed to have lawfully worked in a dusty atmosphere at a controlled mine; (xxviii)
- (xxxiii) "one-sum benefit" means any benefit, other than a pension or a monthly allowance, which has accrued to a person by virtue of a finding of the former bureau or the committee; (xli)
- (xxxiv) "owner", in relation to a mine, means the person who has the right, by virtue of the ownership of the base mineral rights or by virtue of mining title acquired under any law, to extract any mineral from that mine for his own benefit; (xi)
- (xxxv) "periodical certificate" means a certificate referred to in sub-section (3) of section *nineteen*, and includes any periodical certificate issued in pursuance of a medical examination under section *twenty*, *twenty-one* or *twenty-two*; (xxx)
- (xxxvi) "periodical examination" means any medical examination in pursuance of which a periodical certificate may be issued; (xxx)
- (xxxvii) "pneumoconiosis" means disease of the cardio-respiratory organs (by whatever means discovered) which has been caused by exposure to dust in the course of work in a dusty atmosphere; and a person shall be deemed to be or to have been suffering from pneumoconiosis—
 - (a) in the first stage, if his cardio-respiratory organs have been found to be or to have been permanently affected by pneumoconiosis, whether or not his capacity for manual work is or was permanently impaired thereby;
 - (b) in the second stage, if his cardio-respiratory organs have been found to be or to have been permanently affected by pneumoconiosis as a result of which he is or was permanently incapacitated from performing work more strenuous than moderate manual work;
 - (c) in the third stage, if his cardio-respiratory organs have been found to be or to have been permanently affected by pneumoconiosis as a result of which he is or was permanently incapacitated from performing work more strenuous than light manual work;

of kleurlingarbeider of naturelle-arbeider, ingevolge 'n herroepe Wet of hierdie Wet, op grond dat bevind is dat daardie mynwerker of kleurlingarbeider of naturelle-arbeider aan pneumokoniose (of in die geval van 'n herroepe Wet, aan silikose of borskwaal soos in daardie Wet omskryf) of aan tuberkulose soos in die betrokke Wet omskryf, ly of gely het, maar nie ook geld of die betaling van geld of 'n vordering tot die betaling van geld—

- (a) toegeken ingevolge 'n herroepe Wet wat voor die eerste dag van Augustus 1916 van krag was, aan 'n mynwerker wat na daardie datum wettiglik in 'n stowwige bedryf, soos in enige ander herroepe Wet omskryf, gewerk het, maar nie na daardie datum op 'n voordeel ingevolge so 'n ander Wet geregtig geword het nie; of
- (b) ingevolge artikel *agt-en-sestig* of *nege-en-sestig* van die Wet van 1946; of
- (c) ingevolge artikel *een-en-tagtig* of *twee-en-tagtig* van hierdie Wet; (iii)
- (xli) „voordeel van 'n enkele bedrag” 'n ander voordeel as 'n pensioen of 'n maandelikse toelae, wat uit hoofde van 'n bevinding van die vorige buro of die komitee aan iemand toegeval het; (xxxiii)
- (xlii) „voorgeskryf” by regulasie voorgeskryf; (xxxviii)
- (xliii) „vorige buro” die by artikel *veertien* van die Wet van 1946 ingestelde Mediese Silikoseburo; (xix)
- (xliv) „vorige raad” die in artikel *twee* van die Wet van 1946 bedoelde Silikoseeraad; (xviii)
- (xlv) „Wet van 1925” die „Mijnteringwetten Konsolidatie Wet, 1925” (Wet No. 35 van 1925); (xliii)
- (xlii) „Wet van 1946” die Silikosewet, 1946 (Wet No. 47 van 1946), met inbegrip van die Wysigingswet op Silikose, 1947 (Wet No. 16 van 1947), die Wysigingswet op Silikose, 1950 (Wet No. 42 van 1950), en die Wysigingswet op Silikose, 1952 (Wet No. 63 van 1952). (xlii)

(2) Grond waarop mynbouwerksaamhede in verband met 'n beheerde myn gedryf is of word, word by die toepassing van hierdie Wet geag gedurende die tydperk waarin daardie werksaamhede aldus gedryf word of was, deel van daardie myn uit te maak of te gemaak het: Met dien verstande dat die Minister, indien hy dit raadsaam ag, op aanbeveling van 'n komitee bestaande uit die Staatsmyningenieur, die kommissaris en die direkteur, en na oorlegpleging met 'n eienaar van 'n myn, kan gelas dat twee of meer myne, deur daardie eienaar geheel en al of ten dele gesamentlik ontgin, by die toepassing van hierdie Wet as een myn beskou word.

(3) Indien die vraag ontstaan of mynbouwerksaamhede in verband met 'n beheerde myn op enige grond gedryf is of word, of van wanneer af of gedurende welke tydperk sodanige werksaamhede op bedoelde grond gedryf is, is die Minister se beslissing oor daardie vraag afdoende.

(4) By die toepassing van 'n bepaling van hierdie Wet met betrekking tot die toekenning van enige voordeel, word iemand geag by 'n beheerde myn te gewerk het gedurende enige tydperk wat hy gewerk het—

- (a) by 'n myn wat te eniger tyd daarna 'n beheerde myn geword het; of
- (b) by 'n myn wat voor die inwerkingtreding van hierdie Wet gesluit is, indien dit 'n gepubliseerde of ingelyste myn volgens die Wet van 1925 of 'n ingelyste of geregistreerde myn volgens die Wet van 1946 was; of
- (c) by 'n myn met betrekking waartoe die Minister voor die inwerkingtreding van hierdie Wet kragtens paragraaf (b) van die omskrywing van „geregistreerde myn” in artikel *een* van die Wet van 1946 gehandel het; of
- (d) by 'n myn met betrekking waartoe die Minister aan die kommissaris skriftelik kennis gegee het dat daardie myn volgens sy oordeel, indien dit nie gesluit was nie, 'n beheerde myn verklaar sou gewees het:

Met dien verstande dat werk verrig by 'n myn wat 'n beheerde myn was, maar dit nie meer is nie, te eniger tyd nadat dit opgehou het om 'n beheerde myn te wees, nie geag word by 'n beheerde myn verrig te gewees het nie, tensy daardie myn weer 'n beheerde myn word, en dat werk by 'n myn wat 'n ingelyste of geregistreerde myn volgens 'n herroepe Wet was, maar wat voor die inwerkingtreding van hierdie Wet opgehou het om so 'n myn te wees, verrig te eniger tyd nadat dit opgehou het om so 'n myn te wees, nie geag word by 'n beheerde myn verrig te gewees

- (d) in the fourth stage, if his cardio-respiratory organs have been found to be or to have been permanently affected by pneumoconiosis as a result of which he is or was permanently incapacitated from performing any manual work; (xxxii)
- (xxxviii) "prescribed" means prescribed by regulation; (xlii)
- (xxxix) "regulation" means a regulation made under this Act; (xxxiv)
- (xl) "repealed Act" means the 1946 Act and any prior law relating to miners' phthisis which has been repealed; (xv)
- (xli) "southern Africa" means that part of Africa south of the equator; (xxxvii)
- (xlii) "special certificate" means a certificate mentioned in sub-section (1) of section *twenty-four*; (xxxv)
- (xliii) "the 1925 Act" means the Miners' Phthisis Acts Consolidation Act, 1925 (Act No. 35 of 1925); (xlv)
- (xliv) "the 1946 Act" means the Silicosis Act, 1946 (Act No. 47 of 1946), including the Silicosis Amendment Act, 1947 (Act No. 16 of 1947), the Silicosis Amendment Act, 1950 (Act No. 42 of 1950), and the Silicosis Amendment Act, 1952 (Act No. 63 of 1952); (xlvi)
- (xlv) "this Act" includes any regulation; (xvi)
- (xlvi) "tuberculosis" means tuberculosis of the cardio-respiratory organs, or sequelae thereof, but does not include inactive calcified foci; and a person shall be deemed to be or to have been suffering from tuberculosis if evidence of active tuberculosis or tuberculosis which is likely to become active, has been found in such person, whether or not his capacity for work has been or was impaired thereby. (xxxviii)

(2) Any land upon which mining operations have been or are being carried on in connection with a controlled mine, shall for the purposes of this Act be deemed to form or to have formed part of that mine during the period during which those operations are or were so carried on: Provided that the Minister may, if he deems it expedient, on the recommendation of a committee consisting of the Government Mining Engineer, the commissioner and the director, and after consultation with any owner of a mine, direct that two or more mines, operated by that owner wholly or partly in conjunction with one another, shall for the purposes of this Act be regarded as one mine.

(3) If the question arises whether mining operations are being or have been carried on upon any land in connection with a controlled mine, or as to the date from which or the period during which any such operations have been carried on upon such land, the Minister's decision on that question shall be conclusive.

(4) For the purposes of the application of any provision of this Act relating to the award of any benefit, a person shall be deemed to have worked at a controlled mine during any period during which he has worked—

- (a) at a mine which became a controlled mine at any time thereafter; or
- (b) at a mine which was closed down prior to the commencement of this Act, if it was a gazetted or scheduled mine in terms of the 1925 Act or a scheduled or registered mine in terms of the 1946 Act; or
- (c) at a mine with reference to which the Minister has prior to the commencement of this Act, acted in terms of paragraph (b) of the definition of "registered mine" in section *one* of the 1946 Act; or
- (d) at a mine in relation to which the Minister has in writing informed the commissioner that in his opinion such mine would, but for the fact that it has been closed down, have been declared to be a controlled mine:

Provided that work performed at a mine which has been but has ceased to be a controlled mine, at any time after it ceased to be a controlled mine, shall not be deemed to have been performed at a controlled mine, unless such mine again becomes a controlled mine, and that work performed at a mine which was a scheduled or registered mine under a repealed Act, but which ceased to be such a mine prior to the commencement of this Act, at any time after it ceased to be such a mine, shall not be deemed to have been performed at a controlled mine,

het nie, tensy daardie myn daarna 'n beheerde myn ingevolge hierdie Wet geword het.

Instelling van
Pneumokoniose-
buro.

2. Daar word 'n Pneumokonioseburo ingestel vir die verrigting, onder die toesig en beheer van die direkteur, van die werksaamhede wat nodig mag wees om aan die bepalings van hierdie Wet gevolg te gee.

Aanstelling van
direkteur,
geneeskundige
beamptes en
personeel
van buro.

3. (1) Die Minister stel, met inagneming van die wette op die staatsdiens—

- (a) 'n amptenaar aan wat die Direkteur van die Pneumokonioseburo heet;
- (b) soveel amptenare (synde persone wat kragtens die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), as geneeshere geregistreer is) aan as wat die Minister nodig ag om geneeskundige ondersoeke uit te voer wat ingevolge hierdie Wet uitgevoer moet word; en
- (c) die ander amptenare en persone aan wat die Minister nodig ag vir die verrigting van die werksaamhede waarvoor die buro ingestel is,

en kan, na raadpleging van die direkteur en die geneeskundige adviseur, in oorleg met die Minister van Finansies, enige geneesheer wat volgens sy oordeel spesiaal bevoeg is om 'n werksaamheid te verrig wat 'n kragtens paragraaf (b) aangestelde amptenaar aangesê kan word om te verrig, in deelydse diens aanstel, en wel teen die besoldiging en op die ander diensvoorwaardes wat hy goedvind.

- (2) (a) Die direkteur is belas met die bestuur en beheer van alle geneeskundige ondersoeke waarvoor in hierdie Wet voorsiening gemaak word, en kan op die voorwaardes wat hy goedvind enige geneesheer magtig of gelas om so 'n ondersoek uit te voer.
- (b) Die direkteur kan 'n kragtens sub-artikel (1) aangestelde persoon skriftelik magtig om namens hom enige sertifikaat uit te reik wat hy ingevolge hierdie Wet moet uitreik.
- (3) Die Minister kan die reëls uitvaardig wat hy nodig ag vir die doeltreffende verrigting van die werksaamhede waarvoor die buro ingestel is.

Aanstelling van
adviserende
komitees.

4. Die Minister kan na raadpleging van die direkteur en die geneeskundige adviseur, komitees, elk waarvan bestaan uit twee of meer lede wat kragtens sub-artikel (1) van artikel drie aangestelde geneeshere moet wees, en van wie die Minister een as voorsitter van so 'n komitee moet aanwys, aanstel soos hy nodig ag om die direkteur van advies te dien oor aangeleenthede rakende die uitvoering van enige geneeskundige ondersoek ingevolge hierdie Wet of die uitreiking van enige sertifikaat wat hy moet uitreik, en aan so 'n komitee enige werksaamheid toewys vir die verrigting waarvan die buro ingestel is, en die reëls uitvaardig wat hy nodig ag vir die bestuur van die werksaamhede van so 'n komitee en om die verhouding tussen so 'n komitee en die direkteur of die buro te reël.

Bevoegdheid om
plekke te betree
waar persone
geneeskundige
ondersoek of
behandeling
ondergaan.

5. (1) Die direkteur of 'n deur hom skriftelik daartoe gemagtigde geneesheer kan enige plek betree waar persone wat in stowwige lug by 'n beheerde myn werk of gewerk het of voornemens is om te werk, ingevolge 'n bepaling van hierdie Wet geneeskundig ondersoek word of staan te word, of enige plek waar iemand wat in stowwige lug by 'n beheerde myn werk of gewerk het, verpleeg word of geneeskundige behandeling ondergaan, en kan—

- (a) enige geneeskundige ondersoek van so 'n persoon by so 'n plek bywoon; en
- (b) so 'n persoon met sy toestemming by so 'n plek geneeskundig ondersoek; en
- (c) enige instrument of toestel wat by so 'n ondersoek of behandeling gebruik word, en enige boek of dokument waarin inligting met betrekking tot so 'n ondersoek of behandeling aangeteken is, inspekteer.

(2) Iemand wat die direkteur of 'n geneesheer by die uitoefening van sy bevoegdhede kragtens sub-artikel (1) hinder of belemmer, en iemand wat met die toesig van so 'n plek belas is, of wat so 'n boek of dokument in sy besit of onder sy beheer het, en wat weier of versuim om aan die direkteur of so 'n geneesheer alle redelike fasiliteite te verleen ten einde hom in staat te stel om sy bevoegdhede kragtens daardie sub-artikel uit te oefen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond.

unless such mine has thereafter become a controlled mine under this Act.

2. There shall be established a Pneumoconiosis Bureau, for the performance, under the direction and control of the director, of such functions as may be necessary for the purpose of giving effect to the provisions of this Act.

Establishment of
Pneumoconiosis
Bureau.

3. (1) The Minister shall appoint, subject to the laws governing the public service—

Appointment
of director,
medical officers
and staff of
bureau.

(a) an officer to be styled the Director of the Pneumoconiosis Bureau;

(b) so many officers, being persons registered as medical practitioners under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), as the Minister may consider necessary to perform medical examinations required to be carried out under this Act; and

(c) such other officers and persons as the Minister may consider necessary for the performance of the functions for which the bureau is established,

and may, after consultation with the director and the medical adviser, appoint, in consultation with the Minister of Finance, in part-time service, at such remuneration and on such other conditions of service as he may deem fit, any medical practitioner who, in his opinion, is specially qualified to perform any function which an officer appointed under paragraph (b) may be required to perform.

(2) (a) The director shall be charged with the direction and control of all medical examinations provided for in this Act, and may on such conditions as he may deem fit authorize or direct any medical practitioner to perform any such examination.

(b) The director may in writing authorize any person appointed under sub-section (1), to issue on his behalf any certificate which he is required to issue under this Act.

(3) The Minister may make such rules as he may consider necessary for the effective performance of the functions for which the bureau is established.

4. The Minister may, after consultation with the director and the medical adviser, appoint such committees, each consisting of two or more members, who shall be medical practitioners appointed under sub-section (1) of section three, and one of whom the Minister shall designate as chairman of such a committee, as he may consider necessary to advise the director on any matter relating to the performance of any medical examination under this Act or the issue of any certificate which he is required to issue, and assign to any such committee any function for the performance of which the bureau is established, and make such rules as he may consider necessary for the conduct of the business of any such committee and for regulating the relationship between such a committee and the director or the bureau.

Appointment
of advisory
committees.

5. (1) The director or any medical practitioner authorized thereto in writing by him, may enter upon any place where persons who work or have worked or who intend to work in a dusty atmosphere at a controlled mine, are being or are to be medically examined in accordance with any provision of this Act, or any place where a person who works or has worked in a dusty atmosphere at a controlled mine, is being nursed or medically treated, and may—

Powers of entry
of certain places
where persons
are medically
examined or
treated.

(a) attend any medical examination of such a person at such a place; and

(b) with the consent of any such person, examine him medically at such a place; and

(c) inspect any instrument or appliance used in any such examination or treatment and any book or document wherein any information relating to any such examination or treatment has been recorded.

(2) Any person who obstructs or hinders the director or a medical practitioner in the exercise of his powers under sub-section (1), and any person who is in charge of any such place or who has in his possession or under his control any such book or document, who refuses or fails to afford the director or such a medical practitioner all reasonable facilities to enable him to exercise his powers under that sub-section, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds.

Nadoodse
ondersoek.

6. Die Minister kan, in oorleg met die Minister van Finansies, die reëlings met enige inrigting, hospitaal of organisasie tref wat hy nodig ag vir die uitvoering van die nadoodse ondersoek of die verrigting van die nadoodse dienste wat ingevolge hierdie Wet vereis mag word.

Aanstelling van
geneeskundige
adviseur en
ander raad-
gewers.

7. (1) Die Minister stel teen die besoldiging en op die ander diensvoorwaardes wat hy in oorleg met die Minister van Finansies bepaal, 'n persoon wat kragtens die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), as 'n geneesheer geregistreer is, aan om hom in verband met enige aangeleentheid van geneeskundige aard ingevolge hierdie Wet te adviseer: Met dien verstande dat niemand in voltydse diens ingevolge hierdie sub-artikel aangestel word nie dan alleen ooreenkomstig en onderworpe aan die wetsbepalings op die Staatsdiens.

(2) Die Minister kan, teen die besoldiging en op die ander diensvoorwaardes wat hy in oorleg met die Minister van Finansies bepaal, soveel geneeshere in deeltydse diens aanstel as wat hy nodig ag om die geneeskundige adviseur van advies te dien en by te staan in verband met enige aangeleentheid waaromtrent hy die Minister moet adviseer.

(3) (a) Die Minister kan, op versoek van 'n myneienaar of 'n organisasie wat volgens sy oordeel myneienaars verteenwoordig, of op versoek van werkers in stowwige lug by beheerde myne of 'n organisasie wat volgens sy oordeel bedoelde werkers verteenwoordig, of op versoek van die direkteur of die komitee, enige aangeleentheid van geneeskundige aard wat onder hierdie Wet ontstaan, na die geneeskundige adviseur verwys vir sy advies of om deur hom ondersoek te word, en kan die geneeskundige adviseur gelas om enige kragtens sub-artikel (2) aangestelde geneesheer of 'n bepaalde geneesheer oor so 'n aangeleentheid te raadpleeg voordat hy sodanige advies verleen of oor so 'n ondersoek verslag doen.

(b) Die Minister is nie verplig om die aard van enige advies deur die geneeskundige adviseur verleen of die inhoud van enige verslag deur hom gedoen, aan so 'n myneienaar, werker of organisasie bekend te maak nie.

(4) Die Minister kan, na raadpleging van die geneeskundige adviseur, die direkteur gelas om enige saak waarmee hy gehandel het of enige mening wat hy uitgespreek het of enige sertifikaat wat hy of iemand wat op sy gesag handel, uitgereik het ooreenkomstig die bepalinge van hierdie Wet, weer te oorweeg.

Instelling van
Komitee vir
Sertifisering
van Pneumo-
koniose.

8. (1) Daar word 'n Komitee vir die Sertifisering van Pneumokoniose ingestel wat die bevoegdhede uitoefen en die werksaamhede verrig wat deur hierdie Wet aan hom verleen of opgedra word.

(2) Die komitee bestaan uit die direkteur wat *ex officio* voorsitter van die komitee is, en vier ander lede, wat die Minister moet aanstel, van wie—

(a) twee geneeshere moet wees wat die Minister nomineer;

(b) een 'n geneesheer moet wees wat genomineer word deur die eienaars van beheerde myne of deur organisasies wat volgens die Minister se oordeel sodanige eienaars verteenwoordig; en

(c) een 'n geneesheer moet wees wat genomineer word deur persone werksaam in stowwige lug by beheerde myne of deur organisasies wat volgens die Minister se oordeel sodanige persone verteenwoordig.

(3) Geen geneesheer wat ingevolge sub-artikel (1) van artikel drie aangestel is, kan kragtens paragraaf (b) of (c) van sub-artikel (2) van hierdie artikel genomineer word nie.

(4) Die Minister kan weier om 'n kragtens paragraaf (b) of (c) van sub-artikel (2) genomineerde geneesheer aan te stel, indien hy rede het om te vermoed dat daardie geneesheer nie 'n geskikte persoon is om lid van die komitee te wees nie, of nie die nodige kennis of ondervinding het nie ten einde 'n gesonde oordeel te kan vel oor enige aangeleentheid waarmee die komitee ooreenkomstig die bepalinge van hierdie Wet moet handel.

(5) 'n Lid van die komitee wat nie in die voltydse diens van die Staat is nie, word aangestel teen die besoldiging en op die ander diensvoorwaardes en vir die tydperk (hoogstens drie jaar) wat die Minister in oorleg met die Minister van Finansies bepaal.

(6) 'n Lid van die komitee ontruim sy amp—

(a) indien hy insolvent raak of met sy skuldeisers 'n reëling tref;

6. The Minister may, in consultation with the Minister of Finance, make such arrangements with any institution, hospital or organization as he may deem necessary for the performance of any such post-mortem examinations or post-mortem services as may be required to be performed under this Act. Post-mortem examinations.

7. (1) The Minister shall appoint, at such remuneration and on such other conditions of service as he may determine in consultation with the Minister of Finance, a person who is registered as a medical practitioner under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), to advise him on any matter of a medical nature under this Act: Provided that no person shall be appointed in full-time service under this sub-section except in accordance with and subject to the laws governing the public service. Appointment of medical adviser and other advisers.

(2) The Minister may appoint in part-time service, at such remuneration and on such other conditions of service as he may determine in consultation with the Minister of Finance, so many medical practitioners as he may consider necessary to advise and assist the medical adviser in connection with any matter on which he is required to advise the Minister.

(3) (a) The Minister may, at the request of a mine owner or any organization which in his opinion is representative of mine owners, or at the request of workers in a dusty atmosphere at controlled mines or any organization which in his opinion is representative of such workers, or at the request of the director or the committee, refer any matter of a medical nature arising under this Act to the medical adviser for his advice or for investigation by him, and may direct the medical adviser to consult any medical practitioner appointed under sub-section (2) or a specified medical practitioner on any such matter before furnishing such advice or submitting a report on such investigation.

(b) The Minister shall not be obliged to communicate to any such mine owner, worker or organization the nature of any advice given or the contents of any report made by the medical adviser.

(4) The Minister may after consultation with the medical adviser require the director to reconsider any matter dealt with or opinion expressed by him or any certificate issued by him or a person acting under his authority, in accordance with the provisions of this Act.

8. (1) There shall be established a Pneumoconiosis Certification Committee which shall exercise the powers and perform the functions conferred or imposed upon it by this Act. Establishment of Pneumoconiosis Certification Committee.

(2) The committee shall consist of the director who shall *ex officio* be chairman of the committee, and four other members, to be appointed by the Minister, of whom—

(a) two shall be medical practitioners nominated by the Minister;

(b) one shall be a medical practitioner nominated by the owners of controlled mines or by organizations which in the opinion of the Minister are representative of such owners; and

(c) one shall be a medical practitioner nominated by persons employed in a dusty atmosphere at controlled mines or by organizations which in the opinion of the Minister are representative of such persons.

(3) No medical practitioner appointed under sub-section (1) of section three shall be eligible for nomination under paragraph (b) or (c) of sub-section (2) of this section.

(4) The Minister may refuse to appoint a medical practitioner nominated under paragraph (b) or (c) of sub-section (2), if he has reason to believe that such medical practitioner is not a fit person to be a member of the committee, or does not possess the necessary knowledge or experience to enable him to exercise sound judgment on any matter with which the committee is required to deal in accordance with the provisions of this Act.

(5) A member of the committee, who is not in the full-time service of the State, shall be appointed at such remuneration and on such other conditions of service and for such period, not exceeding three years, as the Minister may, in consultation with the Minister of Finance, determine.

(6) A member of the committee shall vacate his office—

(a) if he becomes insolvent or makes an arrangement with his creditors;

- (b) indien hy kranksinnig word of weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen word;
 - (c) indien hy ophou om vir nominasie of aanstelling as lid van die komitee bevoeg te wees; of
 - (d) indien hy van vyf agtereenvolgende komiteevergaderings afwesig bly sonder verlof van die komitee, wat nie vir 'n aaneenlopende tydperk van meer as ses maande verleen word nie.
- (7) Die Minister kan, na raadpleging van die voorsitter van die komitee en die geneeskundige adviseur—
- (a) reëls uitvaardig wat hy vir die behoorlike funksionering van die komitee nodig ag;
 - (b) die kworum vir vergaderings van die komitee vasstel;
 - (c) die verhouding bepaal tussen die komitee en die buro of enige ander liggaam of persoon vir wie in hierdie Wet voorsiening gemaak word; en
 - (d) ten opsigte van enige lid van die komitee 'n plaasvervanger aanstel wat op dieselfde wyse as daardie lid aangestel word.

Bevoegdheid en werksaamhede van Komitee vir Sertifisering van Pneumokoniose.

9. (1) Dit is die werk van die komitee om aan die hand van verslae oor die uitslag van enige geneeskundige of ander ondersoek en ander aan hom beskikbare en ter sake dienende inligting te bepaal of iemand wat in stowwige lug by 'n beheerde myn werk of gewerk het, aan pneumokoniose of aan tuberkulose of aan pneumokoniose en aan tuberkulose ly, en waar bevind word dat so iemand slegs aan pneumokoniose ly, die stadium daarvan waaraan hy ly te bepaal.

(2) Die komitee is bevoeg—

- (a) om die direkteur te gelas om enige inligting te verstrek wat die komitee nodig ag in verband met enige aangeleentheid waarvoor hy moet beslis, en, indien raadsaam geag, te gelas dat iemand wie se geval aan hom voorgelê is, weer ondersoek word, of dat 'n ondersoek van 'n bepaalde aard ten opsigte van so iemand uitgevoer word, of dat hy na 'n hospitaal verwys word en vir die tydperk wat die komitee nodig ag vir waarneming aangehou word;
- (b) om by skriftelike kennisgewing deur die voorsitter van die komitee onderteken, enige geneesheer wat iemand ondersoek of geneeskundig behandel het, aan te sê om op 'n in die kennisgewing vermelde tyd en plek voor die komitee te verskyn, en enige ter sake dienende vrae te beantwoord wat deur die voorsitter of 'n ander lid van die komitee aan daardie geneesheer gestel mag word.

(3) Die komitee kan enigiemand raadpleeg wat volgens sy oordeel besondere kennis van ondergrondse en werkstoestande by beheerde myne of by 'n bepaalde beheerde myn het, of so iemand versoek om 'n vergadering van die komitee by te woon en hom van advies te dien in verband met enige aangeleentheid rakende ondergrondse en werkstoestande by beheerde myne in die algemeen of by 'n bepaalde beheerde myn, en kan by die oorweging van 'n bepaalde persoon se geval enige verslag van 'n geneesheer omtrent die gesondheidstoestand van daardie persoon in ag neem.

(4) 'n Geneesheer wat sonder redelike verskoning versuim om aan 'n kennisgewing kragtens paragraaf (b) van sub-artikel (2) te voldoen, of wat nadat hy ingevolge so 'n kennisgewing voor die komitee verskyn het, versuim om ten volle en na sy beste wete en vermoë te antwoord op enige vraag deur die voorsitter of 'n ander lid van die komitee aan hom gestel, of in antwoord op so 'n vraag valse inligting verstrek, met wete dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond: Met dien verstande dat so 'n geneesheer nie verplig is om enige vraag te beantwoord wat hy nie verplig sou kon geword het om te beantwoord nie, indien hy opgeroep was om as 'n getuie in 'n siviele geding voor 'n geregshof getuie af te lê.

(5) 'n Geneesheer wat ter voldoening aan die vereistes van 'n kennisgewing kragtens paragraaf (b) van sub-artikel (2) voor die komitee verskyn het, of iemand wat na aanleiding van 'n versoek ingevolge sub-artikel (3) voor die komitee verskyn het, is, indien hy alle vrae deur die voorsitter of 'n ander lid van die komitee aan hom gestel, op bevredigende wyse beantwoord het, geregtig op terugbetaling, uit gelde wat die Parlement vir die doel bewillig het, van uitgawes redelikerwys en noodsaaklikerwys deur hom aangegaan om aan die kennisgewing of versoek te kan voldoen, en op die gelde wat die Minister in oorleg met die Minister van Finansies vir die doel vasgestel het.

- (b) if he becomes of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine;
 - (c) if he ceases to be qualified for nomination or appointment as a member of the committee; or
 - (d) if he absents himself from five consecutive meetings of the committee without its leave, which shall not be granted for any period exceeding six consecutive months.
- (7) The Minister may, after consultation with the chairman of the committee and the medical adviser—
- (a) make such rules as he deems necessary for the proper functioning of the committee;
 - (b) fix the quorum for meetings of the committee;
 - (c) determine the relationship between the committee and the bureau or any other body or person for whom provision is made in this Act; and
 - (d) appoint in respect of any member of the committee, an alternate nominated in the same manner as such member.
9. (1) It shall be the function of the committee to determine, by reference to reports on the results of any medical or other examination and other relevant information available to it, whether any person who works or has worked in a dusty atmosphere at a controlled mine is suffering from pneumoconiosis or from tuberculosis or from pneumoconiosis and from tuberculosis, and, where any such person is found to be suffering from pneumoconiosis only, the stage thereof from which he is suffering.
- Powers and
functions of
Pneumoconiosis
Certification
Committee.
- (2) The committee shall have power—
- (a) to require the director to furnish any information which the committee may consider necessary in connection with any matter which it is required to decide, and, if deemed advisable, to direct that any person whose case has come before it, be re-examined or that an examination of a particular nature be carried out in respect of any such person or that he be committed to a hospital and kept under observation for such period as it may consider necessary;
 - (b) by notice in writing under the hand of the chairman of the committee, to require any medical practitioner who has examined or medically treated any person, to appear before the committee at a time and a place specified in the notice, and to answer any relevant questions which may be put to such medical practitioner by the chairman or any other member of the committee.
- (3) The committee may consult any person who in its opinion has special knowledge of underground and working conditions at controlled mines or at a particular controlled mine, or request such a person to attend any meeting of the committee to advise it on any matter relating to underground and working conditions in controlled mines in general or in a particular controlled mine, and may, in considering the case of a particular person, have regard to any report by a medical practitioner as to the state of health of such person.
- (4) Any medical practitioner who, without reasonable excuse, fails to comply with a notice under paragraph (b) of sub-section (2), or who, having appeared before the committee in pursuance of such a notice, fails to answer fully to the best of his knowledge and ability, any question put to him by the chairman or any other member of the committee, or in answer to any such question furnishes false information, knowing the same to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds: Provided that no such medical practitioner shall be obliged to answer any question which he could not have been compelled to answer had he been called to give evidence as a witness in a civil case in a court of law.
- (5) A medical practitioner who has appeared before the committee in compliance with the requirements of a notice under paragraph (b) of sub-section (2), or a person who has appeared before the committee in pursuance of a request under sub-section (3), shall, if he has satisfactorily answered all questions put to him by the chairman or any other member of the committee, be entitled to a refund out of moneys appropriated by Parliament for the purpose, of expenses reasonably and necessarily incurred by him to enable him to comply with such notice or request, and to such a fee as the Minister has, in consultation with the Minister of Finance, determined for the purpose.

Hersiening van
bevindings deur
Komitee vir
Sertifisering van
Pneumokoniose.

10. (1) Die komitee kan uit eie beweging of op aansoek deur iemand wat in stowwige lug by 'n beheerde myn werk of gewerk het, of ten behoeve van so iemand deur 'n ander persoon of 'n organisasie, of deur die afhanklikes van 'n oorlede persoon wat voor sy dood in stowwige lug by 'n beheerde myn gewerk het, of ten behoeve van sodanige afhanklikes deur 'n ander persoon of 'n organisasie, enige bevinding hersien en intrek wat deur die komitee met betrekking tot bedoelde persoon uitgespreek is hoogstens twaalf maande voor die datum waarop bedoelde bevinding aldus ingetrek word, mits bedoelde persoon, indien in lewe wanneer die saak aan die komitee voorgelê word, op las van die direkteur weer deur 'n geneesheer ondersoek is: Met dien verstande dat geen voordeel wat uit hoofde van so 'n bevinding betaalbaar geword het, na aanleiding van die intrekking van daardie bevinding verminder word nie, tensy bedoelde bevinding of bedoelde voordeel op onbehoorlike wyse verkry is, maar 'n pensioen aan of ten opsigte van enigiemand toegeken op grond van 'n bevinding dat hy aan tuberkulose gely het, verval met ingang van die datum wanneer daardie bevinding ingetrek word.

(2) Die komitee kan uit eie beweging, of op aansoek deur die afhanklikes van 'n oorledene wat in stowwige lug gewerk het by 'n myn wat 'n ingelyste of geregistreerde of gepubliseerde myn volgens 'n herroepe Wet was, of ten behoeve van hulle deur 'n ander persoon of 'n organisasie, te eniger tyd binne twaalf maande na die inwerkingtreding van hierdie Wet, enige bevinding of mening deur die vorige buro uitgespreek wat nie op 'n nadoodse ondersoek van die hart- en asemhalingsorgane van die oorledene berus het nie, hersien en intrek, en die bepaling van die voorbehoudbepaling by sub-artikel (1) is met betrekking tot die intrekking van so 'n bevinding of mening van toepassing.

(3) 'n Bevinding wat in die plek gestel word van 'n bevinding wat kragtens sub-artikel (1) hersien en ingetrek is, kan na goeddunke van die komitee teruggedateer word tot die datum van die bevinding wat aldus hersien en ingetrek is, en 'n bevinding wat in die plek gestel word van 'n bevinding of mening wat kragtens sub-artikel (2) hersien en ingetrek is, word geag op die datum van inwerkingtreding van hierdie Wet uitgespreek te gewees het.

Kennisgewing
van bevinding
van Komitee vir
Sertifisering van
Pneumokoniose.

11. (1) Wanneer die komitee 'n bevinding uitgespreek het dat iemand aan pneumokoniose of tuberkulose ly of dat 'n oorledene daaraan gely het, moet die voorsitter van die komitee of 'n behoorlik deur hom daartoe skriftelik gemagtigde persoon 'n sertifikaat in die voorgeskrewe vorm uitreik wat die bevinding uiteensit en die inligting bevat wat vir die doeleindes van hierdie Wet nodig mag wees, en binne 'n tydperk van agt dae vanaf die datum waarop die bevinding uitgespreek was, afskrifte van bedoelde sertifikaat laat stuur—

- (a) aan die direkteur;
- (b) aan die kommissaris;
- (c) aan die eienaar van die myn waar die persoon op wie die sertifikaat betrekking het, werksaam is of die laaste werksaam was;
- (d) indien bedoelde sertifikaat op iemand anders as 'n naturel betrekking het, aan die persoon op wie dit betrekking het, of, indien dit op 'n oorlede persoon betrekking het, aan die afhanklikes van daardie persoon of 'n persoon of 'n organisasie, as daar is, wat ten behoeve van bedoelde afhanklikes optree; en
- (e) indien die persoon op wie die sertifikaat betrekking het 'n naturel is, aan die owerheid vir naturellesake, wat die naturel of sy afhanklikes, al na die geval, moet bystaan om enige voordele te verkry waarop hy of hulle geregtig mag wees.

(2) Die voorsitter van die komitee moet in 'n deur die Minister goedgekeurde vorm aantekeninge hou van alle bevindings deur die komitee uitgespreek, en bedoelde aantekeninge kan ingesien word deur enigiemand wat die Minister se skriftelike goedkeuring verkry het om dit in te sien: Met dien verstande dat die Minister na goeddunke, en na raadpleging van die voorsitter van die komitee, aan enigiemand toestemming kan weier om bedoelde aantekeninge in te sien.

Geldingsdatum
van bevinding
van Komitee vir
Sertifisering van
Pneumokoniose.

12. 'n Bevinding van die komitee word, behalwe vir sover in hierdie Wet anders bepaal, geag uitgespreek te gewees het—

- (a) waar dit geheel en al berus op 'n geneeskundige ondersoek of twee of meer geneeskundige ondersoeke van die persoon op wie die bevinding betrekking het, op die datum waarop daardie ondersoek of die eerste van daardie ondersoeke begin het; of

10. (1) The committee may of its own motion or on application by a person who works or has worked in a dusty atmosphere at a controlled mine, or on his behalf by any other person or any organization, or by the dependants of a deceased person who prior to his death worked in a dusty atmosphere at a controlled mine, or on behalf of such dependants by any other person or any organization, review and rescind any finding relating to that person expressed by itself not more than twelve months before the date on which such finding is so rescinded, provided the person concerned, if alive when the matter comes before the committee, has, on the directions of the director, been re-examined by a medical practitioner: Provided that no benefit which has become payable by virtue of such finding shall be reduced in consequence of the rescission of that finding, unless such finding or such benefit was obtained by improper means, but any pension awarded to or in respect of any person by virtue of a finding that he was suffering from tuberculosis, shall lapse with effect from the date on which that finding is rescinded.

Review of findings
by Pneumoconiosis
Certification
Committee.

(2) The committee may, of its own motion or on application by the dependants of a deceased person who performed work in a dusty atmosphere at a mine which was a scheduled or registered or gazetted mine under a repealed Act, or on their behalf by any other person or any organization, at any time within a period of twelve months after the commencement of this Act, review and rescind any finding or opinion expressed by the former bureau which was not based on a post-mortem examination of the cardio-respiratory organs of the deceased person, and the provisions of the proviso to sub-section (1) shall apply with reference to the rescission of any such finding or opinion.

(3) Any finding substituted for a finding which has been reviewed and rescinded under sub-section (1), may in the discretion of the committee, be antedated to the date of the finding so reviewed and rescinded, and any finding substituted for a finding or opinion reviewed and rescinded under sub-section (2) shall be deemed to have been expressed at the date of commencement of this Act.

11. (1) When the committee has expressed a finding that a person is or that a deceased person was suffering from pneumoconiosis or tuberculosis, the chairman of the committee or a person duly authorized thereto by him in writing shall issue a certificate in the prescribed form setting out such finding and containing such information as may be necessary for the purposes of this Act, and shall within a period of eight days as from the date on which the finding was expressed, cause copies of such certificate to be sent—

Notification of
finding of
Pneumoconiosis
Certification
Committee.

- (a) to the director;
- (b) to the commissioner;
- (c) to the owner of the mine at which the person to whom the certificate relates is or was last employed;
- (d) if such certificate relates to a person other than a native, to the person to whom it relates or, if it relates to a deceased person, to the dependants of that person or a person or an organization, if any, acting on behalf of such dependants; and
- (e) if the person to whom the certificate relates is a native, to the native affairs authority, who shall assist the native or his dependants, as the case may be, in obtaining any benefits to which he or they may be entitled.

(2) The chairman of the committee shall keep a record, in a form approved by the Minister, of all findings expressed by the committee, and such record shall be open to inspection by any person who has obtained the written permission of the Minister to inspect it: Provided that the Minister may in his discretion, and after consultation with the chairman of the committee, refuse to grant permission to any person to inspect the said record.

12. A finding of the committee shall, save as is otherwise provided in this Act, be deemed to have been expressed—

Effective date
of finding by
Pneumoconiosis
Certification
Committee.

- (a) where it is based wholly on a medical examination or two or more medical examinations of the person to whom the finding relates, on the date on which such examination or the first of such examinations commenced; or

- (b) waar dit geheel en al of ten dele berus op 'n nadoodse ondersoek, op die datum waarop die betrokke persoon oorlede is.

Beslissing van
Komitee vir
Sertifisering van
Pneumokoniose
is afdoende.

13. 'n Bevinding deur die komitee uitgespreek, is, behoudens die bepalinge van artikel *tien*, afdoende, en geen geregshof is regsbevoeg om so 'n bevinding ter syde te stel of te wysig nie, dan alleen op grond dat die komitee sy bevoegdhede te buite gegaan of op onreëlmatige wyse opgetree het.

Standaard vir
diagnosering en
sertifisering.

14. Die Minister kan na raadpleging van die direkteur en die geneeskundige adviseur, standaard voorskryf vir diagnosering en sertifisering van pneumokoniose en tuberkulose, en van pneumokoniose tesame met tuberkulose, vir die doeleindes van hierdie Wet.

Beperkings op
werk in stowwige
lug op grond van
geslag en leeftyd.

15. (1) Behalwe soos in sub-artikel (2) bepaal, mag geen persoon onder die leeftyd van sestien jaar en geen vrouspersoon werk in stowwige lug by 'n beheerde myn verrig nie, en mag geen eienaar van so 'n myn toelaat dat so 'n persoon of enige vrouspersoon in stowwige lug by daardie myn werk nie.

(2) Die Minister kan op aanbeveling van 'n komitee bestaande uit die Staatsmyningenieur, die kommissaris en die direkteur, en onderworpe aan die voorwaardes wat hy bepaal, 'n eienaar van 'n beheerde myn magtig om enige vrouspersoon, behalwe 'n blanke vrouspersoon, in werk in stowwige lug by daardie myn in diens te stel.

(3) Enige persoon, met inbegrip van 'n vrouspersoon, of enige eienaar van 'n myn, wat die bepalinge van sub-artikel (1) oortree, en so 'n eienaar wat 'n vrouspersoon uit hoofde van 'n magtiging ingevolge sub-artikel (2) verleen in diens stel, en wat versuim om te voldoen aan 'n voorwaarde onderworpe waaraan daardie magtiging verleen is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(a) in die geval van so 'n persoon, met 'n boete van hoogstens vyf-en-twintig pond; en

(b) in die geval van so 'n eienaar, met 'n boete van hoogstens vyftig pond.

Verbod op werk
in beheerde myne
sonder genees-
kundige
ondersoek.

16. (1) Niemand (behalwe 'n naturel) mag werk in stowwige lug by 'n beheerde myn verrig nie, tensy hy 'n geldende eerste, spesiale of periodieke sertifikaat besit, of anders as ooreenkomstig en onderworpe aan die bepalinge van daardie sertifikaat, en geen eienaar van 'n beheerde myn mag so iemand toelaat om werk in stowwige lug by daardie myn te verrig nie, behalwe vir sover daardie persoon uit hoofde van so 'n sertifikaat gemagtig is om daardie werk te verrig: Met dien verstande dat die direkteur na goeie dinge iemand wat nie so 'n sertifikaat besit nie, skriftelik kan magtig om in stowwige lug by 'n beheerde myn te werk vir so 'n tydperk, van hoogstens sestig dae, as wat die direkteur nodig ag ten einde so iemand in staat te stel om stappe te doen ten einde so 'n sertifikaat te verkry.

(2) Enige persoon of eienaar wat die bepalinge van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(a) in die geval van so 'n persoon, met 'n boete van hoogstens vyf-en-twintig pond; en

(b) in die geval van so 'n eienaar, met 'n boete van hoogstens vyftig pond.

(3) Die bepalinge van hierdie artikel word nie so uitgelê nie dat dit iemand wat nie so 'n sertifikaat soos voormeld besit nie, belet om by 'n myn, wat by die inwerkingtrede van hierdie Wet nie 'n beheerde myn is op die datum waarop daarin hy by daardie myn werksaam is op die datum waarop 'n beheerde myn word, vir 'n tydperk (van hoogstens ses maande) totdat hy geneeskundig ondersoek is ingevolge hierdie Wet.

(4) By die toepassing van hierdie artikel, word 'n eerste, spesiale of periodieke sertifikaat wat kragtens die Wet van 1946 uitgereik is, geag 'n eerste, spesiale of periodieke sertifikaat, al na die geval, te wees wat kragtens hierdie Wet uitgereik is.

Prosedure in
verband met
eerste ondersoek
en sertifikate.

17. (1) Iemand wat 'n eerste sertifikaat wil verkry, kan, op 'n vorm deur die buro verstrekk, skriftelik by die direkteur om 'n geneeskundige ondersoek vir daardie doel aansoek doen, en die direkteur moet, by ontvangs van 'n aansoek, die applikant so gou doenlik laat ondersoek: Met dien verstande dat 'n aansoek geweier kan word indien die direkteur rede het om te vermoed dat die applikant nie voornemens is om in stowwige lug by 'n beheerde myn te gaan werk nie.

(2) Indien so iemand by 'n eerste ondersoek geskik vir werk in stowwige lug by 'n beheerde myn bevind is, reik die direkteur

- (b) where it is based wholly or partly on a post-mortem examination, on the date on which the person in question died.

13. Subject to the provisions of section *ten*, a finding expressed by the committee shall be final, and no court of law shall have jurisdiction to set aside or vary any such finding, except on the ground that the committee has exceeded its powers or acted in an irregular manner.

Finality of decisions of Pneumoconiosis Certification Committee.

14. The Minister may, after consultation with the director and the medical adviser, prescribe standards for diagnosis and certification of pneumoconiosis and tuberculosis and of pneumoconiosis combined with tuberculosis for the purposes of this Act.

Standards for diagnosis and certification.

15. (1) Save as provided in sub-section (2), no person under the age of sixteen years and no female shall perform work in a dusty atmosphere at a controlled mine, and no owner of such mine shall permit any such person or any female to perform work in a dusty atmosphere at that mine.

Restrictions on employment in dusty atmosphere on ground of sex and age.

(2) The Minister may, on the recommendation of a committee consisting of the Government Mining Engineer, the commissioner and the director, and subject to such conditions as he may determine, authorize an owner of a controlled mine to employ any female, not being a European female, on work in a dusty atmosphere at that mine.

(3) Any person, including any female, or any owner of a controlled mine, who contravenes the provisions of sub-section (1), and any such owner employing any female by virtue of authority granted under sub-section (2), who fails to comply with any condition subject to which such authority has been granted, shall be guilty of an offence and liable on conviction—

- (a) in the case of any such person, to a fine not exceeding twenty-five pounds; and
- (b) in the case of any such owner, to a fine not exceeding fifty pounds.

16. (1) No person (other than a native) shall perform work in a dusty atmosphere at a controlled mine, unless he holds a current initial, special or periodical certificate or otherwise than in accordance with and subject to the terms of that certificate, and no owner of a controlled mine shall permit any such person to perform work in a dusty atmosphere at that mine, except in so far as that person is authorized to perform such work by virtue of such a certificate: Provided that the director may in his discretion in writing authorize any person who is not the holder of such a certificate, to perform work in a dusty atmosphere at a controlled mine for such a period, not exceeding sixty days, as the director may consider necessary to enable that person to take steps with a view to obtaining such a certificate.

Prohibition on working in controlled mines without medical examination.

(2) Any person or owner who contravenes the provisions of sub-section (1), shall be guilty of an offence and liable on conviction—

- (a) in the case of any such person, to a fine not exceeding twenty-five pounds; and
- (b) in the case of any such owner, to a fine not exceeding fifty pounds.

(3) The provisions of this section shall not be construed as prohibiting the performance at any mine, which is not a controlled mine at the commencement of this Act, by a person who is not the holder of any such certificate as aforesaid, of any work in which he is employed at that mine on the date on which it becomes a controlled mine, for a period (not exceeding six months) until he has been medically examined under this Act.

(4) For the purposes of this section, any initial, special or periodical certificate issued under the 1946 Act, shall be deemed to be an initial or a special or periodical certificate, as the case may be, issued under this Act.

17. (1) Any person who desires to obtain an initial certificate, may in writing apply to the director, on a form provided by the bureau, to be medically examined for the purpose, and the director shall, upon receipt of an application, cause the applicant to be examined as soon as practicable: Provided that an application may be refused if the director has reason to believe that the applicant does not intend to undertake work in a dusty atmosphere at a controlled mine.

Procedure relating to initial examinations and certificates.

(2) If any such person has at an initial examination been found fit for work in a dusty atmosphere at a controlled mine, the director shall issue to him a certificate which shall be in the

aan hom 'n sertifikaat uit wat in die voorgeskrewe vorm moet wees en die inligting moet bevat wat die direkteur nodig ag.

(3) 'n Eerste sertifikaat is geldig vir 'n tydperk van een jaar vanaf die datum van uitreiking daarvan, en die direkteur kan na goeëddunke aan die gangbaarheid van so 'n sertifikaat perke stel sodat die houer daarvan beperk word—

- (a) tot die verrigting van bepaalde werk; of
- (b) tot werk by 'n bepaalde myn of by myne van 'n bepaalde klas; of
- (c) tot werk in stowwige lug by 'n beheerde myn vir 'n vermelde aantal ure of skofte gedurende enige maand of ander bepaalde tydperk, of in 'n bepaalde plek of soort werk of by 'n bepaalde myn of by myne van bepaalde klasse.

(4) Die beslissing van die direkteur oor enige aangeleentheid rakende 'n eerste ondersoek of die uitreiking van 'n eerste sertifikaat is, behoudens die bepalinge van sub-artikel (4) van artikel sewe, afdoende, maar waar 'n eerste ondersoek ingevolge die voorbehoudsbepaling by sub-artikel (1) van hierdie artikel geweier word, of 'n applikant by ondersoek ongeskik bevind is vir werk in stowwige lug by 'n beheerde myn, of vir die soort werk waarvoor die sertifikaat verlang was, moet die weiering of die bevinding by die ondersoek, al na die geval, skriftelik aan die applikant bekend gemaak word.

(5) Die Minister kan na raadpleging van die direkteur en die geneeskundige adviseur, die standaard van geskiktheid vir werk in stowwige lug by 'n beheerde myn voorskryf wat by 'n eerste ondersoek geld, en vir dié doel kan verskillende regulasies ten opsigte van verskillende klasse myne, persone, bedrywe en plekke by myne voorskryf word.

Geneeskundige
ondersoeke en
sertifikate by
verklaring van
beheerde myn.

18. (1) Die direkteur moet binne 'n tydperk van ses maande vanaf die datum waarop 'n myn, wat nie 'n beheerde myn is nie, 'n beheerde myn word, elke persoon (behalwe 'n naturel) wat by daardie myn in stowwige lug werk op die datum waarop dit 'n beheerde myn word, en wat nie 'n geldende eerste of periodieke sertifikaat wat kragtens hierdie Wet uitgereik is of geag word uitgereik te gewees het, besit nie, geneeskundig laat ondersoek, en aan so 'n persoon, wat vry van pneumokoniose in die derde of vierde stadium en van tuberkulose bevind word, 'n eerste sertifikaat laat uitreik, hetsy so 'n persoon aan die voorgeskrewe standaard van geskiktheid vir werk in stowwige lug by 'n beheerde myn voldoen, al dan nie: Met dien verstande dat so 'n sertifikaat aan enige in sub-artikel (3) van artikel sewentien vermelde beperking onderworpe gestel kan word.

(2) Indien na geneeskundige ondersoek van enige persoon ingevolge sub-artikel (1), die uitreiking van 'n eerste sertifikaat aan hom geweier word, moet die direkteur hom skriftelik van die redes vir die weiering in kennis stel.

(3) Die direkteur moet so gou moontlik nadat enige persoon aldus ondersoek is, die eienaar van die betrokke myn dien-ooreenkomstig in kennis stel.

Periodieke
ondersoeke en
sertifikate.

19. (1) Elke persoon, behalwe 'n naturel, wat in stowwige lug by 'n beheerde myn werk verrig, moet geneeskundig ondersoek word met die tussenpose wat na raadpleging van die direkteur en die geneeskundige adviseur deur die Minister voorgeskryf word.

(2) Regulasies wat vir die doeleindes van sub-artikel (1) uitgevaardig word, kan—

- (a) tussen klasse myne, persone, bedrywe en plekke by myne onderskeid maak;
- (b) die aard van die ondersoek voorskryf wat by 'n periodieke ondersoek uitgevoer moet word, asook die standaard van geskiktheid wat by so 'n ondersoek toegepas moet word;
- (c) die vorm van 'n periodieke sertifikaat en die besonderhede wat daarin vermeld moet word, voorskryf; en
- (d) die tydperk voorskryf wat die besitter van 'n eerste sertifikaat in stowwige lug by 'n beheerde myn moet gewerk het voordat hy op die uitreiking van 'n periodieke sertifikaat geregtig word.

(3) Indien by 'n periodieke ondersoek van 'n ander persoon as 'n naturel, daardie persoon vry van pneumokoniose en van tuberkulose bevind is, reik die direkteur aan hom 'n periodieke sertifikaat in die voorgeskrewe vorm uit: Met dien verstande dat die direkteur, indien hy oordeel dat die betrokke persoon waarskynlik pneumokoniose of tuberkulose sal kry, aan die gangbaarheid van so 'n sertifikaat perke kan stel op dieselfde wyse as in die geval van 'n eerste sertifikaat kragtens sub-artikel (3) van artikel sewentien uitgereik.

prescribed form and shall contain such information as the director deems necessary.

(3) An initial certificate shall be valid for a period of one year from the date of issue thereof, and the director may if he deems fit restrict the operation of any such certificate so as to limit the holder thereof—

- (a) to the performance of specified work; or
- (b) to work at a specified mine or at specified classes of mines; or
- (c) to work in a dusty atmosphere at a controlled mine for a specified number of hours or shifts during any one month or other specified period, or in a specified place or occupation or at a specified mine or at specified classes of mines.

(4) The decision of the director on any matter relating to an initial examination or to the issue of an initial certificate shall, subject to the provisions of sub-section (4) of section seven, be final, but where an initial examination is refused under the proviso to sub-section (1) of this section, or an applicant has on examination been found unfit for work in a dusty atmosphere at a controlled mine or for the type of work for which the certificate was required, the refusal or the finding at the examination, as the case may be, shall be communicated to the applicant in writing.

(5) The Minister may, after consultation with the director and the medical adviser, prescribe the standard of fitness for work in a dusty atmosphere at a controlled mine, which shall apply at an initial examination, and different regulations may be made for that purpose in respect of different classes of mines, persons, occupations and localities at mines.

18. (1) The director shall, within a period of six months from the date on which any mine, which is not a controlled mine, becomes a controlled mine, cause every person (other than a native) who is employed in a dusty atmosphere at that mine on the date on which it becomes a controlled mine, and who is not in possession of a current initial or periodical certificate issued or deemed to have been issued under this Act, to be medically examined, and cause to be issued to any such person, who is found to be free from pneumoconiosis in the third or fourth stage and from tuberculosis, an initial certificate, whether or not such person complies with the standard of fitness prescribed for work in a dusty atmosphere at a controlled mine: Provided that any such certificate may be issued subject to any restriction mentioned in sub-section (3) of section seventeen.

Medical examinations and certificates on declaration of controlled mine.

(2) If after a medical examination of any person under sub-section (1), the issue to him of an initial certificate is refused, the director shall in writing inform him of the reasons for the refusal.

(3) The director shall as soon as possible after any person has been so examined, advise the owner of the mine in question accordingly.

19. (1) Every person, other than a native, who performs work in a dusty atmosphere at a controlled mine, shall be medically examined at such intervals as may be prescribed by the Minister after consultation with the director and the medical adviser.

Periodical examinations and certificates.

(2) Any regulations made for the purposes of sub-section (1), may—

- (a) differentiate between classes of mines, persons, occupations and localities at mines;
- (b) prescribe the nature of the examination to be performed at a periodical examination and the standard of fitness to be applied at any such examination;
- (c) prescribe the form of any periodical certificate and the particulars to be set forth therein; and
- (d) prescribe the period of service in a dusty atmosphere at a controlled mine which the holder of an initial certificate must have completed to entitle him to the issue of a periodical certificate.

(3) If at a periodical examination of a person, other than a native, that person has been found to be free from pneumoconiosis and from tuberculosis, the director shall issue to him a periodical certificate in the prescribed form: Provided that the director may, if he is of the opinion that the person concerned is likely to develop pneumoconiosis or tuberculosis, restrict the operation of such certificate in the same manner as in the case of an initial certificate issued under sub-section (3) of section seventeen.

Tussentydse
ondersoek van
persone wat
periodieke
sertifikate
besit.

20. (1) Wanneer die direkteur rede het om te vermoed dat die gesondheid van iemand wat 'n periodieke sertifikaat besit, sedert sy laaste periodieke ondersoek wesentlik agteruitgegaan het, of dat iemand wat so 'n sertifikaat besit, werk verrig wat hy nie volgens daardie sertifikaat toegelaat is om te verrig nie, kan die direkteur, by skriftelike kennisgewing aan so iemand gerig, bedoelde sertifikaat gekanselleer verklaar, en so iemand aansê—

- (a) om bedoelde sertifikaat by 'n persoon en op 'n tyd en plek in die kennisgewing vermeld, in te lewer; en
- (b) om hom op 'n aldus vermelde tyd en plek aan te meld ten einde 'n geneeskundige ondersoek te ondergaan, wat 'n periodieke ondersoek ingevolge hierdie Wet geag word.

(2) 'n Afskrif van so 'n kennisgewing moet onverwyld aan die eienaar van die myn waar die betrokke persoon werksaam is, gestuur word.

(3) Iemand wat versuim om aan die vereistes van 'n kragtens sub-artikel (1) aan hom gerigte kennisgewing te voldoen, of wat, nadat hy so 'n kennisgewing ontvang het, werk in stowwige lug by 'n beheerde myn verrig, sonder dat hy 'n periodieke sertifikaat besit wat daarna ingevolge hierdie Wet aan hom uitgereik is, en 'n eienaar van 'n beheerde myn wat, nadat hy 'n afskrif van so 'n kennisgewing ontvang het, die betrokke persoon toelaat om in stowwige lug by sy myn te werk, indien 'n nuwe periodieke sertifikaat nie aldus aan daardie persoon uitgereik is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- (a) in die geval van so 'n persoon, met 'n boete van hoogstens vyf-en-twintig pond; en
- (b) in die geval van so 'n eienaar, met 'n boete van hoogstens vyftig pond.

Prosedure waar
tuberkulose of
pneumokoniose
by periodieke
ondersoek
vermoed word.

21. (1) Wanneer by 'n periodieke ondersoek van enige persoon, geoordeel of vermoed word dat hy aan pneumokoniose of tuberkulose ly, moet die direkteur, binne veertien dae na die datum van die ondersoek, aan die komitee 'n volledige verslag oor die uitslag van die ondersoek voorlê, en reik hy geen periodieke sertifikaat aan daardie persoon uit nie totdat die komitee bepaal het of hy aan enige van die betrokke siektes ly, al dan nie, en, indien bevind word dat hy aan pneumokoniose ly, in watter stadium die siekte waaraan hy ly, is: Met dien verstande dat die direkteur aan so iemand ten opsigte van wie geoordeel of vermoed word dat hy aan pneumokoniose ly, maar nie aan tuberkulose nie, 'n voorlopige periodieke sertifikaat kan uitreik wat vir die daarin vermelde tydperk, maar hoogstens dertig dae, geldig is, ten einde so iemand in staat te stel om aan te hou met werk totdat die beslissing van die komitee bekend gemaak word.

(2) Waar die komitee na oorweging van so 'n verslag bevind dat die betrokke persoon—

- (a) vry is van tuberkulose en van pneumokoniose in die derde of vierde stadium, reik die direkteur onverwyld aan hom 'n periodieke sertifikaat uit, wat na goedgekeur van die direkteur verleen kan word onderworpe aan enige van die beperkings in sub-artikel (3) van artikel sewentien vermeld;
- (b) aan tuberkulose of aan pneumokoniose in die derde of vierde stadium ly, gelas hy dat 'n sertifikaat volgens voorskrif van sub-artikel (1) van artikel elf uitgereik word, en daarop is die bepaling van daardie artikel van toepassing.

(3) (a) Die komitee kan, in die geval van so iemand ten opsigte van wie geoordeel of vermoed word dat hy aan tuberkulose ly, die direkteur gelas om verdere ondersoeke, toetse of waarnemings te laat uitvoer, soos die komitee bepaal, en om aan so iemand 'n voorlopige tuberkulose-sertifikaat, in die vorm wat voorgeskryf mag word, uit te reik, wat die besitter daarvan belet om vir die tydperk in die sertifikaat vermeld, maar hoogstens een-en-twintig dae, in stowwige lug by 'n beheerde myn te werk.

(b) Indien, nadat sodanige verdere ondersoeke, toetse of waarnemings uitgevoer is—

- (i) die betrokke persoon vry van tuberkulose bevind word, moet die direkteur onverwyld die voorlopige tuberkulose-sertifikaat kragtens paragraaf (a) aan hom uitgereik, kanselleer, en (tensy bevind is dat bedoelde persoon aan pneumokoniose in die derde of vierde stadium ly) aan hom 'n periodieke

20. (1) Whenever the director has reason to believe that the health of the holder of a periodical certificate has substantially deteriorated since his last periodical examination, or that the holder of such a certificate is performing work which he is not in terms of that certificate authorized to perform, the director may, by notice in writing addressed to such person, declare such certificate to be cancelled, and require such person—

Interim examination of holders of periodical certificates.

- (a) to surrender the said certificate to a person and at a time and place specified in the notice; and
- (b) to present himself at a time and place so specified for the purpose of undergoing a medical examination, which shall be deemed to be a periodical examination in terms of this Act.

(2) A copy of any such notice shall forthwith be transmitted to the owner of the mine at which the person concerned is employed.

(3) Any person who fails to comply with the requirements of a notice addressed to him under sub-section (1), or who, after having received such a notice, performs work in a dusty atmosphere at a controlled mine, without being in possession of a periodical certificate subsequently issued to him under this Act, and any owner of a controlled mine who, after having received a copy of any such notice, permits the person concerned to perform work in a dusty occupation at his mine, if a new periodical certificate has not been so issued to such person, shall be guilty of an offence and liable on conviction—

- (a) in the case of any such person, to a fine not exceeding twenty-five pounds; and
- (b) in the case of any such owner, to a fine not exceeding fifty pounds.

21. (1) Whenever upon a periodical examination of any person, he is considered or suspected to be suffering from pneumoconiosis or tuberculosis, the director shall, within fourteen days after the date of the examination, submit to the committee a full report on the result of the examination, and shall not issue any periodical certificate to such person until the committee has determined whether or not he is suffering from any of the diseases in question, and, if he is found to be suffering from pneumoconiosis, the stage of that disease from which he is suffering: Provided that the director may issue to any such person who is considered or suspected to be suffering from pneumoconiosis, but not from tuberculosis, a provisional periodical certificate, which shall be valid for the period specified therein, but not exceeding thirty days, in order to enable that person to continue working until the decision of the committee is made known.

Procedure where tuberculosis or pneumoconiosis is suspected at periodical examination.

(2) Where after consideration of any such report, the committee finds the person concerned—

- (a) to be free from tuberculosis and from pneumoconiosis in the third or fourth stage, the director shall forthwith issue to him a periodical certificate, which may in the discretion of the director be granted subject to any of the restrictions mentioned in sub-section (3) of section *seventeen*;
 - (b) to be suffering from tuberculosis or from pneumoconiosis in the third or fourth stage, it shall direct the issue of a certificate as provided in sub-section (1) of section *eleven*, and the provisions of that section shall thereupon apply.
- (3) (a) The committee may, in the case of any such person who is considered or suspected to be suffering from tuberculosis, require the director to cause further examinations, tests or observations to be carried out as it may direct, and to issue to such person a provisional tuberculosis certificate, in such form as may be prescribed, which shall debar the holder thereof from working in a dusty atmosphere at a controlled mine for the period mentioned in the certificate, but not exceeding twenty-one days.
- (b) If after such further examinations, tests or observations have been carried out—
- (i) the person concerned is found to be free from tuberculosis, the director shall forthwith cancel the provisional tuberculosis certificate issued to him under paragraph (a), and (unless such person

sertifikaat uitreik wat verleen kan word onderworpe aan enige van die beperkings in sub-artikel (3) van artikel *sewentien* vermeld;

- (ii) bevind word dat bedoelde persoon aan pneumokoniose in die derde of vierde stadium of aan tuberkulose ly, gelas die komitee dat 'n sertifikaat volgens voorskrif van sub-artikel (1) van artikel *elf* uitgereik word, en daarop is die bepalings van daardie artikel van toepassing.

(4) Geen periodieke sertifikaat word te eniger tyd uitgereik nie aan iemand ten opsigte van wie bevind is dat hy aan tuberkulose of aan pneumokoniose in die derde of vierde stadium ly, solank as wat die betrokke bevinding nie ingetrek is nie.

(5) Die direkteur moet binne agt dae na die uitreiking van 'n voorlopige tuberkulose-sertifikaat kragtens paragraaf (a) van sub-artikel (3), die eienaar van die myn waar die betrokke persoon werksaam is, skriftelik van die uitreiking van daardie sertifikaat in kennis tel.

(6) Iemand wat in stowwige lug by 'n beheerde myn werk gedurende die tydperk waarvoor so 'n aan hom uitgereikte voorlopige tuberkulose-sertifikaat geldig is, of nadat bevind is dat hy aan tuberkulose of aan pneumokoniose in die derde of vierde stadium ly, en hy skriftelik dienooreenkomstig deur die direkteur in kennis gestel is, en 'n eienaar van 'n beheerde myn wat so 'n persoon toelaat om in stowwige lug by daardie myn te werk, nadat hy skriftelik deur die direkteur van die uitreiking van bedoelde sertifikaat of van bedoelde bevinding in kennis gestel is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- (a) in die geval van so 'n persoon, met 'n boete van hoogstens vyf-en-twintig pond; en
(b) in die geval van so 'n eienaar, met 'n boete van hoogstens vyftig pond.

Tydperk vir
hernuwing van
periodieke
sertifikate.

22. (1) Geen periodieke sertifikaat word aan enige persoon uitgereik nie, na verloop van 'n tydperk van agtien maande vanaf die datum waarop sy laaste periodieke sertifikaat verval het.

(2) Die direkteur kan op aansoek deur enige persoon binne 'n tydperk van agtien maande vanaf die datum waarop sy laaste periodieke sertifikaat verval het, 'n periodieke sertifikaat aan daardie persoon uitreik, indien—

- (a) hy vry is van pneumokoniose in die derde of vierde stadium en van tuberkulose; en
(b) hy nie sedert hy die laaste keer in stowwige lug by 'n beheerde myn gewerk het, by 'n plek waar hy volgens die direkteur se oordeel aan skadelike stof blootgestel was, gewerk het nie; en
(c) sy werksvermoë volgens die direkteur se oordeel nie in ernstige mate weens ouderdom of andersins afgeneem het nie,

en 'n aldus uitgereikte periodieke sertifikaat kan verleen word onderworpe aan enige beperking in sub-artikel (3) van artikel *sewentien* vermeld.

(3) Die bepalings van hierdie artikel word nie so uitgelê dat dit iemand verhinder om te eniger tyd nadat sy laaste periodieke sertifikaat verval het, om 'n eerste ondersoek aansoek te doen en, behoudens die bepalings van hierdie Wet, 'n eerste sertifikaat te verkry nie.

Eienaar van myn
moet register hou
van persone wat
in stowwige lug
werk.

23. (1) Elke eienaar van 'n beheerde myn moet 'n register ouh waarin aangeteken word—

- (a) die naam van elke persoon, wat nie 'n naturel is nie, werksaam in stowwige lug by daardie myn, en die nommer deur die buro aan daardie persoon toegewys;
(b) die datum van uitreiking en die vervaldatum van enige eerste, periodieke of spesiale sertifikaat aan so 'n persoon uitgereik;
(c) enige beperking onderworpe waaraan so 'n sertifikaat uitgereik mag gewees het; en
(d) die ander inligting wat voorgeskryf mag word.

(2) Iemand wat persone in diens stel in verband met die verrigting in stowwige lug by 'n beheerde myn van werk wat so iemand onderneem het om ten behoeve van die eienaar van daardie myn te verrig, moet 'n register hou waarin die in sub-artikel (1) vermelde besonderhede ten opsigte van elke persoon (behalwe 'n naturel) aldus in diens gestel, aangeteken word.

(3) 'n Register wat ooreenkomstig die bepalings van sub-artikel (1) of (2) gehou word, moet beskikbaar wees vir inspeksie deur enige kragtens sub-artikel (1) van artikel *drie* aangestelde persoon wat skriftelik deur die direkteur gemagtig is om so 'n inspeksie te doen.

periodical certificate which may be granted subject to any of the restrictions mentioned in sub-section (3) of section *seventeen*;

- (ii) such person is found to be suffering from pneumoconiosis in the third or fourth stage or from tuberculosis, the committee shall direct the issue of a certificate as provided in sub-section (1) of section *eleven*, and the provisions of that section shall thereupon apply.

(4) No periodical certificate shall at any time be issued to any person who has been found to be suffering from tuberculosis or from pneumoconiosis in the third or fourth stage, so long as the finding in question has not been rescinded.

(5) The director shall within eight days after the issue of a provisional tuberculosis certificate under paragraph (a) of sub-section (3), in writing inform the owner of the mine at which the person concerned is employed of the issue of that certificate.

(6) Any person who works in a dusty atmosphere at a controlled mine during the period of validity of any such provisional tuberculosis certificate issued to him or after he has been found to be suffering from tuberculosis or from pneumoconiosis in the third or fourth stage, and has been advised to that effect in writing by the director, and any owner of a controlled mine who permits such a person to work in a dusty atmosphere at that mine after he has been informed in writing of the issue of such certificate or of such finding by the director, shall be guilty of an offence and liable on conviction—

- (a) in the case of any such person to a fine not exceeding twenty-five pounds; and
- (b) in the case of any such owner to a fine not exceeding fifty pounds.

22. (1) No periodical certificate shall be issued to any person after the expiration of a period of eighteen months from the date on which his last periodical certificate lapsed. Period for renewal of periodical certificates.

(2) The director may on application by any person within a period of eighteen months from the date on which his last periodical certificate lapsed, issue a periodical certificate to such person, if—

- (a) he is free from pneumoconiosis in the third or fourth stage and from tuberculosis; and
- (b) he has not since he last worked in a dusty atmosphere at a controlled mine, performed work at a place where he was, in the opinion of the director, exposed to harmful dust; and
- (c) his capacity for work has not, in the opinion of the director, been seriously impaired by old age or otherwise,

and any periodical certificate so issued may be granted subject to any restriction mentioned in sub-section (3) of section *seventeen*.

(3) Nothing in this section shall be construed as precluding any person from applying for an initial examination and, subject to the provisions of this Act, obtaining an initial certificate at any time after his last periodical certificate has lapsed.

23. (1) Every owner of a controlled mine shall keep a register in which shall be recorded— Owner of mine to keep register of persons working in dusty atmosphere.

- (a) the name of every person, other than a native, employed in a dusty atmosphere at such mine and the number assigned to such person by the bureau;
- (b) the date of issue and the date of expiry of any initial, periodical or special certificate issued to any such person;
- (c) any restriction subject to which any such certificate may have been issued; and
- (d) such other information as may be prescribed.

(2) Any person who employs persons in connection with the performance in a dusty atmosphere at any mine of work which that person has undertaken to perform on behalf of the owner of that mine, shall keep a register in which shall be entered the particulars mentioned in sub-section (1) in respect of every person (other than a native) so employed.

(3) A register kept in accordance with the provisions of sub-section (1) or (2) shall be open for inspection by any person appointed under sub-section (1) of section *three*, who has been authorized in writing by the director to carry out such an inspection.

(4) 'n Eienaar van 'n beheerde myn of 'n in sub-artikel (2) bedoelde persoon wat versuim om die in sub-artikel (1) of (2) bedoelde register te hou of om aan 'n in sub-artikel (3) bedoelde persoon alle redelike fasiliteite en hulp te verleen om so 'n register te inspekteer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond.

Spesiale
sertifikate.

24. (1) Die direkteur moet op aansoek van enige persoon, met inbegrip van 'n amptenaar in die Departement van Mynwese, wat nie 'n geldende eerste of periodieke sertifikaat besit nie, en wie se plig dit is of sal word om van tyd tot tyd in stowwige lug by 'n beheerde myn in te gaan vir tydperke wat in die geheel nie honderd uur gedurende enige tydperk van dertig dae te bowe gaan nie, 'n geneeskundige ondersoek op die applikant laat uitvoer, en indien na ondersoek bevind word dat die applikant—

- (a) vry is van pneumokoniose in die derde of vierde stadium en vry is van tuberkulose; en
- (b) geskik is om die werk te verrig wat hy van tyd tot tyd moet of sal moet verrig,

reik die direkteur aan hom 'n sertifikaat uit wat in die vorm moet wees en die besonderhede moet bevat wat voorgeskryf mag word, en aan enige van die in sub-artikel (3) van artikel *sewentien* vermelde beperkings onderworpe gestel kan word.

(2) Waar die direkteur weier om 'n spesiale sertifikaat uit te reik, moet hy die applikant en sy werkgever dienoreenkomstig in kennis stel, en as die applikant tevore in stowwige lug by 'n beheerde myn werk verrig het, en daar geoordeel of vermoed word dat hy aan pneumokoniose of aan tuberkulose ly, is die bepaling van artikel *een-en-twintig mutatis mutandis* van toepassing asof die applikant 'n applikant om 'n periodieke sertifikaat was.

Ondersoek
vir voordele.

25. (1) 'n Persoon wat werk in stowwige lug by 'n beheerde myn verrig of verrig het, of 'n ander persoon wat namens hom optree, kan te eniger tyd by die direkteur aansoek doen om 'n geneeskundige ondersoek van eersbedoelde persoon, om te bepaal of hy geregtig is op 'n voordeel waarvoor in hierdie Wet voorsiening gemaak word, en by ontvangs van so 'n ondersoek moet die direkteur—

- (a) so gou doenlik 'n geneeskundige ondersoek op die betrokke persoon laat uitvoer;
- (b) aan die komitee 'n verslag met besonderhede omtrent die gezondheidstoestand van daardie persoon verstrek; en
- (c) die verdere ondersoeke, toetse en waarnemings laat uitvoer wat die komitee gelas:

Met dien verstande dat die direkteur die aansoek na goeddunke van die hand kan wys indien die betrokke persoon 'n geneeskundige ondersoek ingevolge hierdie Wet of deur die vorige buro ondergaan het gedurende die tydperk van ses maande onmiddellik voorafgaande aan die datum waarop die aansoek om sy ondersoek ontvang word.

(2) 'n Aansoek om 'n geneeskundige ondersoek (behalwe 'n aansoek ingevolge die Wet van 1946 om 'n eerste ondersoek of 'n aansoek met die oog op die hernuwing van 'n periodieke sertifikaat) skriftelik gedoen deur of ten behoeve van enige persoon ingevolge 'n bepaling van daardie Wet, wat voor die inwerkingtreding van hierdie Wet by die vorige buro ingedien was en nie voor bedoelde inwerkingtreding afgehandel was nie, word by die toepassing van hierdie artikel geag 'n aansoek te wees om te bepaal of die betrokke persoon op 'n voordeel ingevolge hierdie Wet geregtig is, en 'n bevinding van die komitee in verband met so 'n aansoek word geag op die datum van ontvangs van die aansoek deur die direkteur of die vorige buro uitgespreek te gewees het.

Uitwerking van
bevindings ten
opsigte van
sekere siektes
deur vorige
buro.

26. 'n Bevinding van silikose of borskwaal, deur die vorige buro uitgespreek, as gevolg waarvan 'n voordeel aan enige persoon toegekom het, word by die toepassing van hierdie Wet geag 'n bevinding van pneumokoniose ingevolge hierdie Wet te wees, soos volg, te wete—

- (a) 'n bevinding van silikose in die eerste stadium word geag 'n bevinding van pneumokoniose in die eerste stadium te wees;
- (b) 'n bevinding van silikose in die tweede stadium of van borskwaal in die eerste stadium of van beide silikose in die eerste stadium en borskwaal in die eerste stadium, word geag 'n bevinding van pneumokoniose in die tweede stadium te wees;

(4) Any owner of a controlled mine or any person referred to in sub-section (2) who fails to keep the register mentioned in sub-section (1) or (2) or to afford a person mentioned in sub-section (3), all reasonable facilities and assistance to inspect any such register, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

24. (1) The director shall, on application by any person, including any officer in the Mines Department, who is not the holder of a current initial or periodical certificate, and whose duty it is or will become from time to time to enter a dusty atmosphere at a controlled mine for periods aggregating not more than one hundred hours in any period of thirty days, cause the applicant to be medically examined, and if after examination the applicant is found to be— Special certificates.

(a) free from pneumoconiosis in the third or fourth stage and free from tuberculosis; and

(b) fit to perform the work which he is or will be required to perform from time to time,

the director shall issue to him a certificate which shall be in such form and contain such particulars as may be prescribed, and may be made subject to any of the restrictions mentioned in sub-section (3) of section *seventeen*.

(2) Where the director refuses to issue a special certificate, he shall notify the applicant and his employer accordingly, and if the applicant previously performed work in a dusty atmosphere at a controlled mine and is considered or suspected to be suffering from pneumoconiosis or from tuberculosis, the provisions of section *twenty-one* shall *mutatis mutandis* apply as if the applicant were an applicant for a periodical certificate.

25. (1) Any person who performs or has performed work in a dusty atmosphere at a controlled mine, or any other person acting on his behalf, may at any time apply to the director for a medical examination of such first-mentioned person, for the purpose of ascertaining whether he is entitled to any benefit for which provision is made in this Act, and upon receipt of such an application the director shall— Benefit examination.

(a) cause the person concerned to be medically examined as soon as practicable;

(b) furnish the committee with a detailed report on the condition of the health of that person; and

(c) cause such further examinations, tests and observations to be carried out as the committee may direct:

Provided that the director may in his discretion refuse the application if the person concerned was medically examined under this Act or by the former bureau during the period of six months immediately preceding the date on which the application for his examination is received.

(2) An application for a medical examination (other than an application for an initial examination or an examination with a view to the renewal of a periodical certificate under the 1946 Act) made in writing by or on behalf of any person in terms of any provision of that Act, which was lodged with the former bureau prior to the commencement of this Act, and which was not disposed of before such commencement, shall for the purposes of this section be deemed to be an application for the purpose of ascertaining whether the person concerned is entitled to a benefit under this Act, and any finding by the committee in connection with such an application shall be deemed to have been expressed on the date of receipt of the application by the director or the former bureau.

26. A finding of silicosis or pulmonary disability expressed by the former bureau, as a result of which any benefit accrued to any person, shall for the purposes of this Act be deemed to be a finding of pneumoconiosis under this Act, as follows, namely— Effect of findings in respect of certain diseases by former bureau.

(a) a finding of silicosis in the first stage shall be deemed to be a finding of pneumoconiosis in the first stage;

(b) a finding of silicosis in the second stage or of pulmonary disability in the first stage or of both silicosis in the first stage and pulmonary disability in the first stage, shall be deemed to be a finding of pneumoconiosis in the second stage;

- (c) 'n bevinding van silikose in die derde stadium of van borskwaal in die tweede stadium of van beide silikose in die tweede stadium en borskwaal in die eerste stadium, word geag 'n bevinding van pneumokoniose in die derde stadium te wees;
- (d) 'n bevinding van silikose of borskwaal in 'n natuurlike arbeider word geag 'n bevinding van pneumokoniose te wees,

en 'n bevinding van tuberkulose deur die vorige buro uitgespreek, as gevolg waarvan 'n voordeel aan enige persoon toegekome het, word geag 'n bevinding van tuberkulose ingevolge hierdie Wet te wees.

Verslae deur geneesheer van vermoedlike aanwesigheid van pneumokoniose of tuberkulose.

27. (1) Wanneer 'n geneesheer in die Unie of die gebied Suidwes-Afrika oordeel of vermoed dat iemand wat hy geneeskundig ondersoek het, en wat volgens sy wete in stowwige lug by 'n beheerde myn gewerk het, of wat, na hy op redelike gronde vermoed, aldus gewerk het, aan pneumokoniose of tuberkulose ly, moet daardie geneesheer die direkteur onverwyld van sy bevindings by die ondersoek in kennis stel, en moet hy op aanvraag deur die direkteur die verdere inligting tot sy beskikking in verband met die ondersoek of die gezondheidstoestand van daardie persoon verstrek wat die direkteur mag vereis.

(2) 'n Geneesheer wat sonder redelike verskoning versuim om aan die bepalings van sub-artikel (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond.

Ondersoeke vir voordele buite die Unie.

28. (1) Wanneer iemand wat in stowwige lug by 'n beheerde myn werk verrig het, en wat buite die Unie is, by die direkteur aansoek doen om 'n ondersoek ten einde te bepaal of hy op 'n voordeel geregtig is, moet die direkteur so gou doenlik reëlins tref vir 'n geneeskundige ondersoek van die applikant deur 'n geneesheer in die omgewing waar so iemand woon, en moet hy enige verslag oor die uitslag van die ondersoek wat hy van so 'n geneesheer ontvang, aan die komitee voorlê.

(2) 'n Bevinding na oorweging van 'n verslag oor so 'n ondersoek deur die komitee uitgespreek, word deur die direkteur bekend gemaak aan die betrokke persoon en aan die geneesheer wat die ondersoek uitgevoer het.

Nadoodse ondersoeke.

29. (1) Die direkteur kan skriftelik enige geneesheer magtig om nadoodse ondersoeke ingevolge hierdie Wet uit te voer, en 'n aldus gemagtigde geneesheer wat 'n na-doodse ondersoek van die hart- en asemhalingsorgane uitgevoer het van 'n oorledene wat in stowwige lug by 'n beheerde myn gewerk het, moet onverwyld 'n verslag oor die uitslag van die ondersoek aan die direkteur voorlê.

(2) 'n Geneesheer in die Unie of Suidwes-Afrika wat 'n oorlede persoon tydens dié se dood bygestaan het, en wat weet of rede het om te vermoed dat bedoelde persoon in stowwige lug by 'n beheerde myn gewerk het, of so 'n geneesheer wat die liggaam van 'n oorlede persoon geopen het, en wat weet of rede het om te vermoed dat bedoelde persoon in stowwige lug by 'n beheerde myn gewerk het, moet die oorledene se hart- en asemhalingsorgane verwyder en daardie organe aan die buro of 'n ander deur die direkteur aangewese plek stuur ooreenkomstig enige opdragte wat deur of namens die direkteur gegee mag word.

(3) Wanneer iemand in die Unie of Suidwes-Afrika oorlede is, en die direkteur weet of rede het om te vermoed dat so iemand in stowwige lug by 'n beheerde myn gewerk het, kan die direkteur skriftelik enige geneesheer in die distrik waar die oorledene se liggaam hom bevind, gelas om die oorledene se hart- en asemhalingsorgane te verwyder en daardie organe te stuur aan die buro of 'n ander plek wat die direkteur aanwys.

(4) Ondanks enigiets in sub-artikel (1), (2) of (3) vervat, mag geen geneesheer 'n nadoodse ondersoek op enige persoon uitvoer of sy hart- en asemhalingsorgane verwyder nie, sonder die toestemming van sy weduwee, as daar een is, of 'n volwasse naverwant van daardie persoon, indien bedoelde weduwee of naverwant geredelik geraadpleeg kan word.

(5) Wanneer die direkteur 'n verslag ontvang het oor die nadoodse ondersoek van die hart- en asemhalingsorgane van 'n oorlede persoon wat in stowwige lug by 'n beheerde myn werk verrig het, lê hy daardie verslag onverwyld aan die komitee voor, tesame met alle ander beskikbare geneeskundige verslae in verband met daardie persoon, en 'n verslag met besonderhede van die verskillende klasse werk waarin daardie persoon gedurende sy leeftyd werksaam was.

- (c) a finding of silicosis in the third stage or of pulmonary disability in the second stage or of both silicosis in the second stage and pulmonary disability in the first stage shall be deemed to be a finding of pneumoconiosis in the third stage;
- (d) a finding of silicosis or pulmonary disability in a native labourer shall be deemed to be a finding of pneumoconiosis,

and a finding of tuberculosis expressed by the former bureau, as a result of which a benefit accrued to any person, shall be deemed to be a finding of tuberculosis under this Act.

27. (1) Whenever a medical practitioner in the Union or the territory of South-West Africa considers or suspects that any person medically examined by him, who has to his knowledge worked in a dusty atmosphere at a controlled mine, or whom he believes on reasonable grounds to have so worked, is suffering from pneumoconiosis or tuberculosis, such practitioner shall forthwith communicate his findings at the examination to the director, and shall, on demand by the director, furnish such further information at his disposal in regard to the examination or the health of such person as the director may require.

Reports by medical practitioners of suspected presence of pneumoconiosis or tuberculosis.

(2) A medical practitioner who fails, without reasonable excuse, to comply with the provisions of sub-section (1), shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds.

28. (1) When a person who has performed work in a dusty atmosphere at a controlled mine and who is outside the Union, applies to the director for an examination for the purpose of ascertaining whether he is entitled to any benefit, the director shall as soon as practicable arrange for the applicant to be medically examined by a medical practitioner in the vicinity where such person is resident and shall submit any report received from such practitioner on the results of the examination to the committee.

Benefit examinations outside the Union.

(2) Any finding expressed by the committee after consideration of a report on any such examination shall be made known by the director to the person concerned and to the medical practitioner by whom the examination was performed.

29. (1) The director may in writing authorize any medical practitioner to perform post-mortem examinations under this Act, and a medical practitioner so authorized who has performed a post-mortem examination of the cardio-respiratory organs of a deceased person who has worked in a dusty atmosphere at a controlled mine, shall forthwith submit to the director a report as to the result of the examination.

Post-mortem examinations.

(2) A medical practitioner in the Union or South-West Africa who attended a deceased person at the time of such person's death, and who knows or has reason to believe that such person worked in a dusty atmosphere at a controlled mine, or any such medical practitioner who has opened the body of a deceased person and who knows or has reason to believe that such person worked in a dusty atmosphere at a controlled mine, shall remove the cardio-respiratory organs of the deceased and send the said organs to the bureau or any other place specified by the director, in accordance with any instructions which may be issued by or on behalf of the director.

(3) When a person has died in the Union or South-West Africa, and the director knows or has reason to believe that such person worked in a dusty atmosphere at a controlled mine, the director may in writing direct any medical practitioner in the district in which the body of the deceased happens to be, to remove the cardio-respiratory organs of the deceased and to send the said organs to the bureau or any other place mentioned by the director.

(4) Notwithstanding anything contained in sub-section (1), (2) or (3), no medical practitioner shall perform a post-mortem examination on any person or remove his cardio-respiratory organs without the consent of the widow, if any, or an adult near relative of that person, if such widow or relative can readily be consulted.

(5) When the director has received a report on the post-mortem examination of the cardio-respiratory organs of a deceased person who performed work in a dusty atmosphere at a controlled mine, he shall forthwith submit that report to the committee together with all other available medical reports in regard to such person and a detailed report as to the various classes of employment in which such person was engaged during his lifetime.

(6) 'n Geneesheer wat sonder redelike verskoning versuim om aan 'n bepaling van hierdie artikel, of 'n vereiste van die direkteur kragtens sub-artikel (2) of (3), te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond.

Koste van
geneeskundige
ondersoeke.

30. (1) Die koste van 'n geneeskundige ondersoek van iemand anders as 'n naturel, wat in stowwige lug by 'n beheerde myn werk of gewerk het, en die koste aangegaan ten einde so iemand ooreenkomstig 'n bepaling van hierdie Wet onder waarneming te hou, word betaal uit gelde wat die Parlement vir die doel bewillig het.

(2) Indien die direkteur 'n geneesheer wat nie in voltydse diens van die Staat is nie, en ook nie in die diens van 'n inrigting waarvan die instandhoudingskoste geheel en al uit Staatsfondse gedek word of in die voltydse diens van 'n eienaar van 'n beheerde myn is nie, gemagtig, versoek of gelas het om 'n geneeskundige of nadoodse ondersoek of ander diens ingevolge hierdie Wet uit te voer of te verrig, is daardie geneesheer geregtig op terugbetaling, uit gelde wat die Parlement vir die doel bewillig het, van koste redelikerwys en noodsaaklikerwys deur hom aangegaan ten einde daardie ondersoek uit te voer of diens te verrig, en op die gelde wat die Minister, na raadpleging van die direkteur en die geneeskundige adviseur, in oorleg met die Minister van Finansies mag voorgeskryf het, of waarop, in die geval van 'n ondersoek of ander diens wat elders as in die Unie of Suidwes-Afrika uitgevoer of verrig is, ooreengekom is tussen die direkteur en die geneesheer wat die ondersoek uitgevoer of diens verrig het of die owerheid, as daar is, met wie reëlins vir die uitvoering van daardie ondersoek of verrigting van daardie diens getref was.

(3) Indien iemand wat 'n geldende eerste of periodieke sertifikaat besit, en wat by 'n beheerde myn werkzaam is, noodsaaklikerwys van daardie myn wegbly ten einde 'n periodieke sertifikaat te verkry of sy periodieke sertifikaat te hernu of aan 'n vereiste van die direkteur ingevolge sub-artikel (1) van artikel *twintig* te voldoen, en die hele tyd wat hy afwesig is by daardie myn in diens bly, is hy geregtig op terugbetaling, uit gelde wat die Parlement vir die doel bewillig het, van vervoerkoste noodsaaklikerwys deur hom aangegaan, ooreenkomstig 'n skaal deur die Minister in oorleg met die Minister van Finansies voorgeskryf.

(4) Waar 'n aansoek deur enige persoon om 'n geneeskundige ondersoek ingevolge sub-artikel (1) van artikel *vyf-en-twintig* toegestaan is, en bedoelde persoon nie gedurende die jaar onmiddellik voorafgaande aan die datum waarop sy aansoek die buro bereik het, 'n ondersoek met die oog op 'n voordeel ondergaan het nie, is hy geregtig op terugbetaling, uit gelde wat die Parlement vir die doel bewillig het, en ooreenkomstig 'n skaal by regulasie voorgeskryf, van vervoerkoste deur hom aangegaan ten einde geneeskundig ondersoek te word.

Geneeskundige
ondersoek en
hou van aan-
tekenings van
naturelle in
stowwige lug
werkzaam.

31. (1) Behalwe vir sover in hierdie Wet anders bepaal, is die eienaar van 'n beheerde myn aanspreeklik vir alle geneeskundige ondersoeke, behalwe ondersoeke met die oog op 'n voordeel, van naturelle wat in stowwige lug in sy myn werkzaam is, en naturelle wat hy voornemens is om in stowwige lug in sy myn in diens te stel, waarvoor in hierdie Wet voorsiening gemaak word, en die koste van sodanige ondersoeke moet deur bedoelde eienaar gedra word.

(2) Elke eienaar van 'n beheerde myn moet soveel geneesheer as wat die Minister skriftelik gelas, in voltydse of deeltydse diens hou om ooreenkomstig enige toepaslike bepaling van hierdie Wet geneeskundige ondersoeke uit te voer in verband met naturelle wat by daardie myn werkzaam is, en om aan daardie naturelle geneeskundige dienste te verstrek.

(3) Wanneer 'n eienaar van 'n beheerde myn volgens die bepaling van sub-artikel (2) 'n geneesheer vir sy diens aangestel het, moet hy onverwyld by skriftelike kennisgewing die naam van daardie geneesheer aan die direkteur medeel, en in die kennisgewing aandui of hy die geneesheer in voltydse of deeltydse hoedanigheid aangestel het, en of die aanstelling vir 'n bepaalde of onbepaalde tydperk of vir 'n besondere geleentheid is.

(4) Die Minister kan te eniger tyd, na raadpleging van die direkteur en die geneeskundige adviseur, die eienaar van 'n beheerde myn skriftelik gelas om die dienste van enige geneesheer vir die verrigting van 'n werkzaamheid wat volgens hierdie Wet deur 'n geneesheer verrig moet word, te beëindig.

(6) A medical practitioner who fails, without reasonable excuse, to comply with any provision of this section or any requirement of the director under sub-section (2) or (3), shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

30. (1) The cost of any medical examination of a person, other than a native, who works or has worked in a dusty atmosphere at a controlled mine, and the costs incurred in keeping any such person under observation in accordance with any provision of this Act, shall be paid out of moneys appropriated by Parliament for the purpose. Cost of medical examinations.

(2) If the director has authorized, requested or directed a medical practitioner who is not in the full-time employment of the State, nor in the service of an institution the cost of maintenance of which is wholly defrayed from State funds, nor in the full-time service of the owner of a controlled mine, to perform any medical or post-mortem examination or any other service under this Act, such medical practitioner shall be entitled to a refund out of moneys appropriated by Parliament for the purpose, of any expenses reasonably and necessarily incurred by him in order to perform such examination or service, and to such fee as may have been prescribed by the Minister in consultation with the Minister of Finance and after consultation with the director and the medical adviser, or, in the case of an examination or other service performed elsewhere than in the Union or South-West Africa, agreed upon between the director and the medical practitioner who performed the examination or service or the authority, if any, with whom arrangements were made for the performance of that examination or service.

(3) If a person who is the holder of a current initial or periodical certificate, and who is employed at a controlled mine, necessarily absents himself from that mine for the purpose of obtaining a periodical certificate or renewing his periodical certificate or complying with a requirement of the director under sub-section (1) of section *twenty*, and throughout his absence retains his employment at such mine, he shall be entitled to a refund out of moneys appropriated by Parliament for the purpose, of transport expenses necessarily incurred by him, in accordance with a scale prescribed by the Minister in consultation with the Minister of Finance.

(4) Where an application by any person for a medical examination under sub-section (1) of section *twenty-five* has been granted, and such person has not undergone a benefit examination during the year which immediately preceded the date on which his application reached the bureau, he shall be entitled to a refund, out of moneys appropriated by Parliament for the purpose, in accordance with a scale prescribed by regulation, of transport expenses incurred by him in order to be medically examined.

31. (1) Save as otherwise provided in this Act, the owner of a controlled mine shall be responsible for all medical examinations, other than benefit examinations, of natives employed in a dusty atmosphere at his mine and natives whom he intends to employ in a dusty atmosphere at his mine, for which provision is made in this Act, and the cost of such examinations shall be borne by such owner. Medical examination and keeping of records of natives employed in a dusty atmosphere.

(2) Every owner of a controlled mine shall employ in a full-time or part-time capacity, so many medical practitioners as the Minister may in writing direct, to examine medically in accordance with any applicable provision of this Act, all natives employed at such mine and to attend such natives medically.

(3) When an owner of a controlled mine has engaged the services of a medical practitioner in accordance with the provisions of sub-section (2), he shall forthwith by notice in writing inform the director of the name of that medical practitioner and indicate in the notice whether he has engaged the practitioner in a full-time or part-time capacity, and whether for a fixed period or indefinitely or for a particular occasion.

(4) The Minister may at any time, after consultation with the director and the medical adviser, by notice in writing direct the owner of a controlled mine to discontinue the employment of any medical practitioner for the performance of any function required to be performed by a medical practitioner under this Act.

(5) 'n Eienaar van 'n beheerde myn wat versuim om aan die bepalinge van sub-artikel (2) of (3), of 'n lasgewing ingevolge sub-artikel (4), te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond.

(6) Elke eienaar van 'n beheerde myn moet 'n register hou van alle natuurlike wat in stowwige lug by sy myn werksaam is, en daarin die besonderhede aanteken wat voorgeskryf mag word.

(7) Iemand wat 'n kragtens sub-artikel (2) aangestelde geneesheer by die verrigting van sy werksaamhede hinder of belemmer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond.

Eerste
ondersoek
van natuurlike.

32. (1) Geen eienaar van 'n beheerde myn mag 'n natuurlike toelaat om in stowwige lug by sy myn werk te verrig nie, indien hy weet of rede het om te vermoed dat daardie natuurlike aan tuberkulose ly, of tensy daardie natuurlike binne 'n tydperk van vyftien dae onmiddellik voordat hy met daardie werk begin het, 'n geneeskundige ondersoek, wat 'n radiologiese ondersoek insluit, ondergaan het, en deur die geneesheer wat die ondersoek uitgevoer het, vry van pneumokoniose en van tuberkulose geag word.

(2) Die Minister kan, na raadpleging van die direkteur en die geneeskundige adviseur, regulasies uitvaardig waarby voorgeskryf word—

(a) die aard van enige ondersoek wat ingevolge sub-artikel

(1) uitgevoer moet word;

(b) die minimum aantal en tipe van X-straalfoto's wat by so 'n ondersoek geneem moet word; en

(c) die besonderhede wat deur die geneesheer wat die ondersoek uitvoer, in verband met so 'n ondersoek aangeteken moet word, en die vorm waarin daardie besonderhede aangeteken moet word.

(3) Die direkteur kan te eniger tyd gelas dat die eienaar van 'n beheerde myn enige geneeskundige verslag of X-straalfoto ten opsigte van 'n natuurlike, wat daardie eienaar in sy besit het, aan die direkteur voorlê, of so 'n geneeskundige verslag of X-straalfoto beskikbaar stel aan 'n geneesheer wat die direkteur gemagtig het om daardie verslag of foto te ontvang of te inspekteer.

(4) Die bepalinge van hierdie artikel word nie so uitgelê dat dit belet dat 'n natuurlike by 'n myn wat nie by die inwerking-treding van hierdie Wet 'n beheerde myn is nie, in diens gehou word in werk waarby daardie natuurlike by daardie myn werksaam is op die datum waarop dit 'n beheerde myn word nie, totdat daardie natuurlike volgens voorskrif van artikel vier-en-dertig 'n geneeskundige ondersoek ondergaan het, of, in die geval van 'n natuurlike wat nie binne die in daardie artikel vermelde tydperk aldus ondersoek word nie, totdat daardie tydperk verstryk het.

Radiologiese
ondersoek van
natuurlike
werksaam by
sekere myne.

33. 'n Eienaar van 'n myn wat onmiddellik voor die inwerking-treding van hierdie Wet 'n geregistreerde myn volgens die Wet van 1946 was, moet, op 'n datum nie later nie as wat die Minister by kennisgewing in die *Staatskoerant* vasstel, ten opsigte van alle natuurlike wat in stowwige lug by daardie myn werksaam is, en wat nie binne 'n tydperk van drie maande voor die datum van publikasie van daardie kennisgewing 'n radiologiese ondersoek ondergaan het nie, so 'n ondersoek laat uitvoer.

Geneeskundige
ondersoek van
natuurlike by
verklaring tot
beheerde myn.

34. Wanneer 'n myn wat by die inwerking-treding van hierdie Wet nie 'n beheerde myn is nie, 'n beheerde myn word, moet die eienaar van daardie myn, binne 'n tydperk deur die Minister vasgestel en skriftelik aan daardie eienaar meegedeel, in verband met elke natuurlike wat in stowwige lug by daardie myn werksaam is, en wat nie binne 'n tydperk van drie maande onmiddellik voor die datum in die mededeling vermeld, 'n geneeskundige ondersoek ondergaan het nie, op die kragtens sub-artikel (2) van artikel twee-en-dertig voorgeskrewe wyse 'n geneeskundige ondersoek laat uitvoer, en die bepalinge van paragraaf (c) van daardie sub-artikel is met betrekking tot 'n geneeskundige ondersoek ingevolge hierdie artikel van toepassing.

Prosedure waar
by eerste
ondersoek van
natuurlike
tuberkulose
vermoed word.

35. (1) Indien by 'n geneeskundige ondersoek van 'n natuurlike ingevolge artikel twee-en-dertig, drie-en-dertig of vier-en-dertig, die geneesheer wat die ondersoek uitvoer, oordeel dat daardie natuurlike aan tuberkulose ly, moet die persoon op wie se versoek daardie natuurlike geneeskundig ondersoek was, onverwyld skriftelik te dien effekte kennis gee aan die plaaslike bestuur, as daar is, wat regsbevoeg is in die gebied waarin die ondersoek uitgevoer

(5) An owner of a controlled mine who fails to comply with the provisions of sub-section (2) or (3) or any direction under sub-section (4), shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(6) Every owner of a controlled mine shall keep a register of all natives employed in a dusty atmosphere at his mine and shall record therein such particulars as may be prescribed.

(7) Any person who obstructs or hinders a medical practitioner appointed under sub-section (2) in carrying out his functions, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

32. (1) No owner of a controlled mine shall permit a native to perform any work in a dusty atmosphere at his mine if he knows or has reason to believe that such native is suffering from tuberculosis, or unless such native has, within a period of fifteen days immediately prior to the commencement of such work, undergone a medical examination, which shall include a radiological examination, and is considered by the examining medical practitioner to be free from pneumoconiosis and from tuberculosis.

Initial examination of natives.

(2) The Minister may, after consultation with the director and the medical adviser, make regulations prescribing—

- (a) the nature of any examination to be performed under sub-section (1);
- (b) the minimum number and type of X-ray films which shall be taken at such an examination; and
- (c) the particulars to be recorded by the examining medical practitioner in connection with any such examination and the form in which those particulars shall be recorded.

(3) The director may at any time require the owner of a controlled mine to submit to him any medical report or X-ray film in respect of a native which that owner has in his possession, or to make any such medical report or X-ray film available to a medical practitioner who has been authorized by the director to receive or inspect that report or film.

(4) Nothing in this section contained shall be construed as prohibiting the employment at a mine which is not a controlled mine at the commencement of this Act, of any native on work in which such native is employed at that mine on the date on which it becomes a controlled mine, until such native has been medically examined as provided in section *thirty-four* or, in the case of a native who is not so examined within the period specified in that section, until the expiration of that period.

33. An owner of a mine which immediately prior to the commencement of this Act was a registered mine in terms of the 1946 Act, shall, not later than a date to be fixed by the Minister by notice in the *Gazette*, cause a radiological examination to be carried out in respect of all natives employed in a dusty atmosphere at that mine, who have not been subjected to such an examination within a period of three months prior to the date of publication of such notice.

Radiological examination of natives employed at certain mines.

34. Whenever a mine which is not a controlled mine at the commencement of this Act, becomes a controlled mine, the owner of such mine shall, within a period determined by the Minister and notified in writing to such owner, cause every native employed in a dusty atmosphere at that mine, who has not been medically examined within a period of three months immediately prior to a date specified in the notification, to be medically examined in the manner prescribed under sub-section (2) of section *thirty-two*, and the provisions of paragraph (c) of that sub-section shall apply with reference to any medical examination under this section.

Medical examination of natives on declaration of controlled mine.

35. (1) If at a medical examination under section *thirty-two*, *thirty-three* or *thirty-four*, a native is considered by the examining medical practitioner to be suffering from tuberculosis, the person at whose instance that native was medically examined shall forthwith give written notice to that effect to the local authority, if any, having jurisdiction in the area in which the examination was performed, and, if the native has been recruited

Procedure on suspicion of tuberculosis at initial examination of native.

was, en, indien die naturel in die gebied van 'n ander plaaslike bestuur gewerf is, ook aan daardie ander plaaslike bestuur, en moet hy bedoelde naturel op eie koste na die gebied waar hy gewerf was, terugstuur.

(2) Waar dit by 'n ondersoek van 'n naturel wat van 'n gebied buite die Unie in die Unie ingebring is om by 'n beheerde myn te werk, geoordeel word dat hy aan tuberkulose ly, moet die persoon op wie se versoek daardie naturel geneeskundig ondersoek was, daardie naturel so gou doenlik op eie koste na bedoelde gebied terugstuur.

Misdrywe
ingevalge
artikels 32, 33,
34 en 35.

36. Iemand wat versuim om aan die bepalinge van artikel *twee-en-dertig*, *drie-en-dertig*, *vier-en-dertig* of *vyf-en-dertig*, of 'n lasgewing ingevalge sub-artikel (3) van artikel *twee-en-dertig*, te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond.

Periodieke
ondersoek
van naturelle.

37. (1) Elke eienaar van 'n beheerde myn moet op elke naturel wat in stowwige lug by sy myn werksaam is, met die tussenpose wat die Minister na raadpleging van die direkteur en die geneeskundige adviseur voorskryf, 'n geneeskundige ondersoek laat uitvoer, en die Minister kan in regulasies wat vir die doel uitgevaardig word—

- (a) tussen klasse myne onderskeid maak;
- (b) die aard van die ondersoek wat uitgevoer moet word, voorskryf, en bepaal of 'n kliniese dan wel 'n radiologiese of beide 'n kliniese en 'n radiologiese ondersoek uitgevoer moet word; en
- (c) die besonderhede voorskryf wat deur die geneesheer wat die ondersoek uitvoer, in verband daarmee verstrekk moet word, asook die vorm waarin daardie besonderhede verstrekk moet word.

(2) Die direkteur kan die eienaar van 'n beheerde myn te eniger tyd by skriftelike kennisgewing aansê om op enige bepaalde naturel wat in stowwige lug by daardie myn werksaam is, 'n geneeskundige ondersoek van 'n in die kennisgewing vermelde aard te laat uitvoer, en om aan die direkteur 'n verslag oor die uitslag van die ondersoek voor te lê, asook, indien die direkteur dit verlang, 'n verslag met besonderhede omtrent die gesondheidstoestand van die betrokke naturel en enige X-straalfoto's van daardie naturel wat bedoelde eienaar in sy besit mag hê.

(3) Die direkteur kan 'n kragtens sub-artikel (1) van artikel *drie* aangestelde geneesheer skriftelik magtig—

- (a) om enige plek by of naby 'n beheerde myn te betree waar naturelle wat by daardie myn of 'n ander beheerde myn werksaam is, geneeskundige ondersoek of behandeling ondergaan;
- (b) om op enige naturel by so 'n plek, of enige naturel wat by 'n beheerde myn werksaam is, 'n geneeskundige ondersoek uit te voer, of 'n geneeskundige ondersoek van so 'n naturel by te woon; en
- (c) om 'n radiologiese ondersoek uit te voer in verband met enige naturel werksaam by 'n beheerde myn waar minder as driehonderd naturelle in stowwige lug werksaam is.

(4) Iemand wat versuim om aan die bepalinge van sub-artikel (1) of 'n aansegging kragtens sub-artikel (2) te voldoen, of wat 'n geneesheer by die uitvoering van sy pligte ingevalge sub-artikel (3) hinder of belemmer, of wat versuim om aan so 'n geneesheer op sy versoek enige redelike hulp te verleen ten einde hom in staat te stel om sy pligte ingevalge daardie sub-artikel uit te voer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond.

Finale
ondersoek
van naturelle.

38. (1) Geen eienaar van 'n beheerde myn mag 'n naturel wat in stowwige lug by sy myn gewerk het, uit sy diens ontslaan nie, of so 'n naturel toelaat om sy diens te verlaat nie, tensy die naturel op die datum van sy ontslag of van beëindiging van sy diens, of binne so 'n tydperk voor daardie datum as wat voorgeskryf mag word, 'n geneeskundige ondersoek, met inbegrip van 'n radiologiese ondersoek, ondergaan het, en deur die geneesheer wat die ondersoek uitgevoer het, vry van pneumokoniose en van tuberkulose beskou word, of, indien geoordeel of vermoed word dat hy aan pneumokoniose of tuberkulose ly, totdat sy geval na die komitee verwys is en die bevinding van die komitee skriftelik deur die direkteur aan bedoelde eienaar meegedeel is.

(2) Die aard van so 'n geneeskundige ondersoek is soos voorgeskryf.

in the area of any other local authority, also to that other local authority, and shall at his own expense return such native to the area in which he was recruited.

(2) Where a native who has been brought into the Union from any territory outside the Union for employment at a controlled mine, is at any examination considered to be suffering from tuberculosis, the person at whose instance such native was medically examined shall as soon as practicable at his own expense return that native to that territory.

36. Any person who fails to comply with the provisions of section *thirty-two*, *thirty-three*, *thirty-four* or *thirty-five*, or any requirement under sub-section (3) of section *thirty-two*, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

Offences under sections 32, 33, 34 and 35.

37. (1) Every owner of a controlled mine shall cause all natives employed in a dusty atmosphere at his mine to be medically examined at such intervals as may be prescribed by the Minister after consultation with the director and the medical adviser, and the Minister may in any regulations made for that purpose—

Periodical examination of natives.

- (a) differentiate between classes of mines;
- (b) prescribe the nature of the examination to be performed, and specify whether a clinical or a radiological examination or both a clinical and a radiological examination is to be performed; and
- (c) prescribe the particulars to be furnished by the examining medical practitioner in connection with any such examination and the form in which such particulars shall be furnished.

(2) The director may at any time by notice in writing require the owner of a controlled mine to cause any particular native employed in a dusty atmosphere at that mine to undergo a medical examination of a nature specified in the notice, and to submit to the director a report on the results of such examination, including, if the director so requires, a detailed report on the condition of the health of the native concerned, and any X-ray films of that native which the said owner may have in his possession.

(3) The director may in writing authorize any medical practitioner appointed under sub-section (1) of section *three*—

- (a) to enter upon any place at or near a controlled mine where natives employed at that mine or any other controlled mine are medically examined or treated;
- (b) to examine medically any native at that place or any native employed at a controlled mine, or to attend any medical examination of any such native; and
- (c) to examine radiologically any native employed at any controlled mine where less than three hundred natives are employed in a dusty atmosphere.

(4) Any person who fails to comply with the provisions of sub-section (1) or any requirement under sub-section (2), or who obstructs or hinders a medical practitioner in carrying out his duties under sub-section (3), or who fails at the request of any such practitioner to afford him any reasonable assistance to enable him to carry out his duties under that sub-section, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

38. (1) No owner of a controlled mine shall discharge from his service any native who has performed work in a dusty atmosphere at his mine, or permit any such native to leave his service, unless the native has on the date of his discharge or of termination of his services, or within such a period prior to that date as may be prescribed, undergone a medical examination, including a radiological examination, and is considered by the examining medical practitioner to be free from pneumoconiosis and from tuberculosis, or, if he is considered or suspected to be suffering from pneumoconiosis or tuberculosis, until his case has been referred to the committee and such owner has been informed in writing by the director of the finding of the committee.

Final examination of natives.

(2) The nature of any such medical examination shall be as prescribed.

Prosedure by
ontdekking van
pneumokoniose
of tuberkulose
by naturelle.

(3) So 'n eienaar wat die bepaling van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond.

39. (1) Wanneer 'n naturel wat in stowwige lug by 'n beheerde myn werksaam is, by 'n geneeskundige ondersoek volgens die oordeel of vermoede van die geneesheer wat die ondersoek uitvoer, aan pneumokoniose of tuberkulose ly, moet die eienaar van daardie myn onverwyld—

(a) ophou om daardie naturel in stowwige lug te laat werk;

(b) aan die direkteur voorlê—

(i) die verslag in verband met die ondersoek deur die geneesheer wat die ondersoek uitgevoer het;

(ii) die jongste X-straalfoto's, as daar is, van die borskas van die naturel; en

(iii) die inligting waaroor hy mag beskik omtrent die verskillende klasse werk waarin die naturel werksaam was;

en

(c) indien geoordeel of vermoed word dat die naturel aan tuberkulose ly, hom na 'n deur die direkteur aangewese plek verwyder en alle redelike voorsorgmaatreëls tref ten einde te verhoed dat hy met ander persone in aanraking kom.

(2) Die direkteur moet enige verslag of inligting wat hy ingevolge sub-artikel (1) ontvang, onverwyld aan die komitee voorlê, en moet daarna die verdere ondersoeke, toetse en waarnemings laat uitvoer wat die komitee gelas of wat hy nodig ag, en kan na goeddunke die eienaar van die betrokke myn aansê—

(a) om die verdere geneeskundige ondersoeke, toetse en waarnemings te laat uitvoer wat hy nodig ag of wat die komitee mag gelas het; en

(b) om die betrokke naturel na 'n deur hom bepaalde plek te laat bring, op 'n insgelyks bepaalde tyd, ten einde 'n geneesheer wat op gesag van die direkteur handel, in staat te stel om 'n geneeskundige ondersoek op die naturel uit te voer of sodat waarnemings in verband met hom gedoen kan word.

(3) Die koste aangegaan om 'n naturel wat by 'n beheerde myn werksaam is, ingevolge 'n aansegging deur die direkteur kragtens die bepaling van paragraaf (c) van sub-artikel (1) of sub-artikel (2) aan te hou op 'n ander plek as 'n plek waar die betrokke myneienaar daardie naturel gewoonlik huisves vir 'n tydperk van hoogstens agtien dae, word deur die betrokke myneienaar gedra, en enige koste na verstryking van bedoelde tydperk aldus aangegaan, asook enige koste aangegaan in verband met verdere ondersoeke, toetse of waarnemings ingevolge gemelde sub-artikel uitgevoer, word betaal uit gelde wat die Parlement vir die doel bewillig het.

(4) Die owerheid vir naturellesake moet, op versoek van die direkteur, aan 'n naturel wat in stowwige lug by 'n beheerde myn gewerk het, en wat nie by so 'n myn werksaam is nie, die middele en hulp verleen wat die direkteur nodig ag ten einde daardie naturel in staat te stel om enige geneeskundige ondersoek te ondergaan, of in verband met waarnemings met betrekking tot hom ingevolge hierdie Wet.

(5) 'n Eienaar van 'n beheerde myn wat versuim om aan 'n bepaling van hierdie artikel of 'n aansegging deur die direkteur ingevolge sub-artikel (2) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond.

Aanstelling
van Kommissaris vir
Pneumokoniose-
vergoeding en
Adjunk-
kommissaris.

40. Die Minister stel, met inagneming van die wette op die Staatsdiens—

(a) 'n Kommissaris vir Pneumokoniose-vergoeding aan wat die bevoegdhede uitoefen en die werksaamhede verrig wat by hierdie Wet aan hom verleen of opgedra is; en

(b) 'n Adjunk-kommissaris vir Pneumokoniose-vergoeding aan om in die plek van die kommissaris op te tree wanneer daar geen kommissaris is nie of wanneer die kommissaris om een of ander rede afwesig is of nie in staat is om sy werksaamhede te verrig nie.

Bevoegdheid
van kommissaris
om inligting
te eis.

41. (1) (a) Die kommissaris kan enigiemand aansê om periodiek of andersins, en op die tye wat hy gelas, aan hom enige aan so iemand beskikbare inligting te verstrek wat die kommissaris vir die doeltreffende uitvoering van sy werksaamhede nodig ag, of om aan die kommissaris of sy genomineerde enige boek of dokument in die besit of onder die beheer van so iemand oor te lê wat sodanige inligting bevat of na

(3) Any such owner who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

39. (1) Whenever a native who is employed in a dusty atmosphere at a controlled mine is at a medical examination considered or suspected by the examining medical practitioner to be suffering from pneumoconiosis or tuberculosis, the owner of such mine shall forthwith—

Procedure on discovery of pneumoconiosis or tuberculosis in natives.

- (a) cease to employ that native in a dusty atmosphere;
- (b) submit to the director—
 - (i) the report of the examining medical practitioner in connection with the examination;
 - (ii) the most recent X-ray films, if any, of the chest of the native; and
 - (iii) such information as may be at his disposal as to the various classes of employment in which the native has been engaged;
- and
- (c) if the native is considered or suspected to be suffering from tuberculosis, remove him to a place specified by the director and take all reasonable precautions to prevent him from coming into contact with other persons.

(2) The director shall forthwith submit to the committee any report or information received by him under sub-section (1), and shall thereafter cause to be carried out such further examinations, tests and observations as the committee may direct or as he may consider necessary, and may, if he deems fit, require the owner of the mine in question—

- (a) to cause to be carried out such further medical examinations, observations and tests as he may consider necessary or as the committee may have directed; and
- (b) to cause the native concerned to be brought to a place specified by him, and at a time likewise specified, for the purpose of enabling a medical practitioner acting under the authority of the director to examine the native medically or in order that he may be kept under observation.

(3) The costs incurred in connection with the detention, in pursuance of the requirements of the director under paragraph (c) of sub-section (1) or sub-section (2), of a native employed at a controlled mine, at any place other than a place where the mine owner concerned normally accommodates that native, for any period not exceeding eighteen days, shall be borne by the mine owner concerned, and any costs so incurred after the expiration of that period, as also any costs incurred in connection with any further examinations, tests or observations carried out in terms of the said sub-section, shall be paid out of moneys appropriated by Parliament for the purpose.

(4) The native affairs authority shall at the request of the director afford any native who has performed work in a dusty atmosphere at a controlled mine, and who is not employed at such a mine, such means and assistance as the director may consider necessary to enable that native to undergo any medical examination or to be kept under observation in terms of this Act.

(5) An owner of a controlled mine who fails to comply with any provision of this section or any requirement of the director under sub-section (2), shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

40. The Minister shall appoint, subject to the laws governing the public service—

Appointment of Pneumoconiosis Compensation Commissioner and Deputy Commissioner.

- (a) a Pneumoconiosis Compensation Commissioner who shall exercise the powers and perform the functions conferred or imposed upon him by this Act; and
- (b) a deputy Pneumoconiosis Compensation Commissioner to act in the stead of such commissioner whenever there is no commissioner or whenever the commissioner is for any reason absent or unable to perform his functions.

41. (1) (a) The commissioner may require any person to submit to him, periodically or otherwise, and at such times as he may direct, any information available to such person which the commissioner considers necessary for the effective performance of his functions, or to submit to the commissioner or his nominee any book or document in the possession or under the control of such person which contains or is suspected

Powers of commissioner to call for information.

vermoede bevat, en kan so 'n boek of dokument insien en afskrifte daarvan of uittreksels daaruit maak.

- (b) Enige inligting kragtens sub-artikel (1) aangevra, kan in die vorm van 'n beëdigde verklaring deur die persoon wat daardie inligting verstrek, verlang word.

(2) Die kommissaris kan, deur middel van 'n deur hom ondertekende dagvaarding in die voorgeskrewe vorm, 'n in sub-artikel (1) bedoelde persoon aansê om op 'n in die dagvaarding vermelde tyd en plek voor hom te verskyn om ondervra te word of om 'n in daardie sub-artikel bedoelde boek of dokument oor te lê, en kan aan iemand wat voor hom verskyn, hetsy ingevolge so 'n dagvaarding of andersins, 'n eed of bevestiging oplê en hom ondervra.

(3) Iemand wat—

- (a) versuim om aan 'n aansegging ingevolge sub-artikel (1) bedoel te voldoen, of in antwoord op so 'n aansegging valse inligting verstrek, andersins as in die vorm van 'n beëdigde verklaring, met wete dat dit vals is; of
- (b) sonder redelike verskoning versuim om volgens 'n dagvaarding kragtens sub-artikel (2) uitgereik voor die kommissaris te verskyn; of
- (c) wanneer hy voor die kommissaris verskyn—
- (i) weier om 'n eed af te lê of te bevestig wanneer hy deur die kommissaris daartoe aangesê word; of
- (ii) nadat hy ingesweer is of bevestig het, weier of versuim om ten volle en na sy beste wete en geloof te antwoord op 'n wettige vraag deur die kommissaris aan hom gestel,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond: Met dien verstande dat in verband met die ondervraging van so iemand of die oorlegging van so 'n boek of dokument, die wetsbepalings met betrekking tot privilegie, soos toepaslik op 'n getuie wat gedagvaar is om getuie af te lê of 'n boek of dokument oor te lê in 'n siviele geding voor 'n geregshof, van toepassing is.

(4) Iemand wat in antwoord op 'n vraag onder eed of bevestiging deur die kommissaris opgelê, of in 'n beëdigde verklaring ingevolge paragraaf (b) van sub-artikel (1), 'n verklaring maak wat met sy wete vals is, is aan meened skuldig.

(5) Die kommissaris kan, uit gelde wat die Parlement vir die doel bewillig het, aan enigiemand, wat ingevolge 'n dagvaarding kragtens sub-artikel (2) voor hom verskyn het, vergoeding betaal vir enige verlies deur so iemand gely of koste deur hom aangegaan in verband met sy verskyning voor die kommissaris, indien so iemand alle boeke en dokumente oorgelê het wat hy verplig was om oor te lê en alle vrae wat hy verplig was om te beantwoord, op bevredigende wyse beantwoord het: Met dien verstande dat die totale bedrag by wyse van vergoeding aan so iemand betaal, nie die bedrag te bowe gaan nie wat onder soortgelyke omstandighede aan hom betaalbaar sou gewees het indien hy gedagvaar was om as 'n getuie in 'n siviele geding voor 'n magistraatshof te verskyn.

(6) Die bepalinge van hierdie artikel word nie uitgelê asof dit die kommissaris magtig nie om te eis dat iemand inligting moet verstrek of 'n dokument moet oorlê waarvan die openbaarmaking of oorlegging deur so iemand regtens verbode is of wat ingevolge een of ander wet geprivilegieerd is: Met dien verstande dat, ondanks enigiets in 'n wet op inkomstebelasting vervat, die Kommissaris van Binnelandse Inkomste aan die kommissaris op sy versoek enige inligting moet meedeel wat die kommissaris in verband met die toepassing van 'n bepaling van hierdie Wet vereis; en met dien verstande voorts dat die kommissaris, behalwe by die verrigting van sy pligte ingevolge hierdie Wet, geheimhouding moet bewaar in verband met enige inligting aldus aan hom meegedeel.

Instelling van
Pneumokoniose-
raad.

42. (1) Hierby word 'n raad ingestel, bekend as die Pneumokonioseraad, wat die bevoegdhede uitoefen en werksaamhede verrig wat deur hierdie Wet aan hom verleen of opgedra word.

(2) Die raad bestaan uit die kommissaris, wat *ex officio* voorsitter van die raad is, die Adjunk-kommissaris vir Pneumokoniose-vergoeding, en agt ander lede, wat deur die Minister aangestel word, van wie—

- (a) twee persone moet wees wat genomineer is deur eienaars van beheerde myne of deur 'n organisasie of organisasies wat volgens die Minister se oordeel sodanige eienaars verteenwoordig;

to contain any such information, and may examine and make copies of or take extracts from any such book or document.

- (b) Any information called for under sub-section (1) may be required to be given in the form of a sworn declaration by the person furnishing such information.

(2) The commissioner may by means of a summons, in the prescribed form, signed by him, require such a person as is referred to in sub-section (1) to appear before him at a place and time specified in the summons to be interrogated or to produce any such book or document as is referred to in that sub-section, and may administer an oath or affirmation to and question any person appearing before him whether in pursuance of any such summons or otherwise.

(3) Any person who—

- (a) fails to comply with any requirement under sub-section (1), or in response to any such requirement furnishes, otherwise than in the form of a sworn declaration, any false information, knowing the same to be false; or
- (b) without reasonable excuse fails to appear before the commissioner in pursuance of a summons issued under sub-section (2); or
- (c) being before the commissioner—
 - (i) refuses to be sworn or to affirm when required by the commissioner to do so; or
 - (ii) after having been sworn or having made an affirmation, refuses or fails to answer fully to the best of his knowledge and belief any lawful question put to him by the commissioner,

shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds: Provided that in connection with the interrogation of any such person or the production of any such book or document, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book or document in a civil case before a court of law shall apply.

(4) Any person who in answering any question under oath or affirmation administered by the commissioner, or in any sworn declaration under paragraph (b) of sub-section (1), makes a statement which he knows to be false, shall be guilty of perjury.

(5) The commissioner may, out of moneys appropriated by Parliament for the purpose, compensate any person who has appeared before him in response to a summons under sub-section (2), for any loss sustained or expenses incurred by such person in connection with his appearance before the commissioner, if such person has produced all books and documents which he was obliged to produce and has satisfactorily answered all questions which he was bound to answer: Provided that the total amount paid by way of compensation to any such person shall not exceed the amount which would in like circumstances have been payable to him had he been summoned to appear as a witness in a civil case before a magistrate's court.

(6) Nothing in this section shall be construed as empowering the commissioner to require any person to furnish any information or produce any document which that person is by law prohibited from disclosing or producing or which is privileged in terms of any law: Provided that notwithstanding anything contained in any law relating to income tax, the Commissioner for Inland Revenue shall convey to the commissioner at his request any information which the commissioner requires in connection with the application of any provision of this Act; and provided further that the commissioner shall, except in the performance of his duties under this Act, preserve secrecy in regard to any information so conveyed to him.

42. (1) There is hereby established a board, to be known as the Pneumoconiosis Board, which shall exercise the powers and perform the functions conferred or imposed upon it by this Act. Establishment of Pneumoconiosis Board.

(2) The board shall consist of the commissioner who shall *ex officio* be chairman of the board, the deputy Pneumoconiosis Compensation Commissioner and eight other members, to be appointed by the Minister, of whom—

- (a) two shall be persons nominated by owners of controlled mines or by an organization or organizations which in the opinion of the Minister are representative of such owners;

(b) twee persone moet wees wat genomineer is deur werkers werksaam in stowwige lug by beheerde myne of deur 'n organisasie of organisasies wat volgens die Minister se oordeel sodanige werkers verteenwoordig; en

(c) vier amptenare in die Staatsdiens moet wees van wie een 'n amptenaar in die Departement van Naturellesake moet wees wat deur die Minister van Naturellesake aangewys word.

(3) Die Minister kan weier om 'n kragtens paragraaf (a) of (b) van sub-artikel (2) genomineerde persoon aan te stel, indien hy rede het om te vermoed dat so 'n persoon nie geskik is om lid van die raad te wees nie.

(4) Die Adjunk-kommissaris vir Pneumokoniose-vergoeding tree as voorsitter van die raad op wanneer daar geen voorsitter is nie of wanneer die voorsitter om een of ander rede nie in staat is om sy werksaamhede te verrig nie.

(5) Vir elke in paragraaf (a), (b) of (c) van sub-artikel (2) bedoelde lid van die raad kan daar een of meer plaasvervangers wees wat op dieselfde wyse as daardie lid aangestel word, en die bepalinge van sub-artikel (3) is van toepassing met betrekking tot die aanstelling van 'n plaasvervanger van 'n lid in paragraaf (a) of (b) van eersgenoemde sub-artikel bedoel.

(6) Niemand wat 'n Senator of 'n lid van die Volksraad of van 'n provinsiale raad is, word as lid of as plaasvervanger van 'n lid van die raad aangestel nie.

(7) 'n Lid wie se ampstermyn verstryk het, kan weer aangestel word.

Voorwaardes van aanstelling van lede van die raad.

43. 'n Lid van die raad wat nie in voltydse diens van die Staat is nie, word aangestel teen die besoldiging en op die diensvoorwaardes wat deur die Minister in oorleg met die Minister van Finansies bepaal word, en vir so 'n tydperk, van hoogstens drie jaar, as wat die Minister bepaal.

Omstandighede waaronder raadslede hul amp ontruim.

44. 'n Lid van die raad ontruim sy amp—

(a) indien hy insolvent raak of met sy skuldeisers 'n reëling tref; of

(b) indien hy kranksinnig word of weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnies word; of

(c) indien hy van vyf agtereenvolgende raadsvergaderings wegbly sonder die raad se verlof, wat nie vir 'n aan-enlopende tydperk van meer as ses maande verleen word nie; of

(d) indien hy ophou om die bevoegdhede te besit uit hoofde waarvan hy as lid van die raad aangestel is.

Raad is 'n regspersoon met hoofkantoor in Johannesburg.

45. (1) Die raad is met regspersoonlikheid bekleed en bevoeg om in sy naam as regspersoon as eiser en verweerder in regte op te tree, en om al die handeling te verrig wat vir die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede en pligte ingevolge hierdie Wet nodig is of daarmee in verband staan.

(2) Die hoofkantoor van die raad is in Johannesburg.

Kworum vir en prosedure by raadsvergaderings.

46. (1) Die kworum vir 'n vergadering van die raad is ses lede, met inbegrip van plaasvervangers, maar uitgesonderd die voorsitter en geen ander saak as die toekenning van 'n voordeel word by 'n vergadering oorweeg nie, tensy daar op die vergadering minstens een lid wat kragtens paragraaf (a) van sub-artikel (2) van artikel twee-en-veertig genomineer is, of 'n plaasvervanger van so 'n lid, en een lid wat kragtens paragraaf (b) van daardie sub-artikel genomineer is, of 'n plaasvervanger van so 'n lid, aanwesig is.

(2) Alle besluite by 'n vergadering van die raad geskied by meerderheidstem van die aldaar aanwesige lede, en by 'n staking van stemme oor enige saak, het die persoon wat op die vergadering voorsit 'n beslissende stem benewens sy beraadslagende stem.

(3) Geen besluit of handeling van die raad of handeling wat op gesag van die raad verrig is, is ongeldig nie bloot op grond daarvan dat iemand wat onbevoeg was om as lid van die raad aangestel te word of lid van die raad te bly, as 'n lid opgetree het toe die besluit geneem of die handeling verrig of gemagtig is.

Bevoegdhede van raad om inligting te verkry.

47. Die raad of 'n lid daarvan wat by eenparige besluit van die raad daartoe gemagtig is, het dieselfde bevoegdhede as wat by artikel een-en-veertig aan die kommissaris verleen word, en die bepalinge van daardie artikel met betrekking tot die uitoefening van daardie bevoegdhede deur die kommissaris, is *mutatis mutandis* met betrekking tot die uitoefening van daardie bevoegdhede deur die raad of so 'n lid daarvan van toepassing.

- (b) two shall be persons nominated by workers employed in a dusty atmosphere at controlled mines or by an organization or organizations which in the opinion of the Minister are representative of such workers; and
 - (c) four shall be officers in the public service, of whom one shall be an officer in the Department of Native Affairs designated by the Minister of Native Affairs.
- (3) The Minister may refuse to appoint any person nominated under paragraph (a) or (b) of sub-section (2) if he has reason to believe that such person is not suitable to be a member of the board.
- (4) The deputy Pneumoconiosis Compensation Commissioner shall act as chairman of the board when there is no chairman or whenever the chairman is for any reason unable to perform his functions.
- (5) For each member of the board referred to in paragraph (a), (b) or (c) of sub-section (2) there may be one or more alternates who shall be appointed in the same manner as such member, and the provisions of sub-section (3) shall apply with reference to the appointment of an alternate to a member referred to in paragraph (a) or (b) of the first-mentioned sub-section.
- (6) No person who is a Senator or a member of the House of Assembly or of a provincial council shall be appointed as a member or as an alternate to a member of the board.
- (7) A member whose period of office has terminated shall be eligible for re-appointment.

43. A member of the board who is not in the full-time employment of the State, shall be appointed at such remuneration and on such conditions of service as may be determined by the Minister in consultation with the Minister of Finance, and for such period, not exceeding three years, as the Minister may determine.

Conditions of appointment of members of board.

44. A member of the board shall vacate his office—

- (a) if he becomes insolvent or makes an arrangement with his creditors; or
- (b) if he becomes of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine; or
- (c) if he absents himself from five consecutive meetings of the board without its leave which shall not be granted for a period exceeding six consecutive months; or
- (d) if he ceases to hold the qualifications by virtue of which he was appointed as a member of the board.

Circumstances in which board members vacate office.

45. (1) The board shall be a body corporate capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the exercise of its powers and the performance of its functions and duties under this Act.

Board to be a corporate body with head office in Johannesburg.

(2) The head office of the board shall be in Johannesburg.

46. (1) The quorum for a meeting of the board shall be six members, including alternates, but excluding the chairman, and no matters other than the award of a benefit shall be considered at any meeting unless there is present at such meeting not less than one member nominated under paragraph (a) of sub-section (2) of section *forty-two* or an alternate to such a member and one member nominated under paragraph (b) of that sub-section or an alternate to such a member.

Quorum for and procedure at board meetings.

(2) All decisions at any meeting of the board shall be by majority vote of the members present thereat, and in the event of an equality of votes on any matter, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(3) No decision or act of the board or act performed under the authority of the board shall be invalid by reason only of the fact that a person disqualified from being appointed or remaining a member of the board, acted as a member at the time when the decision was made or the act was performed or authorized.

47. The board or any member thereof authorized thereto by unanimous resolution of the board shall have the same powers as are by section *forty-one* vested in the commissioner, and the provisions of that section relating to the exercise of such powers by the commissioner shall *mutatis mutandis* apply with reference to the exercise of those powers by the board or any such member thereof.

Powers of board to obtain information.

Delegering van bevoegdhede deur raad.

48. Die raad kan by eenparige besluit op 'n vergadering waar elke lid of aanwesig is of deur sy plaasvervanger verteenwoordig word, enige van die deur hierdie Wet aan hom verleende bevoegdhede aan die kommissaris delegeer.

Raad se beslissings is afdoende.

49. Geen geregshof is regsbevoeg om 'n beslissing van die raad, of van die kommissaris by die uitoefening van 'n bevoegdheid kragtens artikel *agt-en-veertig* aan hom gedelegeer, tersyde te stel of te wysig nie, dan alleen op grond dat die raad of die kommissaris sy bevoegdhede te buite gegaan of op onreëlmatige wyse opgetree het.

Uitsprake deur Hooggeregshof.

50. (1) Die raad of die kommissaris kan, met toestemming van die Minister, 'n spesiale saak aan die Transvaalse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika vir sy uitspraak voorlê oor enige regspraak wat ontstaan het in verband met 'n aangeleentheid waaromtrent die raad of die kommissaris ingevolge hierdie Wet 'n beslissing gegee het of moet gee.

(2) Iemand wat by die betrokke beslissing belang het, kan by die verhoor van so 'n saak persoonlik verskyn of deur 'n advokaat verteenwoordig word.

(3) Waar so 'n uitspraak gegee is, moet die raad of die kommissaris by 'n toekomstige geval in ooreenstemming met daardie beslissing handel, en indien die uitspraak in stryd is met 'n beslissing wat reeds deur die raad of die kommissaris gegee is, moet daardie beslissing gewysig word om dit met die uitspraak in ooreenstemming te bring. Met dien verstande dat die raad of die kommissaris, met toestemming van die Minister, teen so 'n uitspraak by die Appèlafdeling van bedoelde Hooggeregshof appèl kan aanteken, en dat iemand wat deur so 'n uitspraak geraak word by bedoelde Appèlafdeling teen die uitspraak appèl kan aanteken, sonder verlof van daardie Afdeling.

(4) Wanneer 'n provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika in verband met 'n regspraak 'n beslissing of uitspraak gegee het wat die uitvoering van hierdie Wet raak, kan die Minister daardie beslissing of uitspraak aan bedoelde Appèlafdeling voorlê sodat hy die vraag tot leiding van alle howe kan beslis.

Bates en laste van vorige raad gaan oor op raad.

51. (1) Alle regte, bates, laste en verpligtings wat onmiddellik voor die inwerkingtreding van hierdie Wet regte, bates, laste of verpligtings van die vorige raad was, gaan oor op die raad.

(2) Die kommissaris ontvang al die inkomste van die raad en stort dit in 'n bank wat deur die raad aangewys en deur die Minister goedgekeur is, en geen geld wat aldus gestort is, word deur die kommissaris uitbetaal nie, dan alleen deur middel van 'n order, onderteken deur twee persone wat die raad aangewys het, waarby betaling namens die raad gelas word.

Raad se beleggings en lenings.

52. (1) Die raad kan—

- (a) sy gelde, behalwe gelde wat nodig is om lopende verpligtings ingevolge die bepalings van hierdie Wet te dek, belê in Staatseffekte, skatkisbewyse, effekte wat deur die Regering gewaarborg word of effekte van 'n munisipale of afdelingsraad of openbare nut-maatskappy of instelling wat nie uit winsbejag besigheid dryf nie;
- (b) bedoelde gelde soos voormeld aan enigiemand uitleen teen die sekuriteit wat die raad voldoende ag;
- (c) bedoelde gelde by die Openbare Skuldkommissarisse belê.

(2) Enige wins of verlies by die te gelde maak van beleggings van gelde by die Openbare Skuldkommissaris se belê, val toe aan of word gedra deur die vergoedingsfonds.

(3) Waar die raad teen sekuriteit van 'n pand of verband geld uitgeleen het, kan hy, by die vordering van die raad se eis om terugbetaling van die lening, die verpande of met verband beswaarde eiendom aankoop en dit daarna verkoop.

(4) Die raad kan geld leen vir enige doel wat binne die bestek van sy werksaamhede val.

(5) Die kommissaris doen op las van die raad alle nodige stappe om aan 'n besluit van die raad by die uitoefening van sy bevoegdhede kragtens hierdie artikel gevolg te gee.

Aantekenings en rekenings van geldelike transaksies.

53. (1) Die kommissaris moet juiste en volledige aantekenings en rekenings van die raad se transaksies, met inbegrip van die transaksies van die vergoedingsfonds, laat hou, en moet die boeke en rekenings met betrekking tot bedoelde transaksies op die een-en-dertigste dag van Maart in elke jaar laat balanseer,

48. The board may by a unanimous decision at a meeting at which every member is either present or represented by his alternate, delegate to the commissioner any of the powers conferred upon it by this Act. Delegation of powers by board.

49. No court of law shall have jurisdiction to set aside or vary a decision of the board, or of the commissioner in the exercise of any power delegated to him under section *forty-eight*, except on the ground that the board or the commissioner has exceeded its or his powers or has acted in an irregular manner. Finality of board's decisions.

50. (1) The board or the commissioner may, with the consent of the Minister, state a special case for the ruling of the Transvaal Provincial Division of the Supreme Court of South Africa on any question of law which has arisen in connection with any matter in which the board or the commissioner has given or is required to give a decision under this Act. Supreme Court rulings.

(2) Any person who has an interest in the decision in question may appear in person or be represented by counsel at the hearing of any such case.

(3) Where any such ruling has been given, the board or the commissioner shall in any future instance act in conformity with that ruling, and if the ruling is in conflict with any decision already given by the board or the commissioner, such decision shall be modified so as to bring it into conformity with the ruling: Provided that the board or the commissioner may, with the consent of the Minister, appeal to the Appellate Division of the said Supreme Court against any such ruling, and that any person who is affected by such a ruling may appeal therefrom to the said Appellate Division without having obtained its leave.

(4) When a provincial or local division of the Supreme Court of South Africa has given a decision or ruling on any question of law which affects the administration of this Act, the Minister may submit that decision or ruling to the said Appellate Division in order that it may determine the said question for the guidance of all courts.

51. (1) All rights, assets, liabilities and obligations which immediately before the commencement of this Act were rights, assets, liabilities or obligations of the former board shall devolve upon the board. Assets and liabilities of former board to devolve upon board.

(2) The commissioner shall receive all the revenue of the board and deposit it in a bank named by the board and approved by the Minister, and no moneys so deposited shall be paid out by the commissioner otherwise than by means of an order signed by two persons designated by the board directing payment on behalf of the board.

52. (1) The board may—

- (a) invest its moneys, other than such moneys as may be required to meet current obligations in accordance with the provisions of this Act, in Government stock, Treasury bills, any stock guaranteed by the Government or any stock of a municipal or divisional council or public utility company or institution which does not carry on business for gain;
- (b) lend such moneys as aforesaid to any person on such security as the board may deem adequate;
- (c) invest such moneys with the Public Debt Commissioners.

Board's investments and loans.

(2) Any profit or loss on realization of investments of moneys deposited with the Public Debt Commissioners shall accrue to or be borne by the compensation fund.

(3) Where the board has lent any money on the security of a pledge or mortgage bond, it may, when enforcing the board's claim for a repayment of the loan, buy in the pledged or mortgaged property and thereafter sell that property.

(4) The board may borrow money for any purpose falling within the scope of its functions.

(5) The commissioner shall under the directions of the board take all steps which may be necessary to give effect to any decision of the board in the exercise of its powers under this section.

53. (1) The commissioner shall cause full and true records and accounts of the transactions of the board, including the transactions of the compensation fund, to be kept, and shall cause the books and accounts relating to such transactions to be balanced as at the thirty-first day of March in every year. Records and accounts of financial transactions.

en stel daarna 'n staat op met al die nodige besonderhede van die inkomste en uitgawes van bedoelde fonds gedurende die voorafgaande boekjaar en 'n balansstaat wat die bates en laste van die fonds aan die end van daardie boekjaar aantoon.

(2) Die rekeningboeke en balansstaat van die raad word jaarliks deur die Kontroleur- en Ouditeur-generaal geouditeer.

(3) So gou doenlik nadat die rekenings en balansstaat vir 'n boekjaar geouditeer is, moet die kommissaris—

(a) 'n afskrif daarvan vir goedkeuring aan die raad voorlê;

(b) 'n afskrif daarvan aan die Minister vir inligting voorlê;

en
(c) 'n afskrif daarvan aan elke eienaar van 'n beheerde myn stuur.

(4) Die kommissaris moet die statistiese aantekeninge byhou wat nodig is om die raad, die aktuaris en die kommissaris in staat te stel om die pligte uit te voer wat deur hierdie Wet aan hulle opgelê word, en die ander aantekeninge wat hy nodig of wenslik ag of wat die Minister gelas.

Beheerde myne.

54. (1) Elke myn wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet 'n ingelyste myn volgens die Wet van 1946 was, is vanaf daardie datum 'n beheerde myn van groep A, en elke myn wat onmiddellik voor daardie datum 'n geregistreerde myn volgens bedoelde Wet was, is vanaf daardie datum 'n beheerde myn van groep B.

(2) Die Minister kan op aanbeveling van 'n komitee bestaande uit die Staatsmyningenieur, die kommissaris en die direkteur—

(a) 'n myn wat nie 'n beheerde myn is nie, tot 'n beheerde myn verklaar, indien hy oortuig is dat die verrigting van werk deur persone in stowwige lug by daardie myn pneumokoniose by daardie persone veroorsaak het of waarskynlik sal veroorsaak; of

(b) gelas dat 'n beheerde myn nie meer 'n beheerde myn is nie, indien hy oortuig is dat werk wat waarskynlik pneumokoniose sal veroorsaak nie meer deur persone in stowwige lug by daardie myn verrig word nie,

en moet, waar 'n myn tot 'n beheerde myn verklaar word, van tyd tot tyd bepaal of so 'n myn 'n beheerde myn van groep A of van groep B is: Met dien verstande dat geen myn tot 'n beheerde myn verklaar word nie, tensy die Minister aan die eienaar van daardie myn minstens dertig dae vooruit skriftelik kennis laat gee het van sy voorneme om daardie myn tot 'n beheerde myn te verklaar, en enige verhoë wat binne bedoelde tydperk van dertig dae deur daardie eienaar aan hom voorgelê mag gewees het, behoorlik oorweeg het.

(3) Elke besluit van die Minister kragtens sub-artikel (2), waarby 'n myn tot 'n beheerde myn verklaar word of gelas word dat 'n myn nie meer 'n beheerde myn is nie, moet by kennisgewing in die *Staatskoerant* bekend gemaak word, en 'n kennisgewing van so 'n besluit waarby 'n myn tot 'n beheerde myn verklaar word, moet aandui of daardie myn 'n beheerde myn van groep A of van groep B is.

(4) Die kommissaris hou 'n register wat die naam of beskrywing van elke beheerde myn bevat.

Vergoedingsfonds.

55. (1) Hierby word 'n fonds ingestel, bekend as die Vergoedingsfonds vir Beheerde Myne, wat gekrediteer word met al die bates en gedebiteer word met al die laste wat volgens sub-artikel (1) van artikel *een-en-veertig* op die raad oorgaan, en waaraan alle gelde oorgedra word wat onmiddellik voor die inwerkingtreding van hierdie Wet op krediet van die by artikels *dertig* en *een-en-dertig* van die Wet van 1946 ingestelde fondse gestaan het, en waarin alle bedrae volgens die bepalinge van hierdie Wet deur die kommissaris ontvang, gestort word.

(2) Enige voordeel wat kragtens hierdie Wet toegeken is, word uit die vergoedingsfonds betaal, en soveel van 'n voordeel wat kragtens 'n herroepe Wet toegeken is, en wat by die inwerkingtreding van hierdie Wet nog nie ten volle uitbetaal is nie, word uit die vergoedingsfonds betaal asof dit kragtens hierdie Wet toegeken was.

Heffings op myneienaars.

56. (1) Die raad moet, van tyd tot tyd, met die tussenpose en ten opsigte van die tydperke wat hy raadsaam ag—

(a) van eienaars van beheerde myne van groep A die geldbedrae hef wat die raad in oorleg met die aktuaris nodig ag om die verpligtinge na te kom wat volgens die raad se oordeel waarskynlik sal ontstaan ten opsigte van die indiensstelling van mynwerkers, kleurlingarbeiders en naturelle-arbeiders by daardie myne gedurende die tydperk ten opsigte waarvan die heffing opgelê word;

and thereafter prepare a statement showing in all necessary detail the income and expenditure of the said fund during the preceding financial year and a balance sheet showing the assets and liabilities of the fund as at the end of that financial year.

(2) The books of account and balance sheet of the board shall be audited annually by the Controller and Auditor-General.

(3) As soon as may be after the accounts and balance sheet for any financial year have been audited, the commissioner shall—

- (a) lay a copy thereof before the board for its approval;
- (b) submit a copy thereof to the Minister for his information; and
- (c) send a copy thereof to every owner of a controlled mine.

(4) The commissioner shall compile such statistical records as are necessary to enable the board, the actuary and the commissioner to carry out the duties imposed upon them by this Act, and such other records as he deems necessary or desirable or as the Minister may direct.

54. (1) Every mine which immediately prior to the date of commencement of this Act was a scheduled mine in terms of the 1946 Act, shall as from that date be a controlled mine of group A, and every mine which immediately prior to that date was a registered mine in terms of the said Act, shall as from that date be a controlled mine of group B. Controlled mines.

(2) The Minister may on the recommendation of a committee consisting of the Government Mining Engineer, the commissioner and the director—

- (a) declare any mine, which is not a controlled mine, to be a controlled mine, if he is satisfied that the performance of work by persons in a dusty atmosphere at that mine has caused or is likely to cause pneumoconiosis in such persons; or
- (b) direct that any controlled mine shall cease to be a controlled mine, if he is satisfied that work which is likely to cause pneumoconiosis is no longer being performed by persons in a dusty atmosphere at that mine,

and shall, where any mine is declared to be a controlled mine, determine from time to time whether such mine is to be a controlled mine of group A or of group B: Provided that no mine shall be declared to be a controlled mine, unless the Minister has caused the owner of that mine to be given at least thirty days' notice in writing of his intention to declare that mine a controlled mine, and has given due consideration to any representations which may have been submitted to him by such owner within the said thirty days.

(3) Every decision by the Minister under sub-section (2), declaring any mine to be a controlled mine or directing that any mine shall cease to be a controlled mine, shall be made known by notice in the *Gazette*, and any notice of any such decision declaring a mine to be a controlled mine shall indicate whether such mine is to be a controlled mine of group A or of group B.

(4) The commissioner shall keep a register containing the name or description of every controlled mine.

55. (1) There is hereby established a fund, to be known as the Controlled Mines Compensation Fund, which shall be credited with all the assets and debited with all the liabilities devolving upon the board under sub-section (1) of section fifty-one, and to which shall be transferred all moneys which immediately prior to the commencement of this Act stood to the credit of the funds established under sections thirty and thirty-one of the 1946 Act, and into which shall be paid all moneys received by the commissioner in accordance with the provisions of this Act. Compensation fund.

(2) Any benefit awarded under this Act shall be paid from the compensation fund, and so much of any benefit awarded under a repealed Act, which has not been fully paid out at the commencement of this Act, shall be paid from that fund as if it had been awarded under this Act.

56. (1) The board shall from time to time and at such intervals and in respect of such periods as it deems expedient— Levies from mine owners.

- (a) levy from owners of controlled mines of group A, such sums of money as it may in consultation with the actuary, consider necessary to meet the liabilities which in its opinion are likely to arise in respect of the employment of miners, coloured labourers and native labourers at such mines during the period in respect of which the levy is imposed;

- (b) van elke eienaar van 'n beheerde myn van groep B die geldbedrae hef wat die raad in oorleg met die aktuaris nodig ag om die verpligtings na te kom wat volgens die raad se oordeel waarskynlik sal ontstaan ten opsigte van die indiensstelling van mynwerkers, kleurlingarbeiders en naturelle-arbeiders by daardie myn gedurende die tydperk ten opsigte waarvan die heffing opgelê word,

en moet 'n heffing wat kragtens paragraaf (a) opgelê word, onder eienaars van in daardie paragraaf bedoelde myne verdeel op die grondslag wat die raad op aanbeveling van die aktuaris bepaal na raadpleging van enige organisasie wat volgens die raad se oordeel daardie eienaars verteenwoordig.

(2) So 'n heffing word nie ten opsigte van 'n langer tydperk as een jaar op 'n keer opgelê nie, en daar word nie van 'n myne-eienaar vereis om gedurende enige tydperk van drie maande 'n groter bedrag aan die raad te betaal nie as die bedrag of, al na die geval, sy *pro rata*-deel van die bedrag wat waarskynlik nodig sal wees om die in sub-artikel (1) bedoelde verpligtings ten opsigte van daardie tydperk te dek nie.

(3) Die kommissaris moet elke myne-eienaar wat vir die betaling van so 'n heffing aanspreeklik is, skriftelik in kennis stel van die oplegging daarvan en van die tydperk ten opsigte waarvan dit opgelê is en van die bedrag wat deur daardie myne-eienaar betaalbaar is, en van die datum waarop betaling moet geskied, of, indien betaling by wyse van paaielemente moet geskied, van die bedrag en die vervaldatum van elke paaielement.

(4) Elke myne-eienaar wat 'n kennisgewing kragtens sub-artikel

(3) ontvang het, moet die ten opsigte van die betrokke heffing deur hom verskuldigde bedrag, of, al na die geval, die paaielemente daarvan, nie later nie as die vervaldatum aan die kommissaris betaal.

(5) 'n Myne-eienaar het die reg om aan die raad vertoë te rig in verband met enige aangeleentheid rakende die bedrag van 'n heffing ingevolge hierdie artikel deur daardie myne-eienaar betaalbaar.

Aanslag en verdeling van uitstaande 1946-skulde van vorige ingelyste myne.

57. (1) So gou moontlik na die inwerkingtreding van hierdie Wet, moet die aktuaris 'n raming maak van die bedrag wat (indien elke myn wat op die een-en-dertigste dag van Maart 1956 'n ingelyste myn volgens die Wet van 1946 was, op daardie datum opgehou het om so 'n ingelyste myn te wees) nodig sou wees vir die betaling van alle bedrae wat, as daardie Wet nie herroep was nie, waarskynlik daaronder betaalbaar sou geword het ten opsigte van daardie myne en ten opsigte van myne wat voor bedoelde dag opgehou het om ingelyste myne volgens daardie Wet of 'n ander herroepe Wet te wees.

(2) Die aldus geraamde bedrag, min die som van—

(a) die waarde van die bates wat tot die laaste dag van Maart 1956 aan die in artikel *dertig* van die Wet van 1946 bedoelde fonds toegeval het; en

(b) 'n bedrag gelyk aan die saldo van die totaal van die addisionele uitstaande skulde in artikels *vyf-en-negentig* en *vyf-en-negentig bis* van die Wet van 1946 bedoel, tesame met rente daarop soos in daardie artikels bepaal, wat oorbly na aftrekking van alle bedrae (met rente daarop soos aldus bepaal) ooreenkomstig gemelde artikels aan die in artikel *dertig* van die Wet van 1946 bedoelde fonds betaal tot die een-en-dertigste dag van Maart 1956,

word geag die totale uitstaande skulde van die betrokke myne onder die Wet van 1946 te wees, en word in hierdie artikel die uitstaande 1946-skulde genoem.

(3) Die aktuaris wys aan elke eienaar van 'n myn wat by die inwerkingtreding van hierdie Wet 'n beheerde myn van groep A geword het, as sy deel van die uitstaande 1946-skulde 'n bedrag toe gelyk aan die som van—

(a) 'n bedrag wat in dieselfde verhouding tot die helfte van die uitstaande 1946-skulde staan, as wat die totale aantal skofte deur mynwerkers in stowwige lug by die betrokke myn gewerk, terwyl daardie myn 'n ingelyste myn volgens die Wet van 1925 of die Wet van 1946 was, gedurende die tydperk van dertig boekjare onmiddellik voorafgaande aan die inwerkingtreding van hierdie Wet, staan tot die totale aantal skofte gedurende bedoelde tydperk deur mynwerkers in stowwige lug gewerk by alle myne wat by bedoelde inwerkingtreding beheerde myne van groep A geword het, terwyl hulle sodanige ingelyste myne was; en

(b) 'n bedrag wat in dieselfde verhouding tot die helfte van die uitstaande 1946-skulde staan as wat die totaal

- (b) levy from each owner of a controlled mine of group B, such sums of money as it may in consultation with the actuary consider necessary to meet the liabilities which in its opinion are likely to arise in respect of the employment of miners, coloured labourers and native labourers at such mine during the period in respect of which the levy is imposed,

and shall apportion any levy imposed under paragraph (a) amongst owners of mines referred to in that paragraph on such a basis as it may, on the recommendation of the actuary, determine after consultation with any organization which in its opinion is representative of such owners.

(2) No such levy shall be imposed in respect of any period of more than one year at a time, and no mine owner shall be required to pay to the board during any period of three months an amount exceeding the amount or, as the case may be, his *pro rata* share of the amount likely to be required to meet the liabilities referred to in sub-section (1) in respect of that period.

(3) The commissioner shall in writing notify every mine owner who is liable for the payment of any such levy, of the imposition thereof and of the period in respect of which it has been imposed and of the amount payable by such mine owner, and of the date on which payment is to be made, or, if payment is to be made by instalments, of the amount and the due date of each instalment.

(4) Every mine owner who has received a notification under sub-section (3), shall pay the amount due by him in respect of the levy in question, or the instalments thereof, as the case may be, to the commissioner not later than the due date.

(5) A mine owner shall have the right to make representations to the board in regard to any matter relating to the amount of any levy payable by that owner under this section.

57. (1) As soon as possible after the commencement of this Act, the actuary shall estimate the amount which (if every mine which on the thirty-first day of March, 1956, was a scheduled mine in terms of the 1946 Act, had ceased on that date to be such a scheduled mine) would be required for the payment of all amounts which, if that Act had not been repealed, would have been likely to become payable thereunder in respect of such mines and in respect of mines which ceased to be scheduled mines under that Act or any other repealed Act prior to the said day.

Assessment and apportionment of 1946 outstanding liabilities of former scheduled mines.

(2) The amount so estimated, less the sum of—

- (a) the value of the assets accrued to the fund mentioned in section *thirty* of the 1946 Act up to the last day of March, 1956; and
- (b) an amount equal to the balance of the aggregate of the additional outstanding liabilities referred to in sections *ninety-five* and *ninety-five bis* of the 1946 Act, together with the interest thereon as provided in those sections, remaining after deduction of all payments (with interest thereon as so provided) made, in terms of the said sections, to the fund referred to in section *thirty* of the 1946 Act, up to the thirty-first day of March, 1956,

shall be deemed to be the total outstanding liabilities under the 1946 Act of the mines in question and is in this section referred to as the 1946 outstanding liabilities.

(3) The actuary shall apportion to every owner of a mine which at the commencement of this Act became a controlled mine of group A, as his share of the 1946 outstanding liabilities, an amount equal to the sum of—

- (a) an amount which bears the same ratio to one half of the 1946 outstanding liabilities, as the total number of shifts worked by miners in a dusty atmosphere at the mine in question while that mine was a scheduled mine in terms of the 1925 Act or the 1946 Act, during the period of thirty financial years immediately preceding the commencement of this Act, bears to the total number of shifts worked by miners in a dusty atmosphere during the said period at all mines which at such commencement became controlled mines of group A, while they were such scheduled mines; and
- (b) an amount which bears the same ratio to one half of the 1946 outstanding liabilities as the aggregate of the

van die jaarlikse silikose-persentasies, soos in artikel vyf-en-negentig bis van die Wet van 1946 omskryf, wat ten opsigte van die betrokke myn bepaal is gedurende die tydperk van dertig jaar onmiddellik voorafgaande aan die inwerkingtreding van hierdie Wet, staan tot die totaal van sodanige jaarlikse silikose-persentasies wat ten opsigte van daardie tydperk bepaal is vir alle myne wat by bedoelde inwerkingtreding beheerde myne van groep A geword het, en die bedrag aldus aan so 'n eienaar toegewys, is sy deel van die uitstaande 1946-skulde en daardie eienaar en elke daaropvolgende eienaar van die betrokke myn is vir betaling daarvan aanspreeklik totdat die skuld uitgewis is: Met dien verstande dat die Minister 'n vorige eienaar van so 'n myn sy deel van bedoelde skulde kan kwytsteld.

Aanslag en toewysing van addisionele uitstaande skulde ontstaande uit toepassing van Wet ten opsigte van beheerde myne van groep A.

58. (1) So gou moontlik na die inwerkingtreding van hierdie Wet, maar nie later as die eerste daaropvolgende een-en-dertigste dag van Maart nie, moet die aktuaris 'n raming maak van die bedrag wat (indien hierdie Wet op die een-en-dertigste dag van Maart 1956 in werking getree het, en elke myn wat onmiddellik voor daardie datum 'n ingelyste myn volgens die Wet van 1946 was, op daardie datum opgehou het om so 'n ingelyste myn te wees) nodig sou wees ten einde die kommissaris in staat te stel om van tyd tot tyd alle bedrae te betaal wat waarskynlik ingevolge hierdie Wet uit die vergoedingsfonds betaalbaar sou word ten opsigte van al daardie myne en ten opsigte van alle myne wat voor bedoelde dag opgehou het om ingelyste myne volgens 'n herroepe Wet te wees.

(2) Die aldus geraamde bedrag, min die totaal van die bedrae volgens sub-artikel (1) van artikel *sewe-en-vyftig*, sub-artikel (1) van artikel *nege-en-sestig* en paragraaf (a) van sub-artikel (1) van artikel *sewentig* geraam, word geag die addisionele uitstaande skulde ingevolge hierdie Wet te wees van alle beheerde myne van groep A, en word in hierdie artikel die addisionele uitstaande 1956-skulde genoem.

(3) Die aktuaris wys aan elke eienaar van 'n myn wat by die inwerkingtreding van hierdie Wet 'n beheerde myn van groep A geword het, as sy deel van die addisionele uitstaande 1956-skulde, 'n bedrag toe gelyk aan die som van—

- (a) 'n bedrag wat in dieselfde verhouding tot die helfte van die addisionele uitstaande 1956-skulde staan, as wat die totale aantal skofte deur mynwerkers in stowwige lug by die betrokke myn gewerk, terwyl daardie myn 'n ingelyste myn volgens die Wet van 1925 of die Wet van 1946 was, gedurende die tydperk van twintig boekjare onmiddellik voorafgaande aan die inwerkingtreding van hierdie Wet, staan tot die totale aantal skofte gedurende daardie tydperk deur mynwerkers in stowwige lug gewerk by alle myne wat by bedoelde inwerkingtreding beheerde myne van groep A geword het, terwyl hulle sodanige ingelyste myne was; en
- (b) 'n bedrag wat in dieselfde verhouding tot die helfte van die addisionele uitstaande 1956-skulde staan, as wat die totaal van die jaarlikse silikose-persentasies, soos in artikel *vyf-en-negentig bis* van die Wet van 1946 omskryf, wat ten opsigte van die betrokke myn bepaal is vir die tydperk van twintig jaar onmiddellik voorafgaande aan die inwerkingtreding van hierdie Wet, staan tot die totaal van sodanige jaarlikse silikose-persentasies wat ten opsigte van daardie tydperk bepaal is vir alle myne wat by bedoelde inwerkingtreding beheerde myne van groep A geword het,

en die bedrag aldus aan so 'n eienaar toegewys, is sy deel van die addisionele uitstaande 1956-skulde, en daardie eienaar en elke daaropvolgende eienaar van die betrokke myn is vir die betaling daarvan, tesame met rente teen die koers wat die aktuaris by die berekening van bedoelde skulde gekies het, aanspreeklik totdat die skuld uitgewis is: Met dien verstande dat die Minister 'n vorige eienaar van so 'n myn sy deel van die betrokke skuld kan kwytsteld.

Jaarlikse raming van aanspreeklikheid van vergoedingsfonds ten opsigte van beheerde myne van groep A.

59. (1) So gou doenlik na die begin van elke boekjaar vanaf en met inbegrip van die boekjaar wat op die eerste dag van April 1957 begin, moet die aktuaris 'n raming maak van die bedrag wat (indien elke myn wat op die onmiddellik voorafgaande een-en-dertigste dag van Maart 'n beheerde myn van groep A was, op daardie dag opgehou het om so 'n beheerde myn te wees) nodig sou wees ten einde die kommissaris in staat te stel om van tyd tot tyd alle bedrae te betaal wat waarskynlik

annual silicosis rates, as defined in section *ninety-five bis* of the 1946 Act, which were ascertained for the mine in question during the period of thirty years immediately preceding the commencement of this Act, bears to the aggregate of such annual silicosis rates which were ascertained in respect of the said period for all mines which became controlled mines of group A at such commencement,

and the amount so apportioned to any such owner shall be his share of the 1946 outstanding liabilities and shall attach to such owner and to every subsequent owner of the mine in question until the liability has been extinguished: Provided that the Minister may release any former owner of any such mine from his share of the said liabilities.

58. (1) As soon as possible after the commencement of this Act, but not later than the first ensuing thirty-first day of March, the actuary shall estimate the amount which (if this Act had come into operation on the thirty-first day of March, 1956, and every mine which immediately prior to that date was a scheduled mine in terms of the 1946 Act had ceased on that date to be such a scheduled mine) would be required to enable the commissioner to pay from time to time all amounts likely to become payable out of the compensation fund under this Act in respect of all such mines and in respect of all mines which ceased to be scheduled mines in terms of any repealed Act prior to the said day.

Assessment and apportionment of additional outstanding liabilities arising out of operation of Act in respect of controlled mines of group A.

(2) The amount so estimated, less the aggregate of the amounts estimated under sub-section (1) of section *fifty-seven*, sub-section (1) of section *sixty-nine* and paragraph (a) of sub-section (1) of section *seventy*, shall be deemed to be the additional outstanding liabilities under this Act of all controlled mines of group A, and is in this section referred to as the 1956 additional outstanding liabilities.

(3) The actuary shall apportion to every owner of a mine which at the commencement of this Act became a controlled mine of group A, as his share of the 1956 additional outstanding liabilities, an amount equal to the sum of—

- (a) an amount which bears the same ratio to one half of the 1956 additional outstanding liabilities, as the total number of shifts worked by miners in a dusty atmosphere at the mine in question while that mine was a scheduled mine in terms of the 1925 Act or the 1946 Act, during the period of twenty financial years immediately preceding the commencement of this Act, bears to the total number of shifts worked by miners in a dusty atmosphere during that period at all mines, while they were such scheduled mines, which became controlled mines of group A at such commencement; and
- (b) an amount which bears the same ratio to one half of the 1956 additional outstanding liabilities, as the aggregate of the annual silicosis rates, as defined in section *ninety-five bis* of the 1946 Act, which were ascertained for the mine in question for the period of twenty years immediately preceding the commencement of this Act, bears to the aggregate of such annual silicosis rates which were ascertained in respect of that period for all mines which became controlled mines of group A at such commencement,

and the amount so apportioned to any such owner shall be his share of the 1956 additional outstanding liabilities and shall, together with interest at the rate which the actuary has adopted in calculating the said liabilities, attach to such owner and to every subsequent owner of the mine in question until the liability has been extinguished: Provided that the Minister may release any former owner of such mine from his share of the said liabilities.

59. (1) As soon as may be after the commencement of every financial year as from and including the financial year commencing on the first day of April, 1957, the actuary shall estimate the amount which (if every mine which was a controlled mine of group A on the immediately preceding thirty-first day of March had on that day ceased to be such a controlled mine) would be required to enable the commissioner to pay from time to time all amounts likely to become payable out of the compensa-

Annual valuation of liabilities of compensation fund in respect of controlled mines of group A.

ingevolge hierdie Wet uit die vergoedingsfonds betaalbaar sou word ten opsigte van al daardie myne en ten opsigte van alle myne wat voor die begin van die betrokke boekjaar opgehou het om beheerde myne van groep A te wees of voor die inwerkingtreding van hierdie Wet reeds opgehou het om ingelyste myne volgens 'n herroepe Wet te wees.

(2) Indien die waarde van die bates van die vergoedingsfonds op die laaste dag van die boekjaar waarop die betrokke raming betrekking het, wat volgens die raad se oordeel beskikbaar is of sal wees vir die betaling van die bedrae wat waarskynlik aldus betaalbaar sal word, tesame met—

- (a) 'n bedrag gelyk aan die saldo van die totale addisionele uitstaande skulde in artikels *vyf-en-negentig* en *vyf-en-negentig bis* van die Wet van 1946 bedoel (met rente daarop soos in daardie artikels voorgeskryf), wat oorbly na aftrekking van alle bedrae ooreenkomstig vermelde artikels aan die vergoedingsfonds of aan die in artikel *dertig* van die Wet van 1946 bedoelde fonds betaal ter vereffening van daardie skulde (met rente op daardie bedrae soos aldus voorgeskryf); en
- (b) die totale bedrag nog aan die raad verskuldig ten opsigte van die skulde in sub-artikel (3) van artikel *sewe-en-vyftig* bedoel, en die bedrae (met rente daarop) nog aan die raad verskuldig ten opsigte van die skulde in sub-artikel (2) van artikel *agt-en-vyftig*, sub-artikel (1) van artikel *nege-en-sestig* en paragraaf (a) van sub-artikel (1) van artikel *sewentig* bedoel,

meer of minder as die ingevolge sub-artikel (1) geraamde bedrag is, en die verskil deur die aktuaris van wesentlike belang geag word, moet die raad in oorleg met die aktuaris en na oorweging van enige verstoë wat aan hom gerig mag word deur 'n organisasie wat volgens sy oordeel verteenwoordigend is van eienaars van beheerde myne van groep A, oor die oorskot beskik of die tekort verhaal op die wyse wat die raad met inagneming van die bepalinge van sub-artikel (3) bepaal.

(3) Vir die doeleindes van sub-artikel (2), moet die aktuaris 'n raming maak van die onderskeie aandele in enige in daardie sub-artikel bedoelde oorskot of tekort, wat onderskeidelik toe te skryf is aan beheerde myne van groep A wat op die laaste dag van die boekjaar waarop die oorskot of tekort betrekking het, bestaan het, en myne wat op daardie dag nie meer sodanige beheerde myne of ingelyste myne volgens 'n herroepe Wet was nie, en so 'n oorskot of tekort word—

- (a) in die geval van sodanige myne wat op gemelde dag bestaan het, oor 'n tydperk van hoogstens twintig jaar aan die eienaars van daardie myne teruggegee of op hulle verhaal, deur middel van aftrekking van of byvoeging by die heffings kragtens sub-artikel (1) van artikel *ses-en-vyftig* ten opsigte van sodanige myne opgelê; en
- (b) in die geval van ander myne, van die bedrag van die in artikel *nege-en-sestig* bedoelde skuld op geslote myne afgetrek of daarby gevoeg.

Bepaling van uitstaande 1946-skulde van vorige geregistreerde myne.

60. (1) Die saldo van die bedrag wat die eienaar se skuld (kragtens artikel *ses-en-dertig bis* van die Wet van 1946 bepaal) verteenwoordig ten opsigte van 'n myn wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n geregistreerde myn volgens die Wet van 1946 was, wat oorbly na aftrekking daarvan van die totaal van die bedrae volgens bedoelde artikel *ses-en-dertig bis* deur of ten behoeve van die eienaar van daardie myn aan die in artikel *een-en-dertig* van daardie Wet bedoelde fonds betaal, word geag die uitstaande skuld van bedoelde eienaar onder die Wet van 1946 te wees.

(2) Die betrokke eienaar en elke latere eienaar van die betrokke myn is aanspreeklik vir die betaling van die bedrag van bedoelde skuld totdat die skuld uitgewis is: Met dien verstande dat die Minister, in oorleg met die Minister van Finansies, 'n eienaar bedoelde skuld kan kwytsteld op die voorwaardes wat die Minister mag ople.

Aanslag van addisionele uitstaande skulde ontstaande uit toepassing van Wet ten opsigte van beheerde myne van groep B.

61. (1) So gou moontlik na die inwerkingtreding van hierdie Wet, maar nie later as die eerste daaropvolgende een-en-dertigste dag van Maart nie, moet die aktuaris ten opsigte van elke myn wat onmiddellik voor die een-en-dertigste dag van Maart 1956 'n geregistreerde myn volgens die Wet van 1946 was, 'n raming maak van die bedrag wat (indien hierdie Wet op die een-en-dertigste dag van Maart 1956 in werking getree het, en die betrokke myn op daardie datum opgehou het om 'n geregistreerde myn volgens genoemde Wet te wees) nodig sou wees ten einde die kommissaris in staat te stel om

tion fund under this Act in respect of all such mines and in respect of all mines which ceased to be controlled mines of group A prior to the commencement of the financial year in question or had ceased to be scheduled mines in terms of a repealed Act prior to the commencement of this Act.

(2) If the value of the assets of the compensation fund as at the last day of the financial year to which the estimate in question relates, which in the opinion of the board are or will be available for the payment of the amounts likely to become so payable, together with—

- (a) an amount equal to the balance of the aggregate of the additional outstanding liabilities referred to in sections *ninety-five* and *ninety-five bis* of the 1946 Act (with interest thereon as prescribed in those sections), remaining after deduction of all amounts paid to the compensation fund or to the fund referred to in section *thirty* of the 1946 Act in liquidation of such liabilities, in terms of the said sections (with interest on those amounts as so prescribed); and
- (b) the total amount still owing to the board in respect of the liabilities referred to in sub-section (3) of section *fifty-seven*, and the amounts together with interest thereon still owing to the board in respect of the liabilities referred to in sub-section (2) of section *fifty-eight*, sub-section (1) of section *sixty-nine* and paragraph (a) of sub-section (1) of section *seventy*, exceeds or is less than the amount estimated under sub-section (1), by an amount which the actuary regards as a substantial amount, the board shall, in consultation with the actuary and after consideration of any representations which may be made to it by any organization which in its opinion is representative of owners of controlled mines of group A, dispose of the excess or recover the deficit in such manner as it may, subject to the provisions of sub-section (3), determine.

(3) For the purposes of sub-section (2), the actuary shall estimate the respective shares in any excess or deficit referred to in that sub-section to be attributed respectively to controlled mines of group A which were in existence on the last day of the financial year to which the excess or deficit relates, and mines which on that day had ceased to be such controlled mines or to be scheduled mines in terms of a repealed Act, and any such excess or deficit shall—

- (a) in the case of such mines which were in existence on the said day, be returned to or recovered from the owners of such mines, over a period not exceeding twenty years, by means of a deduction from or an addition to the levies imposed in respect of such mines under sub-section (1) of section *fifty-six*; and
- (b) in the case of other mines, be deducted from or added to the amount of the defunct mines liability referred to in section *sixty-nine*.

60. (1) The balance of the amount representing the owners' liability, determined under section *thirty-six bis* of the 1946 Act, in respect of any mine which immediately prior to the commencement of this Act was a registered mine in terms of the 1946 Act, remaining after deduction therefrom of the aggregate of the amounts paid to the fund mentioned in section *thirty-one* of that Act by or on behalf of the owner of such mine in terms of the said section *thirty-six bis*, shall be deemed to be the outstanding liability of the said owner under the 1946 Act.

Determination of 1946 outstanding liabilities of former registered mines.

(2) The amount of such liability shall attach to such owner and to every subsequent owner of the mine in question until the liability has been extinguished: Provided that the Minister may, in consultation with the Minister of Finance, release any owner from such liability on such conditions as the Minister may impose.

61. (1) As soon as possible after the commencement of this Act, but not later than the first ensuing thirty-first day of March, the actuary shall in respect of each mine which immediately prior to the thirty-first day of March, 1956, was a registered mine in terms of the 1946 Act, estimate the amount which (if this Act had come into operation on the thirty-first day of March, 1956, and the mine in question had on that date ceased to be a registered mine in terms of the said Act) would be required to enable the commissioner to pay from time to time all the amounts

Assessment of additional outstanding liabilities arising out of operation of Act in respect of controlled mines of group B.

van tyd tot tyd alle bedrae te betaal wat waarskynlik uit die vergoedingsfonds betaalbaar sou word, en wat toe te skryf is aan die verhoogde en addisionele voordele waarvoor in hierdie Wet voorsiening gemaak word, in vergelyking met die voordele in die Wet van 1946 bepaal, ten opsigte van werk in stowwige lug by daardie myn verrig gedurende die tydperk beginnende op die datum waarop die persoon aan wie die Minister kragtens sub-artikel (2) van artikel *nege-en-twintig* van die Wet van 1946 kennis gegee het, die eienaar van daardie myn geword het, en eindigende op die een-en-dertigste dag van Maart 1956.

(2) Die aldus ten opsigte van enige myn geraamde bedrag, min die bedrag kragtens paragraaf (b) van sub-artikel (1) van artikel *sewentig* ten opsigte van daardie myn geraam, word geag die addisionele uitstaande skuld van die betrokke eienaar onder hierdie Wet te wees, en daardie eienaar en elke latere eienaar van die betrokke myn is aanspreeklik vir die betaling daarvan totdat die skuld uitgewis is: Met dien verstande dat die Minister, in oorleg met die Minister van Finansies, 'n eienaar bedoelde skuld kan kwytsteld op die voorwaardes wat die Minister mag ople.

Uitstaande
skuld ten
opsigte van
toekomstige
beheerde
myne van
groep B.

62. (1) So gou moontlik na die datum waarop 'n myn, wat by die inwerkingtreding van hierdie Wet nie 'n beheerde myn van groep B is nie, so 'n myn word, moet die aktuaris 'n raming maak van die bedrag wat nodig sal wees ten einde die kommissaris in staat te stel om van tyd tot tyd alle bedrae te betaal wat waarskynlik uit die vergoedingsfonds betaalbaar sal word ten opsigte van werk in stowwige lug by daardie myn verrig gedurende die tydperk beginnende op die datum waarop die persoon aan wie die Minister kragtens die voorbehoudsbepaling by sub-artikel (2) van artikel *vier-en-vyftig* kennis gegee het, die eienaar van daardie myn geword het, en eindigende op die datum onmiddellik voor die datum waarop daardie myn 'n beheerde myn van groep B geword het, en die aldus geraamde bedrag word geag die eienaar se skuld ten opsigte van bedoelde myn te wees.

(2) Die eienaar en elke latere eienaar van die betrokke myn is aanspreeklik vir die betaling van die bedrag van die eienaar se skuld soos kragtens sub-artikel (1) geraam, totdat die skuld uitgewis is: Met dien verstande dat die Minister, in oorleg met die Minister van Finansies, 'n eienaar daardie skuld kan kwytsteld op die voorwaardes wat die Minister mag ople.

Raming van
skulde van
vergoedings-
fonds ten
opsigte van
beheerde myne
van groep B.

63. (1) Die aktuaris moet, met tussenpose van hoogstens vyf jaar, en wanneer die raad dit verlang, 'n raming maak van die bedrag wat nodig sou wees ten einde die kommissaris in staat te stel om van tyd tot tyd alle bedrae te betaal wat waarskynlik uit die vergoedingsfonds betaalbaar sal word ten opsigte van—

(a) enige myn wat op die onmiddellik voorafgaande een-en-dertigste dag van Maart 'n beheerde myn van groep B was, en wat te wyte is aan werk in stowwige lug by daardie myn verrig gedurende die tydperk beginnende op die datum waarop die persoon aan wie die Minister kragtens sub-artikel (2) van artikel *nege-en-twintig* van die Wet van 1946 of kragtens die voorbehoudsbepaling by sub-artikel (2) van artikel *vier-en-vyftig* van hierdie Wet kennis gegee het, die eienaar van daardie myn geword het, en eindigende op die voorafgaande een-en-dertigste dag van Maart; en

(b) enige myn wat voor die onmiddellik voorafgaande een-en-dertigste dag van Maart opgehou het om 'n beheerde myn van groep B te wees, en wat te wyte is aan werk in stowwige lug by daardie myn verrig gedurende die tydperk beginnende op die datum waarop die persoon aan wie die Minister kragtens sub-artikel (2) van artikel *nege-en-twintig* van die Wet van 1946 of kragtens die voorbehoudsbepaling by sub-artikel (2) van artikel *vier-en-vyftig* van hierdie Wet kennis gegee het, die eienaar van daardie myn geword het, en eindigende op die datum waarop daardie myn opgehou het om 'n beheerde myn van groep B te wees.

(2) Indien die waarde van die bestaande bates van die vergoedingsfonds op die datum waarop die betrokke raming betrekking het, wat volgens die raad se oordeel vir die in sub-artikel (1) bedoelde betalings beskikbaar is of sal wees, tesame met die totale bedrag nog aan die raad verskuldig ten opsigte van die skulde in artikels *sestig*, *een-en-sestig* en *twee-en-sestig* en paragraaf (b) van sub-artikel (1) van artikel *sewentig* bedoel, meer of

likely to become payable out of the compensation fund which are attributable to the increased and additional benefits provided for in this Act, in comparison with the benefits provided for in the 1946 Act, in respect of work performed in a dusty atmosphere at that mine during the period commencing on the date on which the person to whom the Minister gave notice in terms of sub-section (2) of section *twenty-nine* of the 1946 Act, became the owner of that mine, and ending on the thirty-first day of March, 1956.

(2) The amount so estimated in respect of any mine, less the amount estimated in respect of that mine in terms of paragraph (b) of sub-section (1) of section *seventy*, shall be deemed to be the additional outstanding liability of the owner concerned under this Act, and shall attach to such owner and to every subsequent owner of the mine in question until the liability has been extinguished: Provided that the Minister may, in consultation with the Minister of Finance, release any owner from such liability on such conditions as the Minister may impose.

62. (1) As soon as possible after the date on which a mine which at the commencement of this Act is not a controlled mine of group B, becomes such a mine, the actuary shall estimate the amount which would be required to enable the commissioner to pay from time to time all amounts likely to become payable out of the compensation fund in respect of work performed in a dusty atmosphere at that mine during the period commencing on the date on which the person to whom the Minister gave notice in terms of the proviso to sub-section (2) of section *fifty-four*, became the owner of that mine, and ending on the date immediately preceding the date on which that mine became a controlled mine of group B, and the amount so estimated shall be deemed to be the owner's liability in respect of such mine.

Outstanding liabilities in respect of future controlled mines of group B.

(2) The amount of the owner's liability estimated in terms of sub-section (1) shall attach to the owner and to every subsequent owner of the mine in question until the liability has been extinguished: Provided that the Minister may, in consultation with the Minister of Finance, release any owner from that liability on such conditions as the Minister may impose.

63. (1) The actuary shall, at intervals of not more than five years, and whenever so requested by the board, estimate the amount which would be required to enable the commissioner to pay from time to time all amounts likely to become payable out of the compensation fund in respect of—

Valuation of liabilities of compensation fund in respect of controlled mines of group B.

- (a) any mine which on the immediately preceding thirty-first day of March was a controlled mine of group B, and which is attributable to work performed in a dusty atmosphere at such mine during the period commencing on the date on which the person to whom the Minister gave notice in terms of sub-section (2) of section *twenty-nine* of the 1946 Act, or in terms of the proviso to sub-section (2) of section *fifty-four* of this Act, became the owner of that mine and ending on the previous thirty-first day of March; and
- (b) any mine which prior to the immediately preceding thirty-first day of March had ceased to be a controlled mine of group B, and which is attributable to work performed in a dusty atmosphere at such mine during the period commencing on the date on which the person to whom the Minister gave notice in terms of sub-section (2) of section *twenty-nine* of the 1946 Act, or in terms of the proviso to sub-section (2) of section *fifty-four* of this Act, became the owner of that mine, and ending on the date upon which such mine ceased to be a controlled mine of group B.

(2) If the value of the assets of the compensation fund existing on the date to which the estimate in question relates, and which in the opinion of the board are or will be available for meeting the payments mentioned in sub-section (1), together with the total amount still owing to the board in respect of the liabilities referred to in sections *sixty*, *sixty-one* and *sixty-two* and paragraph (b) of sub-section (1) of section *seventy*, exceeds or is less than the amount estimated under sub-section (1) of

minder as die ingevolge sub-artikel (1) van hierdie artikel geraamde bedrag is, en die verskil deur die aktuaris van wesentlike belang geag word—

- (a) moet die raad, in die geval van 'n oorskot of tekort ten opsigte van 'n myn in paragraaf (a) van sub-artikel (1) bedoel, in oorleg met die aktuaris, en na oorweging van enige verhoë wat aan hom gerig mag word deur 'n organisasie wat volgens sy oordeel die eienaars van beheerde myne van groep B verteenwoordig, die oorskot aan die betrokke myneienaar teruggee of, in die geval van 'n tekort, die bedrag daarvan ooreenkomstig artikel vier-en-sestig op bedoelde myneienaar verhaal; en
- (b) moet die Minister, in geval van 'n tekort ten opsigte van 'n myn in paragraaf (b) van daardie sub-artikel bedoel, gedurende elke boekjaar, uit gelde wat die Parlement vir die doel bewillig het, ten bate van die vergoedingsfonds aan die raad die bedrae betaal, hoogstens gelyk aan die bedrag van die tekort, wat volgens sy oordeel waarskynlik gedurende daardie boekjaar benodig sal word, of moet, waar daar ten opsigte van so 'n myn 'n oorskot is, 'n bedrag gelyk aan die oorskot uit die vergoedingsfonds aan die Gekonsolideerde Inkomstefonds oorgedra word: Met dien verstande dat die totaal van enige bedrae aldus oorgedra, nie die totaal van enige bedrae aldus aan die raad betaal, te bowe mag gaan nie.

Verhaal van
addisionale
uitstaande
skulde op
myneienaars.

64. (1) (a) Die Kommissaris van Binnelandse Inkomste moet, ondanks andersluidende bepalings van die toepaslike Inkomstebelastingwet, op versoek van die kommissaris aan hom 'n opgawe verstrek wat ten opsigte van elke eienaar van 'n beheerde myn die bedrag van die belasbare inkomste (soos ooreenkomstig die toepaslike Inkomstebelastingwet bepaal) aantoon wat hy uit die ontginning van daardie myn verkry het gedurende die jaar van aanslag (soos in daardie Wet omskryf) wat geëindig het onmiddellik voor die begin van die laaste voorafgaande jaar van aanslag soos aldus omskryf, en indien op die datum waarop so 'n opgawe verstrek moet word, die belasbare inkomste van die betrokke eienaar ten opsigte van bedoelde jaar van aanslag nog nie bepaal is nie, moet die Kommissaris van Binnelandse Inkomste 'n voorlopige raming van daardie belasbare inkomste maak en 'n opgawe verstrek wat bedoelde inkomste aangee soos voorlopig geraam.
- (b) So 'n opgawe moet ook aantoon die bedrag van die belasting op die belasbare inkomste of geraamde belasbare inkomste in daardie opgawe aangegee, en die kapitaaluitgawe (soos in die toepaslike Inkomstebelastingwet omskryf) gedurende die betrokke jaar van aanslag aangegaan deur die persoon op wie die opgawe betrekking het.
- (c) Sodra 'n belasbare inkomste wat ingevolge paragraaf (a) voorlopig geraam is, finaal bepaal is, of wanneer die bedrag van 'n belasbare inkomste aangegee in 'n opgawe volgens hierdie sub-artikel verstrek, verander is, moet die Kommissaris van Binnelandse Inkomste die kommissaris van die bedrag van daardie belasbare inkomste soos aldus bepaal of verander en van die bedrag van die belasting daarop in kennis stel.
- (2) Die kommissaris moet ten opsigte van elke boekjaar op elke eienaar van 'n beheerde myn 'n deel van die skuld verhaal vir die betaling waarvan daardie eienaar ingevolge artikel agt-en-vyftig, sestig, een-en-sestig of twee-en-sestig ten opsigte van daardie myn aanspreeklik is, maar hoogstens 'n bedrag gelyk aan so 'n persentasie van die belasbare inkomste (soos volgens voorskrif van daardie sub-artikel bepaal of voorlopig geraam) gedurende die betrokke jaar van aanslag deur daardie eienaar uit die ontginning van daardie myn verkry, as wat die raad met goedkeuring van die Minister bepaal, en by die bepaling van die bedrag wat gedurende 'n boekjaar aldus op so 'n eienaar verhaal moet word, moet die raad rekening hou met enige verhoë wat aan hom gerig mag gewees het deur daardie eienaar of deur 'n liggaam wat volgens die raad se oordeel bevoeg is om sodanige verhoë namens daardie eienaar te maak.
- (3) Indien, nadat 'n persentasie kragtens sub-artikel (2) bepaal is, die bedrag van die belasbare inkomste van die eienaar van 'n beheerde myn, soos finaal bepaal en aangegee in 'n opgawe ingevolge sub-artikel (1) verstrek, verander word, of daar

this section, by an amount which the actuary regards as a substantial amount—

- (a) the board shall, in the case of any excess or deficit in respect of a mine referred to in paragraph (a) of sub-section (1), in consultation with the actuary, and after consideration of any representations which may be made to it by any organization which in its opinion is representative of the owners of controlled mines of group B, return the excess to the mine owner concerned or, in the case of a deficit, recover the amount thereof from such mine owner in accordance with the provisions of section *sixty-four*; and
 - (b) the Minister shall, in the case of any deficit in respect of a mine referred to in paragraph (b) of that sub-section, during each financial year pay to the board for the benefit of the compensation fund, out of moneys appropriated by Parliament for the purpose, such amounts, not exceeding the amount of the deficit, as in his opinion are likely to be required during that financial year, or where there is an excess in respect of any such mine, an amount equal to such excess shall be transferred from the compensation fund to the Consolidated Revenue Fund: Provided that the aggregate of any amounts so transferred shall not exceed the aggregate of any amounts so paid to the board.
64. (1) (a) The Commissioner for Inland Revenue shall, notwithstanding any provision to the contrary in the applicable Income Tax Act, at the request of the commissioner furnish him with a return, showing, in respect of each owner of a controlled mine, the amount of the taxable income (as determined in accordance with the applicable Income Tax Act) which he derived from the exploitation of that mine during the year of assessment (as defined in that Act) which ended immediately prior to the commencement of the last preceding year of assessment as so defined, and if on the date on which any such return is required to be furnished, the taxable income of the owner concerned in respect of the said year of assessment has not yet been determined, the Commissioner for Inland Revenue shall assess that taxable income provisionally and furnish a return showing such income as provisionally assessed. Recovery of additional outstanding liabilities from mine owners.
- (b) Any such return shall also indicate the amount of the tax on the taxable income or assessed taxable income reflected in that return, and the capital expenditure (as defined in the applicable Income Tax Act) incurred during the year of assessment in question by the person to whom the return relates.
 - (c) As soon as any taxable income which has been provisionally assessed in terms of paragraph (a) has been finally determined, or whenever the amount of any taxable income as set forth in a return furnished under this sub-section has been altered, the Commissioner for Inland Revenue shall inform the commissioner of the amount of that taxable income as so determined or altered and of the amount of the tax thereon.
- (2) The commissioner shall in respect of each financial year recover from every owner of a controlled mine a part of the liability which in terms of section *fifty-eight*, *sixty*, *sixty-one* or *sixty-two* attaches to that owner in respect of such mine, but not exceeding an amount equal to such a percentage of the taxable income (as determined or provisionally assessed in accordance with the provisions of that sub-section) derived from the exploitation of such mine by that owner during the year of assessment in question, as the board may, with the approval of the Minister, determine, and in determining the amount to be so recovered from any such owner during any financial year, the board shall take into consideration any representations which may have been submitted to it by that owner or by any body which in its opinion is competent to make such representations on his behalf.
- (3) If after any percentage has been determined under sub-section (2), the amount of the taxable income of the owner of a controlled mine, as finally determined and set forth in any return furnished under sub-section (1), is altered, or the amount

bevind word dat die bedrag van die belasbare inkomste van so 'n eienaar, soos vir die doeleindes van so 'n opgawe voorlopig geraam, verskil van die bedrag daarvan soos finaal bepaal, kan die raad—

(a) die kommissaris gelas om die aanpassings te maak wat nodig mag wees ten einde te verseker dat die bedrag op daardie eienaar verhaal, gelyk sal wees aan die aldus bepaalde persentasie van sy belasbare inkomste soos aldus verander of finaal bepaal; of

(b) met toestemming van die Minister, die persentasie van die belasbare inkomste van daardie eienaar, soos aldus verander of finaal bepaal, wat ten opsigte van die betrokke jaar van aanslag verhaal moet word, vermeerder of verminder soos die raad goedvind.

(4) Geen bedrag word ten opsigte van die skuld vir die betaling waarvan die eienaar van 'n myn ooreenkomstig artikel *een-en-sestig* aanspreeklik is, op hom verhaal nie, totdat daardie eienaar die bedrag van die skuld vir die betaling waarvan hy volgens artikel *sestig* aanspreeklik is, ten volle betaal het.

(5) Die Minister moet uit gelde wat die Parlement vir die doel bewillig het, aan die raad enige bedrag van die in artikel *sestig*, *een-en-sestig* of *twee-en-sestig* bedoelde uitstaande skuld, of enige skuld in paragraaf (a) van sub-artikel (2) van artikel *drie-en-sestig* bedoel, ten opsigte van 'n myn wat 'n beheerde myn van groep B is of was, betaal wat die raad nie in staat is om ingevolge hierdie artikel of artikel *ses-en-sestig* te verhaal nie.

Betaling van skuld by verwydering uit register van beheerde myne.

65. Wanneer die Minister kragtens paragraaf (b) van sub-artikel (2) van artikel *vier-en-vyftig* gelas het dat 'n beheerde myn van groep A nie meer 'n beheerde myn is nie, moet die persoon wat op die datum van die lasgewing die eienaar van daardie myn was, aan die raad die saldo betaal van die bedrag op daardie datum ten opsigte van daardie myn deur hom aan die raad verskuldig ten opsigte van skuld vir die betaling waarvan hy volgens artikels *sewe-en-vyftig* en *agt-en-vyftig* aanspreeklik is, tesame met rente daarop teen die koers wat die raad in oorleg met die aktuaris mag bepaal, vanaf bedoelde datum en tot die datum waarop daardie saldo betaal word.

Vervreemding van bates deur myneienaar.

66. (1) Wanneer die eienaar van 'n beheerde myn van groep B, sy regte as eienaar van daardie myn of enige bate wat hy in verband met die ontginning of voorgenome ontginning van daardie myn verkry of tot stand gebring het, vervreem het, kan die kommissaris op daardie eienaar van daardie myn, ter vermindering of uitwissing van die geheel of 'n deel van die skuld vir die betaling waarvan daardie eienaar of 'n vorige eienaar ingevolge 'n bepaling van hierdie Wet ten opsigte van daardie myn aanspreeklik is, so 'n persentasie verhaal van die vergoeding waarop daardie eienaar in verband met die vervreemding geregtig mag geword het, of van 'n bedrag wat volgens die oordeel van die Staatsmyningenieur gelyk is aan die waarde van die vervreemde eiendom, as wat die raad met instemming van die Minister mag bepaal.

(2) By die toepassing van sub-artikel (1), is die beslissing van die Staatsmyningenieur afdoende oor die vraag of 'n bate wat deur die eienaar van 'n beheerde myn besit is of was, vir gebruik in verband met die ontginning of voorgenome ontginning van daardie myn verkry of tot stand gebring was.

Voorrang van raad se eise.

67. Ingeval die boedel van die eienaar of 'n vorige eienaar van 'n myn, wat ingevolge 'n bepaling van hierdie Wet aan die raad geld skuld, gelikwieder word, of hy insolvent raak, geniet die raad se eis vir die betaling van daardie geld en enige daarop verskuldigde rente, ondanks andersluidende bepalinge van hierdie Wet of enige ander wetsbepalinge, voorrang bo enige ander eis (hetsy gewaarborg al dan nie) teen die betrokke skuldenaar of boedel, uitgesonderd 'n eis wat deur 'n retensiereg gewaarborg is of daardie deel van 'n eis wat uit hoofde van die bepalinge van artikel *ses-en-negentig*, *sewe-en-negentig*, *agt-en-negentig*, *nege-en-negentig* of *honderd* van die Insolvensiewet, 1936 (Wet No. 24 van 1936), voorrang geniet.

Rente op geld aan raad verskuldig.

68. Wanneer ingevolge 'n bepaling van hierdie Wet 'n bedrag deur 'n eienaar van 'n myn aan die raad verskuldig is, kan die raad daardie bedrag met rente daarop teen die koers van sewe persent per jaar vanaf die vervaldatum verhaal: Met dien verstande dat die raad na goeddunke van tyd tot tyd ten opsigte van enige tydperk van sodanige rente afstand kan doen, of dit kan verminder.

of the taxable income of such an owner, as provisionally determined for the purpose of any such return, is found to differ from the amount thereof as finally determined, the board may—

- (a) direct the commissioner to make such adjustments as may be necessary to ensure that the amount recovered from that owner will be equal to the percentage so determined of his taxable income as so altered or finally determined; or
 - (b) with the consent of the Minister, increase or reduce the percentage of the taxable income of that owner, as so altered or finally determined, to be recovered in respect of the year of assessment in question, as the board may deem fit.
- (4) No amount shall be recovered from the owner of a mine in respect of the liability attaching to him in terms of section *sixty-one*, until that owner has paid in full the amount of the liability attaching to him in terms of section *sixty*.

(5) The Minister shall pay to the board out of moneys appropriated by Parliament for the purpose, any amount of the outstanding liability referred to in section *sixty*, *sixty-one* or *sixty-two*, or any liability referred to in paragraph (a) of sub-section (2) of section *sixty-three*, which the board is unable to recover in terms of this section or section *sixty-six* in respect of a mine which is or has been a controlled mine of group B.

65. When the Minister has in terms of paragraph (b) of sub-section (2) of section *fifty-four*, directed that a controlled mine of group A shall cease to be a controlled mine, the person who on the date of the direction was the owner of that mine shall pay to the board the balance of the amount owing by him to the board in respect of that mine on that date, by way of liability attaching to him in terms of sections *fifty-seven* and *fifty-eight*, together with interest thereon at such a rate as may be fixed by the board in consultation with the actuary, from the said date and up to the date on which such balance is paid.

Payment of liability on removal from register of controlled mines.

66. (1) Whenever the owner of a controlled mine of group B has alienated his rights as owner of that mine or any asset which he acquired or created for use in connection with the exploitation or intended exploitation of that mine, the commissioner may recover from that owner of such mine, for the purpose of reducing or extinguishing the whole or a portion of the liability attaching to such owner or a former owner in respect of that mine under any provision of this Act, such a percentage of the consideration to which such owner may have become entitled in connection with such alienation, or of an amount which in the opinion of the Government Mining Engineer is equal to the value of the property alienated, as the board may with the concurrence of the Minister determine.

Alienation of assets by mine owner.

(2) For the purposes of sub-section (1), the decision of the Government Mining Engineer on any question as to whether an asset which is or was held by the owner of a controlled mine, was acquired or created for use in connection with the exploitation or intended exploitation of that mine, shall be conclusive.

67. In the event of the winding up of the estate or insolvency of the owner or any former owner of a mine, who owes the board any money under any provision of this Act, the board's claim for the payment of that money and any interest due thereon shall, notwithstanding anything to the contrary contained in this Act or any other law, have priority over every other claim (whether secured or unsecured) against the debtor or estate in question, not being a claim which is secured by a right of retention or that part of a claim which has priority by virtue of the provisions of section *ninety-six*, *ninety-seven*, *ninety-eight*, *ninety-nine* or *one hundred* of the Insolvency Act, 1936 (Act No. 24 of 1936).

Priority of board's claims.

68. Whenever any amount is due to the board under any provision of this Act by an owner of a mine, the board may recover that amount with interest thereon at the rate of seven per cent. per annum as from the due date: Provided that the board may in its discretion from time to time waive or reduce such interest in respect of any period.

Interest on debts due to board.

Skuld ten opsigte van geslote myne.

69. (1) Soveel van die bedrag van enige skuld ingevolge hierdie Wet, as wat volgens raming van die aktuaris te wyte is aan die verhogings van voordele volgens die Wet van 1946 en hierdie Wet bepaal, ten opsigte van persone wat gewerk het by 'n myn (in hierdie artikel 'n geslote myn genoem) wat voor die inwerkingtreding van die toepaslike Wet opgehou het om 'n ingelyste myn te wees, staan by die toepassing van hierdie artikel as die skuld op geslote myne bekend.

(2) Die Minister moet in elke boekjaar, uit gelde wat die Parlement vir die doel bewillig het, aan die raad soveel van die bedrag wat die skuld op geslote myne verteenwoordig, betaal as wat hy mag bepaal, maar minstens die bedrag wat gedurende daardie boekjaar nodig is ten einde die kommissaris in staat te stel om bedoelde verhoging van voordele ten opsigte van geslote myne te betaal, en moet rente, wat jaarliks op die een-en-dertigste dag van Maart saamgestel word, en bereken word teen 'n koers wat die raad van tyd tot tyd in oorleg met die aktuaris bepaal, op die uitstaande saldo van bedoelde skuld aan die raad betaal.

(3) Die Minister moet verder, uit gelde wat die Parlement vir die doel bewillig het, alle bedrae aan die raad terugbetaal wat die kommissaris ingevolge hierdie Wet by wyse van voordele of andersins betaal het ten opsigte van werk verrig by 'n myn in paragraaf (c) of (d) van sub-artikel (4) van artikel een bedoel, of vanweë verhoogde of addisionele voordele ingevolge hierdie Wet, in vergelyking met die voordele in die Wet van 1946 bepaal, ten opsigte van werk verrig by 'n myn wat voor die inwerkingtreding van hierdie Wet opgehou het om 'n geregistreerde myn volgens die Wet van 1946 te wees.

Terugwerkende skuld deur hierdie Wet geskep.

70. (1) Die aktuaris moet 'n raming maak—

- (a) ten opsigte van beheerde myne van groep A, van die bedrag van die skuld wat ontstaan uit werk voor die inwerkingtreding van hierdie Wet by sodanige myne verrig, en wat te wyte is aan die verhoging van voordele deur hierdie Wet verleen ten opsigte van persone aan wie voordele toegeken is ingevolge die bepalings van die Wet van 1946 of enige ander herroepe Wet; en
- (b) die bedrag van die skuld wat ontstaan uit werk verrig by elke beheerde myn van groep B na die datum waarop die persoon aan wie die Minister kragtens sub-artikel (2) van artikel nege-en-twintig van die Wet van 1946 kennis gegee het, die eienaar van daardie myn geword het, en wat te wyte is aan die verhoging van voordele deur hierdie Wet verleen ten opsigte van persone aan wie kragtens die bepalings van die Wet van 1946 voordele toegeken is.

(2) Die Minister moet in elke boekjaar, totdat die ingevolge paragrafe (a) en (b) van sub-artikel (1) geraamde bedrae uitgewis is, uit gelde wat die Parlement vir die doel bewillig het, aan die raad soveel van elk van die bedrae ingevolge die onderskeie paragrafe geraam, betaal as wat hy mag bepaal, maar nie minder nie as die bedrag wat gedurende daardie boekjaar nodig is ten einde die kommissaris in staat te stel om voormelde verhogings van voordele te betaal, en moet rente, wat jaarliks op die een-en-dertigste dag van Maart saamgestel word, en bereken word teen 'n koers wat die raad van tyd tot tyd in oorleg met die aktuaris bepaal, op die uitstaande saldo's van bedoelde bedrae aan die raad betaal.

Terugbetalings aan raad.

71. Die raad is geregtig op terugbetaling, uit gelde wat die Parlement vir die doel bewillig het, van alle bedrae wat die kommissaris betaal het—

- (a) by wyse van voordele of andersins, ten opsigte van werk by 'n beheerde myn van groep B verrig voor die datum waarop die persoon aan wie die Minister ingevolge sub-artikel (2) van artikel nege-en-twintig van die Wet van 1946 of ingevolge die voorbehoudsbepaling by sub-artikel (2) van artikel vier-en-vyfzig van hierdie Wet kennis gegee het, die eienaar van daardie myn geword het;
- (b) aan enige persoon ten opsigte van werk verrig by 'n myn wat 'n gepubliseerde myn volgens die Wet van 1925 was.

Vrystelling van sekere belastings en regte.

72. (1) Die inkomste van die raad is vry van enige vorm van belasting op inkomste.

(2) Elke dokument wat ingevolge hierdie Wet uitgereik word deur of namens die raad of deur die kommissaris of deur of namens die komitee of deur of namens die direkteur, en elke beëdigde verklaring of plegtige of geattesteerde verklaring wat

69. (1) So much of the amount of any liability under this Act as is estimated by the actuary to be attributable to the increases in benefits provided for by the 1946 Act and this Act, in respect of persons who worked at any mine (in this section referred to as a defunct mine) which prior to the commencement of the appropriate Act ceased to be a scheduled mine, shall for the purposes of this section be known as the defunct mines liability. Liability in respect of defunct mines.

(2) The Minister shall in every financial year pay to the board out of moneys appropriated by Parliament for the purpose, so much of the amount representing the defunct mines liability as he may determine, not being less than the amount required during that financial year to enable the commissioner to pay such increase in benefits in respect of defunct mines, and shall pay to the board interest compounded annually as at the thirty-first day of March, and calculated at a rate fixed from time to time by the board in consultation with the actuary, on the outstanding balance of the amount of such liability.

(3) The Minister shall further refund to the board, out of moneys appropriated by Parliament for the purpose, all amounts which the commissioner has paid under this Act by way of benefits or otherwise in respect of work performed at any mine referred to in paragraph (c) or (d) of sub-section (4) of section one, or on account of any increased or additional benefits under this Act, in comparison with the benefits provided for in the 1946 Act, in respect of work performed at a mine which ceased to be a registered mine in terms of the 1946 Act prior to the commencement of this Act.

70. (1) The actuary shall estimate—

- (a) in respect of controlled mines of group A, the amount of the liability arising out of work performed at such mines prior to the commencement of this Act, which is attributable to the increase in benefits conferred by this Act in respect of persons to whom benefits have been awarded under the provisions of the 1946 Act or any other repealed Act; and
- (b) the amount of the liability arising out of work performed at each controlled mine of group B subsequent to the date upon which the person to whom the Minister gave notice in terms of sub-section (2) of section *twenty-nine* of the 1946 Act, became the owner of that mine, which is attributable to the increase in benefits conferred by this Act in respect of persons to whom benefits have been awarded under the provisions of the 1946 Act.

Retrospective liability created by this Act.

(2) The Minister shall in each financial year, until the amounts estimated under paragraphs (a) and (b) of sub-section (1) have been extinguished, pay to the board, out of moneys appropriated by Parliament for the purpose, so much of each of the amounts estimated under the respective paragraphs as he may determine, not being less than the amount required during that financial year to enable the commissioner to pay the aforesaid increases in benefits, and shall pay to the board interest compounded annually as at the thirty-first day of March, and calculated at a rate fixed from time to time by the board in consultation with the actuary, on the outstanding balances of the said amounts.

71. The board shall be entitled to a refund, out of moneys appropriated by Parliament for the purpose of all amounts which the commissioner has paid— Refunds to board.

- (a) by way of benefits or otherwise, in respect of work performed at a controlled mine of group B prior to the date upon which the person to whom the Minister gave notice in terms of sub-section (2) of section *twenty-nine* of the 1946 Act, or in terms of the proviso to sub-section (2) of section *fifty-four* of this Act, became the owner of that mine;
- (b) to any person in respect of work performed at any mine which was a gazetted mine in terms of the 1925 Act.

72. (1) The income of the board shall be free from any form of taxation on income. Exemption from certain taxes and duties.

(2) Every document issued under this Act by or on behalf of the board or by the commissioner or by or on behalf of the committee or by or on behalf of the director, and every affidavit or solemn or attested declaration which is intended for use

vir gebruik onder hierdie Wet bedoel is, en elke kwitansie gegee ten opsigte van 'n bedrag deur die kommissaris betaal in verband met 'n voordeel wat kragtens 'n bepaling van hierdie Wet betaalbaar is, is vry van seëlreg.

Voordele wat onder herroepe Wet toegeval het.

73. (1) Iemand wat voor die inwerkingtreding van hierdie Wet op 'n voordeel (behalwe 'n voordeel van 'n enkele bedrag) ingevolge die Wet van 1925 of die Wet van 1946 geregtig geword het, maar aan wie daardie voordeel nie ingevolge daardie Wet toegeken was nie, is, behoudens die bepalings van hierdie Wet, vanaf bedoelde inwerkingtreding geregtig op die voordeel waarop hy ingevolge hierdie Wet geregtig sou gewees het indien die komitee 'n bevinding uitgespreek het wat volgens artikel *ses-en-twintig* ooreenstem met die bevinding uit hoofde waarvan hy op eersbedoelde voordeel geregtig geword het.

(2) Iemand wat ingevolge 'n herroepe Wet op 'n voordeel van 'n enkele bedrag ten opsigte van silikose of borskwaal of tuberkulose soos in daardie Wet omskryf, geregtig geword het, of wat ten opsigte van silikose in die eerste stadium (soos in daardie Wet omskryf) of silikose soos aldus omskryf met tuberkulose soos aldus omskryf of borskwaal soos aldus omskryf 'n *ex gratia*-betaling ontvang het, is nie op 'n voordeel van 'n enkele bedrag ingevolge hierdie Wet geregtig nie.

(3) 'n Afhanklike van 'n oorlede mynwerker of oorlede kleurlingarbeider wat voor die inwerkingtreding van hierdie Wet oorlede is, is vanaf bedoelde inwerkingtreding geregtig op die pensioen, as daar is, waarop hy geregtig sou gewees het indien hierdie Wet op die datum waarop daardie mynwerker of kleurlingarbeider oorlede is, van krag was, en die pensioen waarop daardie afhanklike aldus geregtig word, vervang enige pensioen waarop hy ingevolge die Wet van 1946 uit hoofde van die dood van die mynwerker of kleurlingarbeider geregtig mag geword het, indien die pensioen ingevolge hierdie Wet groter is as die pensioen onder die Wet van 1946.

(4) Indien 'n mynwerker of 'n kleurlingarbeider voor die inwerkingtreding van hierdie Wet oorlede is, en die komitee 'n bevinding omtrent die gezondheidstoestand van die oorledene ten tyde van of te eniger tyd voor sy dood uitgespreek het, word daardie bevinding by die toepassing van hierdie artikel en die Wet van 1946, geag onmiddellik voor die inwerkingtreding van hierdie Wet deur die vorige buro uitgespreek te gewees het.

Verrekening van sekere betalings teen voordele aan naturelle-arbeiders verskuldig.

74. Wanneer—

- (a) 'n eienaar van 'n ingelyste of geregistreerde myn, soos in die Wet van 1946 omskryf, een of meer bedrae betaal het, of beloof het om dit te betaal, aan of ten opsigte van 'n naturelle-arbeider, wat volgens bevinding van die vorige buro aan tuberkulose, soos aldus omskryf, ten opsigte waarvan hy nie op 'n voordeel ingevolge daardie Wet geregtig geword het nie, ly of gely het, maar nie aan silikose, soos aldus omskryf, ly of gely het nie; of
- (b) 'n eienaar van 'n beheerde myn een of meer bedrae betaal het, of beloof het om dit te betaal, aan of ten opsigte van 'n naturel wat volgens bevinding van die komitee aan tuberkulose, ten opsigte waarvan hy nie op 'n voordeel ingevolge hierdie Wet geregtig geword het nie, ly of gely het, maar nie aan pneumokoniose ly of gely het nie,

en daardie naturelle-arbeider of sy afhanklikes daarna op 'n voordeel ingevolge hierdie Wet geregtig geword het of word, op grond van 'n bevinding dat hy aan silikose, soos aldus omskryf, of aan pneumokoniose ly of gely het, word bedoelde voordeel met die som van die aldus betaalde of beloofde bedrae verminder.

Voordele vir pneumokoniose en pneumokoniose met tuberkulose.

75. (1) (a) Die voordele wat ten opsigte van pneumokoniose aan 'n mynwerker toegeken moet word, is soos volg:

Stadium van pneumokoniose.	Vorm van voordeel.	Voordeel.
		£ s. d.
Eerste stadium	enkele bedrag	480 0 0
Tweede stadium	maandelikse pensioen	ten opsigte van:
		(a) mynwerker— 12 0 0
		(b) eggenote— 3 0 0
		(c) elke afhanklike kind 1 10 0

under this Act, and every receipt given in respect of a payment made by the commissioner in connection with any benefit payable under any provision of this Act, shall be free from stamp duty.

73. (1) Any person who before the commencement of this Act became entitled to a benefit, other than a one-sum benefit, under the 1925 Act or the 1946 Act, but to whom that benefit was not awarded under that Act, shall, subject to the provisions of this Act, be entitled as from such commencement to the benefit to which he would have been entitled under this Act if the committee had expressed a finding which, in terms of section *twenty-six*, corresponds to the finding by virtue of which he became entitled to such first-mentioned benefit.

Benefits which accrued under repealed Act.

(2) A person who under a repealed Act became entitled to a one-sum benefit in respect of silicosis or pulmonary disability or tuberculosis as defined in that Act, or who received an *ex gratia* payment in respect of silicosis in the first stage (as defined in such Act) or silicosis as so defined with tuberculosis, as so defined or pulmonary disability, as so defined, shall not be entitled to a one-sum benefit under this Act.

(3) Any dependant of a deceased miner or deceased coloured labourer who died before the commencement of this Act, shall as from such commencement be entitled to the pension, if any, to which he would have been entitled if this Act had been in force on the date of the death of such miner or coloured labourer, and the pension to which that dependant so becomes entitled shall supersede any pension to which he may have become entitled under the 1946 Act by reason of the death of the miner or coloured labourer, if the pension under this Act exceeds the pension under the 1946 Act.

(4) If a miner or coloured labourer has died before the commencement of this Act, and the committee has expressed a finding as to the condition of the health of the deceased at the time of or at any time prior to his death, that finding shall for the purposes of this section and the 1946 Act be deemed to have been expressed by the former bureau immediately before the commencement of this Act.

74. When—

- (a) an owner of a scheduled or registered mine, as defined in the 1946 Act, has paid or promised to pay one or more amounts to or in respect of a native labourer who has been found by the former bureau to be or to have been suffering from tuberculosis, as so defined, in respect of which he did not become entitled to any benefit under that Act, and not to be or to have been suffering from silicosis, as so defined; or
- (b) an owner of a controlled mine has paid or promised to pay one or more amounts to or in respect of a native who has been found by the committee to be or to have been suffering from tuberculosis, in respect of which he did not become entitled to any benefit under this Act, and not to be or to have been suffering from pneumoconiosis,

Set-off of certain payments against benefits due to native labourers.

and such native labourer or his dependants thereafter became or become entitled to any benefit under this Act by reason of his having been found to be or to have been suffering from silicosis, as so defined, or from pneumoconiosis, such benefit shall be reduced by the sum of the amounts so paid or promised.

75. (1) (a) The benefits to be awarded to a miner in respect of pneumoconiosis shall be as follows:

Benefits for pneumoconiosis and pneumoconiosis with tuberculosis.

Stage of pneumoconiosis.	Form of benefit.	Benefit.			
			£	s.	d.
First stage	one-sum		480	0	0
Second stage	monthly pension	in respect of—			
		(a) miner	12	0	0
		(b) wife	3	0	0
		(c) every dependent child	1	10	0

<i>Stadium van pneumokoniose.</i>	<i>Vorm van voordeel.</i>	<i>Voordeel.</i>	£	s.	d.
Derde stadium	maandelikse pensioen	(a) mynwerker—	18	0	0
		(b) eggenote—	6	0	0
		(c) elke afhanklike kind	3	0	0
Vierde stadium	maandelikse pensioen	(a) mynwerker—	25	0	0
		(b) eggenote—	6	10	0
		(c) elke afhanklike kind	4	10	0

- (b) 'n Mynwerker ten opsigte van wie bevind word dat hy aan pneumokoniose in enige stadium en aan tuberkulose ly, is geregtig op die toekenning van die voordele in paragraaf (a) ten opsigte van pneumokoniose in die vierde stadium voorgeskryf.

(2) Wanneer die komitee die eerste maal bevind het dat 'n mynwerker, wat nie tevore op 'n voordeel van 'n enkele bedrag ten opsigte van pneumokoniose in die eerste stadium of tuberkulose geregtig geword het nie, aan pneumokoniose in die tweede, derde of vierde stadium of aan pneumokoniose in enige stadium en aan tuberkulose ly, is die mynwerker, benewens sy maandelikse pensioen, geregtig op die voordeel van 'n enkele bedrag wat ten opsigte van pneumokoniose in die eerste stadium betaalbaar is.

(3) Indien die komitee na aanleiding van 'n aansoek in sub-artikel (2) van artikel vyf-en-twintig bedoel, 'n bevinding van pneumokoniose ingevolge hierdie Wet uitgespreek het, is die betrokke persoon vanaf die datum van die bevinding tot die dag voor die inwerkingtreding van hierdie Wet, geregtig op die voordele vir die daarmee gelykstaande stadium van silikose (soos volgens voorskrif van artikel ses-en-twintig bepaal) ingevolge die Wet van 1946 betaalbaar, en daarna op die voordele in hierdie artikel bedoel, en by die toepassing van hierdie sub-artikel word 'n bevinding van pneumokoniose in die vierde stadium geag 'n bevinding van silikose in die derde stadium ingevolge die Wet van 1946 te wees.

(4) 'n Mynwerker is nie op 'n pensioen geregtig nie, ten opsigte van—

- (a) sy eggenote wat as gevolg van kwaadwillige verlating van haar kant nie by hom woon nie; of
- (b) sy eggenote met wie hy in die huwelik getree het op of na die datum waarop hy ten opsigte van homself op 'n pensioen geregtig geword het, ten opsigte van enige tydperk voordat sy huwelik met haar vir 'n tydperk van ses maande bestaan het; of
- (c) iemand anders as sy eggenote, wat getroud is of was of aangeneem was deur iemand anders as die mynwerker of sy eggenote.

(5) (a) Die raad kan aan 'n mynwerker wat ten opsigte van homself 'n pensioen ontvang, 'n pensioen toeken, of aanhou om aan so 'n mynwerker 'n pensioen te betaal, ten opsigte van 'n kind wat die leeftyd van agtien jaar bereik het en wat deur die direkteur of ingevolge die Wet van 1946 op grond van blywende swak gesondheid of liggaamlike of geestelike gebrek onbekwaam gesertifiseer is om 'n bestaan te maak, indien—

- (i) die kind aan daardie blywende swak gesondheid of liggaamlike of geestelike gebrek gelyk het op die dag waarop die mynwerker op sy pensioen geregtig geword het of op die dag waarop die kind die leeftyd van agtien jaar bereik het, na gelang van watter die jongste datum is; en
- (ii) die kind nie voldoende bestaansmiddele verkry het en nie in staat is om dit te verkry nie.

(b) Die direkteur kan die tydperk beperk waarvoor 'n sertifikaat geldig is wat hy vir die doeleindes van paragraaf (a) uitgereik het, en kan te eniger tyd die tydperk waarvoor so 'n sertifikaat, asook 'n sertifikaat vir 'n in daardie paragraaf vermelde doel onder die Wet van 1946 uitgereik, geldig is, verkort of verleng of so 'n sertifikaat kanselleer.

(6) Indien die raad aan 'n mynwerker 'n pensioen toegeken het ten opsigte van homself, maar nie ten opsigte van sy eggenote nie, kan die raad aan die mynwerker ten opsigte van een persoon (behalwe sy eggenote) wat in suidelike Afrika gedomileer is, of ten opsigte van enige twee sodanige persone—

Stage of pneumo- coniosis.	Form of benefit.	Benefit.	£ s. d.		
			£	s.	d.
Third stage	monthly pension	(a) miner	18	0	0
		(b) wife	6	0	0
		(c) every depen- dent child	3	0	0
Fourth stage	monthly pension	(a) miner	25	0	0
		(b) wife	6	10	0
		(c) every depen- dent child	4	10	0

- (b) A miner who is found to be suffering from pneumoconiosis in any stage, and from tuberculosis, shall be entitled to the award of the benefits prescribed under paragraph (a) in respect of pneumoconiosis in the fourth stage.

(2) When the committee has found for the first time that a miner who did not previously become entitled to a one-sum benefit in respect of pneumoconiosis in the first stage or tuberculosis, is suffering from pneumoconiosis in the second, third or fourth stage or from pneumoconiosis in any stage and from tuberculosis, the miner shall be entitled, in addition to his monthly pension, to the one-sum benefit which is payable in respect of pneumoconiosis in the first stage.

(3) If the committee has expressed a finding of pneumoconiosis under this Act, pursuant to an application referred to in sub-section (2) of section *twenty-five*, the person concerned shall be entitled to the benefits payable for the equivalent stage of silicosis (determined as prescribed in section *twenty-six*) under the 1946 Act from the date of such finding to the day before the commencement of this Act, and thereafter to the benefits referred to in this section, and for the purposes of this sub-section a finding of pneumoconiosis in the fourth stage shall be deemed to be a finding of silicosis in the third stage under the 1946 Act.

- (4) A miner shall not be entitled to a pension in respect of—
- his wife who lives apart from him as a result of malicious desertion on her part; or
 - his wife whom he married on or after the date on which he became entitled to a pension in respect of himself, in respect of any period before his marriage to her has subsisted for a period of six months; or
 - any person, other than his wife, who is or was married or was adopted by a person other than the miner or his wife.

- (5) (a) The board may award a pension to a miner who is in receipt of a pension in respect of himself, or continue to pay a pension to such a miner, in respect of a child who has reached the age of eighteen years and who has been certified by the director or under the 1946 Act to be unable to earn a living by reason of permanent ill-health or some physical or mental disability, if—

- the child was suffering from such permanent ill-health or physical or mental disability on the day on which the miner became entitled to his pension or on the day on which the child attained the age of eighteen years, whichever is the later; and
- the child has not acquired and is not capable of acquiring sufficient means of subsistence.

- (b) The director may limit the period of validity of any certificate issued by him for the purposes of paragraph (a), and may at any time reduce or extend the period of validity of or cancel any such certificate, including any certificate issued for any purpose mentioned in that paragraph under the 1946 Act.

(6) If the board has awarded a pension to a miner in respect of himself, but not in respect of his wife, it may award to the miner in respect of any one person (other than his wife) domiciled in southern Africa, or in respect of any two such persons—

- (a) ten opsigte van wie die mynwerker nie op 'n pensioen geregtig is nie;
- (b) wat die mynwerker geheel en al of ten dele onderhou; en
- (c) wat die mynwerker volgens die raad se oordeel verplig is om te onderhou, omdat hy deur bloed- of aanverwantskap aan bedoelde persoon of persone verwant is,

'n pensioen toeken van so 'n bedrag (in die geheel hoogstens gelyk aan die bedrag waarop die mynwerker ten opsigte van sy eggenote geregtig sou gewees het indien hy getroud en op 'n pensioen ten opsigte van sy eggenote geregtig was) as wat die raad wenslik ag om toe te ken: Met dien verstande dat so 'n pensioen verval sodra die mynwerker op 'n pensioen ten opsigte van sy eggenote geregtig word; en met dien verstande voorts dat die raad te eniger tyd so 'n pensioen kan verminder of beëindig.

(7) Die raad kan die bedrag van 'n pensioen kragtens sub-artikel (5) aan 'n mynwerker toegeken ten opsigte van 'n afhanklike kind wat agtien jaar of ouer is, vermeerder, maar nie meer as verdubbel nie, maar so 'n vermeerdering word nie aan enige mynwerker ten opsigte van meer as een sodanige kind toegestaan nie, en so 'n vermeerdering kan te eniger tyd ingetrek of verminder word soos die raad goedvind.

Toelae ten opsigte van permanente oppasser.

76. (1) Wanneer 'n mynwerker aan wie ingevolge 'n bepaling van hierdie Wet 'n pensioen toegeken is, in so 'n toestand verkeer dat hy volgens die raad se oordeel voortdurend 'n oppasser nodig het, kan die raad op aansoek van die mynwerker aan hom 'n maandelikse toelae van hoogstens sewe pond tien sjielings toeken, onderworpe aan die voorlegging deur hom elke drie maande, of met die ander tussenpose wat die raad bepaal, van 'n sertifikaat van 'n geneesheer ten effekte dat die mynwerker in so 'n toestand verkeer dat hy voortdurend 'n oppasser nodig het.

(2) So 'n toelae kan te eniger tyd ingetrek of verminder word soos die raad goedvind.

Voordele ten opsigte van tuberkulose wat nie met pneumokoniose gepaard gaan nie.

77. (1) 'n Mynwerker ten opsigte van wie die komitee vir die eerste keer bevind het dat hy ly aan tuberkulose waardeur hy volgens die komitee se oordeel reeds aangetas was te eniger tyd binne die ses maande onmiddellik na die laaste datum waarop hy in stowwige lug by 'n beheerde myn gewerk het, maar dat hy nie aan pneumokoniose ly nie, is, behoudens die bepalings van hierdie Wet, geregtig—

(a) op 'n voordeel van 'n enkele bedrag van sewehonderden-vyftig pond, indien hy vir 'n aaneenlopende tydperk van ses maande of langer, maar minder as tien jaar, of vir tydperke wat gesamentlik ses maande of langer, maar minder as tien jaar is, in stowwige lug by beheerde myne gewerk het en nie ingevolge 'n herroepe Wet op 'n voordeel geregtig geword het nie;

(b) op 'n voordeel van 'n enkele bedrag van vierhonderden-tagtig pond, en 'n maandelikse pensioen gelyk aan die pensioen in sub-artikel (1) van artikel vyf-en-sewentig ten opsigte van pneumokoniose in die derde stadium voorgeskryf, indien hy vir 'n aaneenlopende tydperk van tien jaar of langer, of vir tydperke wat gesamentlik tien jaar of langer is, in stowwige lug by beheerde myne gewerk het en nie op 'n voordeel onder 'n herroepe Wet geregtig geword het nie.

(2) Indien in die geval van 'n mynwerker aan wie die in paragraaf (b) van sub-artikel (1) voorgeskrewe voordele toegeken is, die komitee te eniger tyd na 'n verdere geneeskundige ondersoek bevind dat hy as gevolg van tuberkulose blywend onbekwaam is om hande-arbeid te verrig, is hy geregtig op 'n pensioen gelyk aan die pensioen in sub-artikel (1) van artikel vyf-en-sewentig ten opsigte van pneumokoniose in die vierde stadium voorgeskryf.

Sekere voordele geag aan oorlede mynwerker toe te geval het.

78. Indien die komitee bevind het dat 'n oorlede mynwerker wat na die inwerkingtreding van hierdie Wet oorlede is, en wat nie op 'n voordeel geregtig geword het nie, tydens sy dood gelyk het—

(a) aan pneumokoniose, of aan tuberkulose ten opsigte waarvan hy, as hy nie te sterwe gekom het nie, op 'n pensioen kragtens paragraaf (b) van sub-artikel (1) van artikel sewe-en-sewentig geregtig sou geword het, word hy geag voor sy dood op 'n voordeel van 'n enkele bedrag van vierhonderden-tagtig pond geregtig te geword het;

- (a) in respect of whom the miner is not entitled to a pension;
- (b) whom the miner is wholly or partly maintaining; and
- (c) whom the miner is, in the opinion of the board, obliged to maintain, because he is related to the said person or persons by consanguinity or affinity,

a pension of such an amount (not exceeding in the aggregate the amount to which the miner would be entitled in respect of his wife, if he were married and entitled to a pension in respect of his wife) as the board deems desirable to award: Provided that such a pension shall cease as soon as the miner becomes entitled to a pension in respect of his wife; and provided further that the board may at any time reduce or terminate such a pension.

(7) The board may increase, but not more than double, the amount of a pension awarded to a miner in terms of sub-section (5), in respect of any dependent child who is eighteen years or older, but no such increase shall be granted to any miner in respect of more than one such child, and any such increase may at any time be withdrawn or reduced as the board may deem fit.

76. (1) When the condition of a miner to whom a pension has been awarded under any provision of this Act is such that, in the opinion of the board, he needs a constant attendant, the board may on application by such miner award him a monthly allowance not exceeding the sum of seven pounds and ten shillings, subject to the submission by him every three months, or at such other intervals as the board may determine, of a certificate issued by a medical practitioner to the effect that the condition of such miner is such that he needs a constant attendant.

Allowance in respect of constant attendant.

(2) Any such allowance may at any time be withdrawn or reduced as the board deems fit.

77. (1) A miner whom the committee has found for the first time to be suffering from tuberculosis with which he was, in the opinion of the committee, already affected at any time within the six months immediately following the date on which he last worked in a dusty atmosphere at a controlled mine, but not to be suffering from pneumoconiosis, shall, subject to the provisions of this Act, be entitled—

Benefits in respect of tuberculosis unassociated with pneumoconiosis.

- (a) to a one-sum benefit of seven hundred and fifty pounds, if he has, throughout a period of six months or longer, but less than ten years, or for periods amounting in the aggregate to six months or longer, but less than ten years, worked in a dusty atmosphere at controlled mines and has not become entitled to any benefit under a repealed Act;

- (b) to a one-sum benefit of four hundred and eighty pounds, and a monthly pension equal to the pension prescribed in sub-section (1) of section *seventy-five* in respect of pneumoconiosis in the third stage, if he has throughout a period of ten years or longer, or for periods amounting in the aggregate to ten years or longer, worked in a dusty atmosphere at controlled mines and has not become entitled to any benefit under a repealed Act.

(2) If a miner to whom the benefits prescribed in paragraph (b) of sub-section (1) have been awarded, is at any time after a further medical examination found by the committee to be permanently incapacitated as a result of tuberculosis from performing any manual work, he shall be entitled to a pension equal to the pension prescribed under sub-section (1) of section *seventy-five* in respect of pneumoconiosis in the fourth stage.

78. If the committee has found that a deceased miner who died after the commencement of this Act, and who did not become entitled to a benefit, was at the time of his death suffering—

Certain benefits deemed to have accrued to deceased miner.

- (a) from pneumoconiosis, or from tuberculosis in respect of which he would have become entitled to a pension under paragraph (b) of sub-section (1) of section *seventy-seven* had he not died, he shall be deemed to have become entitled before his death to a one-sum benefit of four hundred and eighty pounds;

Pensioene vir
afhanklikes
van oorlede
mynwerkers.

- (b) aan tuberkulose ten opsigte waarvan hy, as hy nie te sterwe gekom het nie, op die in paragraaf (a) van daardie sub-artikel bedoelde voordeel van 'n enkele bedrag geregtig sou geword het, word hy geag voor sy dood op daardie voordeel geregtig te geword het.

79. (1) Behoudens die bepalings van sub-artikels (2) en (3) is die afhanklikes van 'n oorlede mynwerker wat na die inwerkingtreding van hierdie Wet oorlede is, en wat op 'n pensioen geregtig was of in verband met wie die bepalings van paragraaf (a) van artikel *agt-en-sewentig* van toepassing is, vanaf die dag onmiddellik na die dag waarop die mynwerker oorlede is (of, in die geval van 'n afhanklike wat na die mynwerker se dood gebore is, vanaf die datum van daardie afhanklike se geboorte) geregtig—

- (a) in die geval van die weduwee van die mynwerker, op 'n pensioen van twaalf pond en vyftien sjelings per maand;
- (b) in die geval van 'n afhanklike kind van die mynwerker, op 'n pensioen van ses pond, sewe sjelings en ses pennies per maand; en
- (c) in die geval van 'n persoon ten opsigte van wie die mynwerker onmiddellik voor sy dood 'n pensioen kragtens sub-artikel (6) van artikel *vyf-en-sewentig* ontvang het, om na goeddunke van die raad in aanmerking te kom vir die toekenning van 'n pensioen wat, tesame met enige pensioen aan 'n ander sodanige persoon toegeken, nie die in paragraaf (a) ten opsigte van die weduwee van die mynwerker voorgeskrewe pensioen te bowe gaan nie.

(2) Waar die komitee bevind het dat 'n oorlede mynwerker tydens sy dood aan pneumokoniose in die eerste stadium gely het, maar nie aan tuberkulose nie, is sy afhanklikes nie op 'n pensioen geregtig of kan hulle nie daarvoor in aanmerking kom nie, tensy die komitee gesertifiseer het dat pneumokoniose volgens sy oordeel tot die mynwerker se dood bygedra het.

(3) Indien 'n oorlede persoon geag word tydens sy dood 'n mynwerker te gewees het, uit hoofde van die feit dat hy in stowwige lug gewerk het by 'n myn—

- (a) wat na sy dood 'n beheerde myn geword het; of
- (b) wat in paragraaf (c) van sub-artikel (4) van artikel *een* genoem word; of
- (c) met betrekking waartoe die Minister volgens voorskrif van paragraaf (d) van daardie sub-artikel gehandel het,

is sy afhanklikes nie geregtig op of kom hulle nie in aanmerking vir die toekenning van 'n pensioen soos in hierdie artikel bepaal nie, vanaf 'n vroeër datum as die dag na die datum waarop die betrokke myn 'n beheerde myn geword het of waarop die Minister soos voormeld met betrekking tot daardie myn gehandel het.

(4) Waar 'n pensioen ooreenkomstig paragraaf (b) van sub-artikel (1) toegeken is aan 'n afhanklike kind van 'n oorlede mynwerker, wat geen moeder of aannemende ouer het nie, kan die raad na goeddunke—

- (a) die pensioen laat voortduur nadat die afhanklike die leeftyd van agtien jaar bereik het; of
- (b) die pensioen verhoog, maar nie meer as verdubbel nie, sonder inagneming van die afhanklike se ouderdom, en wel vir so 'n tydperk as wat die raad nodig ag.

Bydrae tot
geneeskundige
en begrafniskoste
van oorlede
mynwerker.

80. Indien 'n mynwerker wat op 'n voordeel geregtig geword het, te sterwe gekom het, of die komitee na die dood van 'n mynwerker wat nie op 'n voordeel geregtig geword het nie, bevind het dat hy ten tyde van sy dood gely het aan pneumokoniose of tuberkulose op grond waarvan hy op 'n voordeel geregtig sou gewees het indien die komitee voor die mynwerker se dood tot die betrokke bevinding geraak het, kan die raad na goeddunke 'n bedrag van hoogstens dertig pond bydra tot die uitgawes redelikerwys vir sy geneeskundige behandeling of verpleging en vir medisyne of geneeskundige toerusting vir hom, of in verband met sy begrafnis aangegaan.

Raad kan
mynwerkers en
hul gesinne
help om 'n
ambag te leer
en werk te vind.

81. (1) Wanneer 'n voordeel aan 'n mynwerker toegeken is, kan die raad na goeddunke die koste of deel van die koste betaal van opleiding van die mynwerker in suidelike Afrika om hom vir 'n ambag of vir 'n nywerheids- of handelsberoep te bekwaam.

(2) Die raad kan ook na goeddunke die koste of deel van die koste betaal van die vervoer van die mynwerker en sy eggenote en enige van sy afhanklike kinders binne die Unie ten einde hom in staat te stel om in diens te tree of 'n beroep uit te oefen.

- (b) from tuberculosis in respect of which he would have become entitled to the one-sum benefit mentioned in paragraph (a) of that sub-section had he not died, he shall be deemed to have become entitled to that benefit before his death.

79. (1) Subject to the provisions of sub-sections (2) and (3), the dependants of a deceased miner who died after the commencement of this Act, and who was entitled to a pension or in connection with whom the provisions of paragraph (a) of section *seventy-eight* apply, shall, as from the day immediately following the day upon which the miner died (or, in the case of a dependant born after the death of the miner, as from the date of such dependant's birth)—

Pensions for dependants of deceased miners.

- (a) in the case of the widow of such miner, be entitled to a pension of twelve pounds and fifteen shillings per month;
- (b) in the case of any dependent child of such miner, be entitled to a pension of six pounds seven shillings and sixpence per month; and
- (c) in the case of any person in respect of whom such miner was immediately before his death in receipt of a pension under sub-section (6) of section *seventy-five*, be eligible in the discretion of the board for the award of a pension which, together with any pension awarded to any other such person, does not exceed the pension prescribed in paragraph (a) in respect of the widow of the miner.

(2) Where the committee has found that a deceased miner was at the time of his death suffering from pneumoconiosis in the first stage, but not from tuberculosis, his dependants shall not be entitled to or eligible for the award of a pension unless the committee has certified that, in its opinion, pneumoconiosis was a contributory factor to his death.

(3) If a deceased person is deemed to have been a miner at the time of his death, by reason of the fact that he worked in a dusty atmosphere at a mine—

- (a) which became a controlled mine after his death; or
- (b) which is mentioned in paragraph (c) of sub-section (4) of section *one*; or
- (c) in relation to which the Minister has acted as provided in paragraph (d) of that sub-section,

his dependants shall not be entitled to or eligible for the award of a pension as provided in this section with effect from a date earlier than the day following the date on which the mine in question became a controlled mine or on which the Minister acted as aforesaid in relation to that mine.

(4) Where a pension has been awarded in terms of paragraph (b) of sub-section (1), to a dependent child of a deceased miner, which has no mother or adoptive parent, the board may, in its discretion—

- (a) continue the pension after the dependant has attained the age of eighteen years; or
 - (b) increase, but not more than double, the pension, irrespective of the dependant's age,
- during such a period as the board deems necessary.

80. If a miner who has become entitled to any benefit has died, or after the death of a miner who did not become entitled to any benefit, the committee has found that he was at the time of his death suffering from pneumoconiosis or tuberculosis which would have entitled him to a benefit if the committee had arrived at the finding in question before the death of such miner, the board may, in its discretion, contribute a sum not exceeding thirty pounds towards the expenses reasonably incurred in providing medical or nursing attendance and medicines or medical appliances for him or towards his funeral expenses.

Contribution towards medical and funeral expenses of a deceased miner.

81. (1) When a miner has been awarded a benefit, the board may in its discretion defray the cost or part of the cost of training the miner in southern Africa to become proficient in any trade or in any industrial or commercial occupation.

Board may assist miners and their families to learn a trade and to find work.

(2) The board may also, in its discretion, defray the cost or part of the cost of conveying within the Union any such miner and his wife and any of his dependent children in order to enable him to enter upon any employment or to take up any occupation.

(3) Wanneer 'n mynwerker op 'n voordeel geregtig geword het, kan die raad na goeddunke die koste of deel van die koste betaal wat na die datum waarop hy die eerste keer op 'n voordeel geregtig geword het, aangegaan is in verband met die opleiding in suidelike Afrika van een of meer van die volgende persone om hulle vir 'n ambag of vir 'n nywerheids-, handels- of huishoudelike beroep te bekwaam, te wete—

(a) gedurende die mynwerker se leeftyd—

- (i) sy eggenote indien sy nie as gevolg van kwaadwillige verlating van haar kant afsonderlik van hom woon nie;
- (ii) enigiemand onder die leeftyd van een-en-twintig jaar wat die mynwerker se afhanklike sou gewees het indien die mynwerker oorlede en so iemand onder die leeftyd van agtien jaar was;

(b) na die mynwerker se dood—

- (i) sy weduwee indien sy nie tydens sy dood as gevolg van kwaadwillige verlating van haar kant afsonderlik van hom gewoon het nie;
- (ii) iemand onder die leeftyd van een-en-twintig jaar wat 'n afhanklike van die oorlede mynwerker is of so 'n afhanklike sou gewees het indien hy onder die leeftyd van agtien jaar was.

(4) Wanneer 'n mynwerker wat nie op 'n voordeel geregtig geword het nie, oorlede is, en die komitee bevind het dat hy ten tyde van sy dood gelyk het aan pneumokoniose of tuberkulose op grond waarvan hy op 'n pensioen geregtig sou gewees het indien hy nie te sterwe gekom het nie, kan die raad na goeddunke die in sub-artikel (3) bedoelde koste of deel van daardie koste betaal ten opsigte van—

(a) sy weduwee indien sy nie ten tyde van sy dood as gevolg van kwaadwillige verlating van haar kant afsonderlik van hom gewoon het nie;

(b) iemand onder die leeftyd van een-en-twintig jaar wat sy afhanklike is of sy afhanklike sou gewees het indien hy onder die leeftyd van agtien jaar was.

(5) Die bedrag wat kragtens hierdie artikel uitbetaal word, mag in die geheel nie vyf-en-twintigduisend pond gedurende enige boekjaar te bowe gaan nie.

Spesiale
toelaes aan
sekere myn-
werkers of
afhanklikes
van sekere
oorlede myn-
werkers.

82. (1) Indien iemand aan wie voor die inwerkingtreding van hierdie Wet 'n spesiale toelae kragtens artikel *nege-en-sestig* van die Wet van 1946 toegestaan is, op die toekenning van 'n pensioen ingevolge hierdie Wet geregtig is of geword het of daarvoor in aanmerking kan kom of gekom het, verval daardie spesiale toelae vanaf die datum van wanneer bedoelde pensioen betaalbaar is.

(2) Die raad kan, behoudens die bepalings van sub-artikel (4), op aansoek gedoen deur of ten behoeve van—

(a) 'n mynwerker of kleurlingarbeider—

(i) aan wie 'n ander voordeel as 'n pensioen toegeken is; en

(ii) wie se werksvermoë volgens die komitee se oordeel in ernstige mate weens ouderdom, siekte of liggaams- of geestesgebrek afgeneem het, of wat volgens die raad se oordeel nie in staat is om voldoende te verdien om homself en enige ander persoon vir wie se onderhoud hy aanspreeklik is, te onderhou nie; en

(iii) wie se totale bestaansmiddele volgens die raad se oordeel nie vir homself en enige ander persoon vir wie se onderhoud hy aanspreeklik is, voldoende is nie; of

(b) 'n afhanklike van 'n oorlede mynwerker of oorlede kleurlingarbeider aan wie 'n ander voordeel as 'n pensioen toegeken is, en wat volgens die raad se oordeel onbekwaam is om voldoende te verdien om in sy eie onderhoud te voorsien, en wie se totale bestaansmiddele volgens die raad se oordeel nie vir sy onderhoud voldoende is nie,

na goeddunke, en op die voorwaardes wat die Minister goedkeur, aan daardie mynwerker, kleurlingarbeider of afhanklike 'n spesiale toelae toestaan in die vorm van 'n enkele bedrag hoogstens gelyk aan 'n bedrag deur die Minister goedkeur of in die vorm van periodieke betalings teen 'n skaal nie hoër as 'n aldus goedgekeurde skaal nie.

(3) Waar 'n mynwerker en 'n vrou wat nie sy eggenote was nie, gedurende die laaste vyf jaar van die mynwerker se lewe voortdurend saamgewoon het asof hulle man en vrou was, en daardie mynwerker by sy dood nie 'n vrou nagelaat het wat hy volgens die raad se oordeel verplig was om te onderhou

(3) When a miner has become entitled to a benefit, the board may in its discretion defray the cost or part of the cost incurred, after the date on which he first became entitled to a benefit in connection with the training in southern Africa of one or more of the following persons to become proficient in any trade or in any industrial, commercial or domestic occupation, that is to say—

- (a) during the miner's lifetime—
 - (i) his wife if she is not living apart from him as a result of malicious desertion on her part;
 - (ii) any person under the age of twenty-one years who would have been the miner's dependant, if the miner had died and the person concerned were under the age of eighteen years;
- (b) after the miner's death—
 - (i) his widow, if at the time of his death she was not living apart from him as a result of malicious desertion on her part;
 - (ii) any person under the age of twenty-one years who is a dependant of the deceased miner or who would, if he were under the age of eighteen years, have been such a dependant.

(4) When a miner who did not become entitled to any benefit has died, and the committee has found that at the time of his death he was suffering from pneumoconiosis or tuberculosis which would have entitled him to a benefit had he not died, the board may in its discretion defray the cost or part of the cost referred to in sub-section (3), in respect of—

- (a) his widow, if at the time of his death she was not living apart from him as a result of malicious desertion on her part;
- (b) any person under the age of twenty-one years who is his dependant or would have been his dependant if he were under the age of eighteen years.

(5) The amount paid out under this section shall not during any one financial year, exceed in the aggregate twenty-five thousand pounds.

82. (1) If a person to whom a special grant has, before the commencement of this Act, been awarded under section *sixty-nine* of the 1946 Act, is or has become entitled to or eligible for the award of a pension under this Act, such special grant shall lapse as from the date from which such pension is payable.

Special grants to certain miners or dependants of certain deceased miners.

(2) The board may, subject to the provisions of sub-section (4), on application made by or on behalf of—

- (a) a miner or coloured labourer—
 - (i) to whom any benefit other than a pension has been awarded; and
 - (ii) whose capacity for work is, in the opinion of the committee, seriously impaired by old age, disease or any physical or mental disability, or who is, in the opinion of the board, unable to earn sufficient to maintain himself and any other person for whose maintenance he is responsible; and
 - (iii) whose total means of subsistence are, in the opinion of the board, insufficient for himself and any other person for whose maintenance he is responsible; or
- (b) any dependant of a deceased miner or deceased coloured labourer to whom a benefit other than a pension has been awarded, and who is, in the opinion of the board, unable to earn sufficient to maintain himself, and whose total means of subsistence are, in the opinion of the board, insufficient for himself,

in its discretion, and on such conditions as may be approved by the Minister, award to such miner, coloured labourer or dependant a special grant in the form of a single sum not exceeding an amount approved by the Minister or in the form of periodical payments at a rate not exceeding a rate so approved.

(3) Where a miner and a woman who was not his wife lived together continuously, as if they were husband and wife, during the last five years of such miner's life, and such miner did not on his death leave a wife whom he was, in the opinion of the board obliged to maintain, the board may in its discretion

nie, kan die raad na goeddunke in verband met daardie vrou volgens sub-artikel (2) handel asof sy die mynwerker se weduwee was.

(4) (a) Geen spesiale toelae word kragtens sub-artikel (2) verleen nie, aan iemand wat nie in die Unie of die gebied Suidwes-Afrika, Swasieland, Basoetoland of Betsjoeanaland is nie.

(b) Die raad kan van tyd tot tyd iemand aan wie so 'n spesiale toelae toegestaan is, aansê om aan die raad die inligting aangaande sy geldelike posisie te verstrek wat die raad nodig ag, en kan so 'n toelae te eniger tyd intrek.

(5) Die raad kan na goeddunke aanhou om enige spesiale toelae te betaal wat kragtens artikel *nege-en-sestig* van die Wet van 1946 toegestaan is aan of ten opsigte van iemand wat nie op die toekenning van 'n pensioen ingevolge hierdie Wet geregtig is of geword het of daarvoor in aanmerking kan kom of gekom het nie.

(6) Die kommissaris kan 'n spesiale toelae wat kragtens hierdie artikel toegestaan is, uitbetaal—

(a) aan die begiftigde self; of

(b) aan enige ander persoon of persone ten bate van die begiftigde en ten bate van enige persoon of persone vir wie se onderhoud die begiftigde aanspreeklik is; of

(c) ten dele aan die begiftigde en ten dele aan enige ander persoon of persone ten bate van die begiftigde en ten bate van enige persoon of persone vir wie se onderhoud die begiftigde aanspreeklik is,

al na die raad in belang van die begiftigde en enigiemand vir wie se onderhoud die begiftigde aanspreeklik is, wenslik ag.

(7) Na die dood van iemand aan wie 'n spesiale toelae in die vorm van 'n periodieke betaling toegestaan is, kan die kommissaris, indien die raad dit gelas, die bedrag van daardie periodieke betaling, of enige gedeelte van daardie bedrag, ten opsigte van 'n tydperk voorafgaande aan en tot op die dag van die begiftigde se dood, wat aan of ten bate van hom betaalbaar sou gewees het as hy nie te sterwe gekom het nie, betaal aan of ten bate van enige persoon wat die begiftigde onmiddellik voor sy dood geheel en al of ten dele onderhou het, of aan enige skuldeiser ter vereffening of gedeeltelike vereffening van enige eis wat hy teen die boedel van die begiftigde het.

Voordele vir
pneumokoniose
ten opsigte van
kleurling-
arbeiders.

83. (1) Wanneer die komitee die eerste maal bevind het dat 'n kleurlingarbeider, wat nie ingevolge 'n herroepe Wet op 'n voordeel geregtig geword het nie, aan pneumokoniose of aan pneumokoniose met tuberkulose ly, is hy geregtig op 'n voordeel van 'n enkele bedrag van honderd vyf-en-sewentig pond.

(2) Wanneer die komitee die eerste maal bevind het dat 'n kleurlingarbeider aan pneumokoniose in die tweede stadium ly, maar nie aan tuberkulose nie, is hy geregtig op 'n maandelikse pensioen wat soos volg bereken word, te wete—

(a) indien sy maandloon minder as twaalf pond bedra het—

(i) vier pond ten opsigte van homself;

(ii) een pond ten opsigte van sy eggenote; en

(iii) tien sjielings ten opsigte van elk van sy afhanklike kinders;

(b) indien sy maandloon twaalf pond of meer bedra het—

(i) vyf pond ten opsigte van homself;

(ii) twee pond ten opsigte van sy eggenote; en

(iii) een pond ten opsigte van elk van sy afhanklike kinders.

(3) Wanneer die komitee die eerste maal bevind het dat 'n kleurlingarbeider aan pneumokoniose in die derde stadium ly, maar nie aan tuberkulose nie, is hy geregtig op 'n maandelikse pensioen wat soos volg bereken word, te wete—

(a) indien sy maandloon minder as twaalf pond bedra het—

(i) vyf pond ten opsigte van homself;

(ii) een pond vyf sjielings ten opsigte van sy eggenote; en

(iii) vyftien sjielings ten opsigte van elk van sy afhanklike kinders;

(b) indien sy maandloon twaalf pond of meer bedra het—

(i) sewe pond tien sjielings ten opsigte van homself;

(ii) twee pond tien sjielings ten opsigte van sy eggenote; en

(iii) een pond tien sjielings ten opsigte van elk van sy afhanklike kinders.

deal with such woman under sub-section (2), as if she were the miner's widow.

- (4) (a) No special grant shall be awarded under sub-section (2), to any person who is not in the Union or the territory of South West-Africa, Swaziland, Basutoland or Bechuanaland.
- (b) The board may from time to time require any person to whom such a special grant has been awarded, to furnish it with such information in regard to his financial position as the board deems necessary, and may at any time withdraw any such grant.
- (5) The board may in its discretion continue to pay any special grant made under section *sixty-nine* of the 1946 Act, to or in respect of a person who is not or has not become entitled to or eligible for the award of a pension under this Act.
- (6) The commissioner may pay out a special grant which has been awarded under this section—
- (a) to the grantee himself; or
 - (b) to any other person or persons for the benefit of the grantee and for the benefit of any person or persons for whose maintenance the grantee is responsible; or
 - (c) partly to the grantee and partly to any other person or persons for the benefit of the grantee and for the benefit of any person or persons for whose maintenance the grantee is responsible,

as the board deems desirable in the interests of the grantee and any person for whose maintenance the grantee is responsible.

(7) After the death of a person who has been awarded a special grant in the form of a periodical payment, the commissioner may, if the board so directs, pay the amount of any such periodical payment, or any part of such amount, in respect of a period prior to and including the day of the grantee's death, which would have been payable to him or for his benefit had he not died, to or for the benefit of any person whom the grantee was wholly or partly maintaining immediately before his death or to any creditor in settlement or part settlement of any claim which he has against the estate of the grantee.

83. (1) When the committee has found for the first time that a coloured labourer, who did not become entitled to a benefit under a repealed Act, is suffering from pneumoconiosis or from pneumoconiosis with tuberculosis, he shall be entitled to a one-sum benefit of one hundred and seventy-five pounds.

Benefits for pneumoconiosis in respect of coloured labourers.

(2) When the committee has found for the first time that a coloured labourer is suffering from pneumoconiosis in the second stage, but not from tuberculosis, he shall be entitled to a monthly pension calculated as follows, namely—

- (a) if his monthly earnings amounted to less than twelve pounds—
 - (i) four pounds in respect of himself;
 - (ii) one pound in respect of his wife; and
 - (iii) ten shillings in respect of each of his dependent children;
- (b) if his monthly earnings amounted to twelve pounds or more—
 - (i) five pounds in respect of himself;
 - (ii) two pounds in respect of his wife; and
 - (iii) one pound in respect of each of his dependent children.

(3) When the committee has found for the first time that a coloured labourer is suffering from pneumoconiosis in the third stage, but not from tuberculosis, he shall be entitled to a monthly pension calculated as follows, namely—

- (a) if his monthly earnings amounted to less than twelve pounds—
 - (i) five pounds in respect of himself;
 - (ii) one pound and five shillings in respect of his wife; and
 - (iii) fifteen shillings in respect of each of his dependent children
- (b) if his monthly earnings amounted to twelve pounds or more—
 - (i) seven pounds ten shillings in respect of himself;
 - (ii) two pounds ten shillings in respect of his wife; and
 - (iii) one pound ten shillings in respect of each of his dependent children.

(4) Wanneer die komitee die eerste maal bevind het dat 'n kleurlingarbeider aan pneumokoniose in die vierde stadium ly, maar nie aan tuberkulose nie, is hy geregtig op 'n maandelikse pensioen wat soos volg bereken word, te wete—

- (a) indien sy maandloon minder as twaalf pond bedra het—
 - (i) sewe pond ten opsigte van homself;
 - (ii) een pond tien sjielings ten opsigte van sy eggenote; en
 - (iii) een pond ten opsigte van elk van sy afhanklike kinders;
- (b) indien sy maandloon twaalf pond of meer bedra het—
 - (i) tien pond tien sjielings ten opsigte van homself;
 - (ii) drie pond ten opsigte van sy eggenote; en
 - (iii) een pond tien sjielings ten opsigte van elk van sy afhanklike kinders.

(5) Wanneer die komitee die eerste maal bevind het dat 'n kleurlingarbeider aan pneumokoniose met tuberkulose ly, is hy geregtig op 'n maandelikse pensioen wat soos volg bereken word, te wete—

- (a) indien sy maandloon minder as twaalf pond bedra het—
 - (i) sewe pond ten opsigte van homself;
 - (ii) een pond tien sjielings ten opsigte van sy eggenote; en
 - (iii) een pond ten opsigte van elk van sy afhanklike kinders;
- (b) indien sy maandloon twaalf pond of meer bedra het—
 - (i) tien pond tien sjielings ten opsigte van homself;
 - (ii) drie pond ten opsigte van sy eggenote; en
 - (iii) een pond tien sjielings ten opsigte van elk van sy afhanklike kinders.

(6) 'n Pensioen wat ingevolge hierdie Wet aan 'n kleurlingarbeider ten opsigte van homself en sy eggenote en afhanklike kinders, as daar is, toegeken word, mag nie die bedrag van sy maandloon te bowe gaan nie.

(7) Die bepalings van sub-artikels (4), (5), (6) en (7) van artikel vyf-en-sewentig is, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing met betrekking tot 'n kleurlingarbeider wat kragtens hierdie artikel op 'n pensioen geregtig geword het.

Voordele vir
kleurling-
arbeiders ten
opsigte van
tuberkulose.

84. (1) Wanneer die komitee die eerste maal bevind het dat 'n kleurlingarbeider, wat vir 'n aaneenlopende tydperk van ses maande of langer, maar minder as agt jaar, of vir tydperke wat gesamentlik ses maande of langer, maar minder as agt jaar beloop, in stowwige lug by beheerde myne gewerk het, ly aan tuberkulose waardeur hy volgens die komitee se oordeel reeds aangetas was te eniger tyd binne die ses maande onmiddellik na die laaste dag waarop hy in stowwige lug by 'n beheerde myn gewerk het, maar dat hy nie aan pneumokoniose ly nie, is hy, indien hy nie tevore op 'n voordeel kragtens hierdie Wet of 'n herroepe Wet geregtig geword het nie, geregtig—

- (a) indien sy maandloon minder as twaalf pond bedra het, op 'n voordeel van 'n enkele bedrag van tweehonderd pond;
- (b) indien sy maandloon twaalf pond of meer bedra het, op 'n voordeel van 'n enkele bedrag van tweehonderden-vyftig pond.

(2) Wanneer die komitee die eerste maal bevind het dat 'n kleurlingarbeider, wat vir 'n aaneenlopende tydperk van agt jaar of langer, of vir tydperke wat gesamentlik agt jaar of meer beloop, in stowwige lug by beheerde myne gewerk het, ly aan tuberkulose waardeur hy volgens die komitee se oordeel reeds aangetas was te eniger tyd binne die ses maande onmiddellik na die laaste dag waarop hy in stowwige lug by 'n beheerde myn gewerk het, maar dat hy nie aan pneumokoniose ly nie, is hy geregtig op 'n maandelikse pensioen soos volg, te wete—

- (a) indien sy maandloon minder as twaalf pond bedra het—
 - (i) vyf pond ten opsigte van homself;
 - (ii) een pond vyf sjielings ten opsigte van sy eggenote; en
 - (iii) vyftien sjielings ten opsigte van elk van sy afhanklike kinders;
- (b) indien sy maandloon twaalf pond of meer bedra het—
 - (i) sewe pond tien sjielings ten opsigte van homself;
 - (ii) twee pond tien sjielings ten opsigte van sy eggenote; en
 - (iii) een pond tien sjielings ten opsigte van elk van sy afhanklike kinders,

(4) When the committee has found for the first time that a coloured labourer is suffering from pneumoconiosis in the fourth stage, but not from tuberculosis, he shall be entitled to a monthly pension calculated as follows, namely—

- (a) if his monthly earnings amounted to less than twelve pounds—
 - (i) seven pounds in respect of himself;
 - (ii) one pound ten shillings in respect of his wife; and
 - (iii) one pound in respect of each of his dependent children;
- (b) if his monthly earnings amounted to twelve pounds or more—
 - (i) ten pounds ten shillings in respect of himself;
 - (ii) three pounds in respect of his wife; and
 - (iii) one pound ten shillings in respect of each of his dependent children.

(5) When the committee has found for the first time that a coloured labourer is suffering from pneumoconiosis with tuberculosis, he shall be entitled to a monthly pension calculated as follows, namely—

- (a) if his monthly earnings amounted to less than twelve pounds
 - (i) seven pounds in respect of himself;
 - (ii) one pound ten shillings in respect of his wife; and
 - (iii) one pound in respect of each of his dependent children;
- (b) if his monthly earnings amounted to twelve pounds or more—
 - (i) ten pounds ten shillings in respect of himself;
 - (ii) three pounds in respect of his wife; and
 - (iii) one pound ten shillings in respect of each of his dependent children.

(6) A pension awarded to a coloured labourer under this Act, in respect of himself and his wife and dependent children, if any, shall not exceed the amount of his monthly earnings.

(7) The provisions of sub-sections (4), (5), (6) and (7) of section *seventy-five* shall, in so far as they can be applied, apply *mutatis mutandis* with reference to a coloured labourer who has become entitled to a pension under this section.

84. (1) When the committee has found for the first time that a coloured labourer who has, throughout a period of six months or longer, but less than eight years, or for periods amounting in the aggregate to six months or longer, but less than eight years, worked in a dusty atmosphere at controlled mines, is suffering from tuberculosis with which he was, in the opinion of the committee, affected at any time within the six months immediately following the date on which he last worked in a dusty atmosphere at a controlled mine, but that he is not suffering from pneumoconiosis, he shall, if he has not previously become entitled to a benefit under this Act or a repealed Act, be entitled—

Benefits for coloured labourers in respect of tuberculosis.

- (a) if his monthly earnings amounted to less than twelve pounds, to a one-sum benefit of two hundred pounds;
- (b) if his monthly earnings amounted to twelve pounds or more, to a one-sum benefit of two hundred and fifty pounds.

(2) When the committee has found for the first time that a coloured labourer who has throughout a period of eight years or longer, or for periods amounting in the aggregate to eight years or longer, worked in a dusty atmosphere at controlled mines, is suffering from tuberculosis with which he was in the opinion of the committee, affected at any time within the six months immediately following the date on which he last worked in a dusty atmosphere at a controlled mine, but that he is not suffering from pneumoconiosis, he shall be entitled to a monthly pension as follows, namely—

- (a) if his monthly earnings amounted to less than twelve pounds—
 - (i) five pounds in respect of himself;
 - (ii) one pound five shillings in respect of his wife; and
 - (iii) fifteen shillings in respect of each of his dependent children;
- (b) if his monthly earnings amounted to twelve pounds or more—
 - (i) seven pounds ten shillings in respect of himself;
 - (ii) two pounds ten shillings in respect of his wife; and
 - (iii) one pound ten shillings in respect of each of his dependent children.

en bowendien, indien bedoelde kleurlingarbeider nie tevore ingevolge hierdie Wet of 'n herroepe Wet op 'n voordeel geregtig geword het nie, op 'n voordeel van 'n enkele bedrag van honderd vyf-en-sewentig pond.

(3) Indien in die geval van 'n kleurlingarbeider aan wie kragtens sub-artikel (2) 'n pensioen toegeken is, die komitee te eniger tyd na 'n verdere geneeskundige ondersoek bevind dat hy as gevolg van tuberkulose blywend onbekwaam is om hande-arbeid te verrig, is hy geregtig op 'n pensioen wat ooreenkomstig die bepalings van sub-artikel (4) van artikel *drie-en-tagtig* bereken word.

(4) Die bepalings van sub-artikels (6) en (7) van artikel *drie-en-tagtig* is *mutatis mutandis* van toepassing met betrekking tot 'n pensioen wat kragtens hierdie artikel toegeken word.

Sekere voordele word geag aan 'n oorlede kleurlingarbeider toe te geval het.

85. (1) Indien die komitee bevind het dat 'n oorlede kleurlingarbeider wat na die inwerkingtreding van hierdie Wet oorlede is, en wat nie op 'n voordeel geregtig geword het nie, ten tyde van sy dood gely het aan pneumokoniose in enige stadium of aan pneumokoniose met tuberkulose of aan tuberkulose ten opsigte waarvan hy ingevolge sub-artikel (2) van artikel *vier-en-tagtig* op 'n pensioen geregtig sou geword het as hy nie te sterwe gekom het nie, word hy geag voor sy dood op 'n voordeel van 'n enkele bedrag van honderd vyf-en-sewentig pond geregtig te geword het.

(2) Indien die komitee bevind het dat 'n oorlede kleurlingarbeider wat na die inwerkingtreding van hierdie Wet oorlede is, en wat nie op 'n voordeel geregtig geword het nie, ten tyde van sy dood gely het aan tuberkulose ten opsigte waarvan hy ingevolge sub-artikel (1) van artikel *vier-en-tagtig* op 'n voordeel van 'n enkele bedrag geregtig sou geword het as hy nie te sterwe gekom het nie, word hy geag voor sy dood op die toepaslike in daardie sub-artikel bedoelde voordeel geregtig te geword het.

Pensioene vir afhanklikes van oorlede kleurlingarbeiders.

86. (1) Die afhanklikes van 'n oorlede kleurlingarbeider wat na die inwerkingtreding van hierdie Wet oorlede is, en wat op 'n pensioen geregtig was of in verband met wie die bepalings van sub-artikel (1) van artikel *vyf-en-tagtig* van toepassing is, is vanaf die dag na die dag waarop hy te sterwe gekom het (of, in die geval van 'n afhanklike wat na die dood van so 'n kleurlingarbeider gebore is, vanaf die datum van die afhanklike se geboorte) geregtig—

(a) indien die maandloon van daardie kleurlingarbeider minder as twaalf pond bedra het—

(i) in die geval van die weduwee van daardie kleurlingarbeider, op 'n maandelikse pensioen van drie pond; en

(ii) in die geval van elke afhanklike kind van daardie kleurlingarbeider, op 'n maandelikse pensioen van twee pond; of

(b) indien die maandloon van daardie kleurlingarbeider twaalf pond of meer bedra het—

(i) in die geval van die weduwee van daardie kleurlingarbeider, op 'n maandelikse pensioen van ses pond; en

(ii) in die geval van elke afhanklike kind van daardie kleurlingarbeider, op 'n maandelikse pensioen van drie pond:

Met dien verstande dat indien die komitee bevind het dat 'n oorlede kleurlingarbeider ten tyde van sy dood aan pneumokoniose in die eerste stadium gely het, maar nie aan tuberkulose nie, sy afhanklikes nie op 'n pensioen geregtig is nie tensy die komitee gesertifiseer het dat pneumokoniose volgens die komitee se oordeel tot sy dood bygedra het; en met dien verstande voorts dat die bepalings van sub-artikel (3) van artikel *nege-en-sewentig mutatis mutandis* van toepassing is met betrekking tot die toekenning van 'n pensioen ingevolge hierdie sub-artikel aan die afhanklikes van iemand wat uit hoofde van 'n in daardie sub-artikel vermelde omstandigheid geag word 'n kleurlingarbeider te gewees het, op dieselfde wyse as wat daardie bepalings van toepassing is met betrekking tot die toekenning van 'n pensioen aan die afhanklikes van iemand wat uit hoofde van so 'n omstandigheid geag word 'n mynwerker te gewees het.

(2) Iemand anders as die weduwee of 'n afhanklike kind van 'n oorlede kleurlingarbeider, vir wie se onderhoud daardie kleurlingarbeider volgens die raad se oordeel geheel en al of ten dele aanspreeklik was, en ten opsigte van wie daardie kleurlingarbeider 'n pensioen ontvang het, kan in aanmerking kom vir die toekenning van 'n pensioen wat, tesame met enige pensioen aan 'n ander sodanige persoon toegeken, nie die bedrag van die pensioen waarop die weduwee van daardie kleurlingarbeider kragtens sub-artikel (1) geregtig is, te bowe gaan nie.

and, in addition, if such coloured labourer did not previously become entitled to a benefit under this Act or a repealed Act, to a one-sum benefit of one hundred and seventy-five pounds.

(3) If a coloured labourer to whom a pension has been awarded under sub-section (2) is at any time after a further medical examination found by the committee to be permanently incapacitated as the result of tuberculosis from performing any manual work, he shall be entitled to a pension calculated in accordance with the provisions of sub-section (4) of section *eight-three*.

(4) The provisions of sub-sections (6) and (7) of section *eighty-three* shall *mutatis mutandis* apply with reference to a pension awarded under this section.

85. (1) If the committee has found that a deceased coloured labourer who died after the commencement of this Act, and who did not become entitled to a benefit, was at the time of his death suffering from pneumoconiosis in any stage or from pneumoconiosis with tuberculosis or from tuberculosis in respect of which he would have become entitled to a pension under sub-section (2) of section *eighty-four* had he not died, he shall be deemed to have become entitled before his death to a one-sum benefit of one hundred and seventy-five pounds.

Certain benefits deemed to have accrued to a deceased coloured labourer.

(2) If the committee has found that a deceased coloured labourer who died after the commencement of this Act, and who did not become entitled to a benefit, was at the time of his death suffering from tuberculosis in respect of which he would have become entitled to a one-sum benefit in terms of sub-section (1) of section *eighty-four* had he not died, he shall be deemed to have become entitled before his death to the appropriate benefit mentioned in that sub-section.

86. (1) The dependants of a deceased coloured labourer who died after the commencement of this Act, and who was entitled to a pension or in connection with whom the provisions of sub-section (1) of section *eighty-five* apply, shall, as from the day following the day upon which he died (or, in the case of a dependant born after the death of such coloured labourer, as from the date of the dependant's birth)—

Pensions for dependants of deceased coloured labourers.

(a) if the monthly earnings of such coloured labourer amounted to less than twelve pounds, be entitled—

- (i) in the case of the widow of such coloured labourer, to a monthly pension of three pounds; and
- (ii) in the case of every dependent child of such coloured labourer, to a monthly pension of two pounds; or

(b) if the monthly earnings of such coloured labourer amounted to twelve pounds or more, be entitled—

- (i) in the case of the widow of such coloured labourer, to a monthly pension of six pounds; and
- (ii) in the case of every dependent child of such coloured labourer, to a monthly pension of three pounds:

Provided that if the committee has found that a deceased coloured labourer was at the time of his death suffering from pneumoconiosis in the first stage, but not from tuberculosis, his dependants shall not be entitled to a pension unless the committee has certified that in its opinion pneumoconiosis was a contributory factor to his death; and provided further that the provisions of section (3) of section *seventy-nine* shall *mutatis mutandis* apply with reference to the award of a pension under this sub-section to the dependants of a person who is deemed to have been a coloured labourer by reason of any circumstance mentioned in that sub-section, in the same manner as those provisions apply with reference to the award of a pension to the dependants of a person who is deemed to have been a miner by reason of any such circumstance.

(2) A person, other than the widow or a dependent child of a deceased coloured labourer, for whose maintenance such coloured labourer was, in the opinion of the board, wholly or partly responsible, and in respect of whom such coloured labourer was in receipt of a pension, shall be eligible for the award of a pension which, together with any pension awarded to any other such person, does not exceed the amount of the pension to which the widow of such coloured labourer is in terms of sub-section (1) entitled.

(3) Die bepalings van sub-artikel (4) van artikel *nege-en-sewentig* is *mutatis mutandis* van toepassing met betrekking tot 'n pensioen wat kragtens hierdie artikel aan 'n afhanklike kind van 'n oorlede kleurlingarbeider toegeken word.

Voordele vir
kleurling-
vroue.

87. (1) Wanneer die komitee die eerste maal bevind het dat 'n vroulike kleurling wat wettiglik in stowwige lug by 'n beheerde myn gewerk het, aan pneumokoniose ly, is sy geregtig op 'n voordeel van 'n enkele bedrag van tweehonderd-en-vyftig pond.

(2) Wanneer die komitee die eerste maal bevind het dat 'n vroulike kleurling wat wettiglik in stowwige lug by 'n beheerde myn gewerk het, ly aan tuberkulose waardeur sy volgens die komitee se oordeel reeds aangetas was te eniger tyd binne die ses maande onmiddellik na die laaste dag waarop sy in stowwige lug by 'n beheerde myn gewerk het, maar nie aan pneumokoniose ly nie, is sy—

(a) indien sy vir 'n aaneenlopende tydperk van ses maande of langer, maar minder as agt jaar, of vir tydperke wat gesamentlik ses maande of meer, maar minder as agt jaar beloop, in stowwige lug by beheerde myne gewerk het, geregtig op 'n voordeel van 'n enkele bedrag van honderd-en-vyftig pond;

(b) indien sy vir 'n aaneenlopende tydperk van agt jaar of langer, of vir tydperke wat gesamentlik agt jaar of meer beloop, in stowwige lug by beheerde myne gewerk het, geregtig op die voordeel in sub-artikel (1) vermeld.

(3) Wanneer die komitee die eerste maal bevind het dat 'n vroulike kleurling wat op die in sub-artikel (2) bedoelde voordeel geregtig geword het, aan pneumokoniose ly, is sy geregtig op die verskil, as daar is, tussen die voordeel in sub-artikel (1) genoem en die bedrag waarop sy aldus geregtig geword het.

(4) Die bepalings van sub-artikel (1) van artikel *een-en-negentig* is *mutatis mutandis* van toepassing met betrekking tot 'n oorlede vroulike kleurling wat nie voor haar dood op 'n voordeel ingevolge hierdie artikel geregtig geword het nie.

(5) Indien die komitee bevind het dat 'n oorlede vroulike kleurling wat na die inwerkingtreding van hierdie Wet oorlede is, en wat nie op 'n voordeel geregtig geword het nie, ten tyde van haar dood gely het aan pneumokoniose of tuberkulose ten opsigte waarvan sy op 'n voordeel ingevolge sub-artikel (1), (2) of (3) van hierdie artikel geregtig sou geword het as sy nie te sterwe gekom het nie, word sy geag voor haar dood op daardie voordeel geregtig te geword het.

(6) Gedurende die leeftyd van 'n vroulike kleurling wat ingevolge hierdie artikel op 'n voordeel geregtig geword het, moet die kommissaris daardie voordeel uitbetaal aan haar of ten dele aan haar en ten dele aan persone wat volgens die raad se oordeel van haar afhanklik is, of aan enige ander persoon of persone ten bate van haar en van enige persoon wat van haar afhanklik is, al na die raad wenslik ag.

(7) Na die dood van 'n vroulike kleurling wat op 'n voordeel ingevolge hierdie artikel geregtig geword het, moet die kommissaris die voordeel of enige onuitbetaalde deel daarvan, volgens voorskrif van die raad betaal—

(a) aan die wewenaar van die oorledene indien sy getroud was; of

(b) aan iemand wat volgens die raad se oordeel vir sy onderhoud van haar afhanklik was; of

(c) ten dele aan bedoelde wewenaar van die oorledene en ten dele aan so iemand; of

(d) aan enige ander persoon ten bate van bedoelde wewenaar of 'n in paragraaf (b) bedoelde persoon; of

(e) aan enige van haar verwante, indien sy nie getroud was nie en 'n in paragraaf (b) bedoelde persoon nie bestaan nie of nie opgespoor kan word nie,

al na die raad wenslik ag.

Gratifikasie
aan weduwee
van oorlede
mynwerker of
kleurling-
arbeider
wanneer sy
weer in
huwelik tree.

88. Wanneer die weduwee van 'n oorlede mynwerker of kleurlingarbeider, aan wie as gevolg van die dood van die mynwerker of kleurlingarbeider 'n voordeel toegeken is, weer in die huwelik tree, vervel die voordeel wat aldus toegeken is, en is sy geregtig op 'n bedrag gelyk aan vier-en-twintig maal die bedrag van haar maandelikse pensioen, tensy die huwelik aangegaan word met 'n mynwerker of kleurlingarbeider aan wie 'n pensioen kragtens hierdie Wet toegeken is, en wat op die toekenning van 'n pensioen ten opsigte van haar geregtig sal word of daarvoor in aanmerking sal kan kom nadat die huwelik met haar vir 'n tydperk van ses maande bestaan het, in watter geval sy geregtig is op 'n bedrag gelyk aan ses maal die bedrag van haar maandelikse pensioen.

(3) The provisions of sub-section (4) of section *seventy-nine* shall *mutatis mutandis* apply with reference to a pension awarded to a dependent child of a deceased coloured labourer under this section.

87. (1) When the committee has found for the first time that a coloured female who has lawfully worked in a dusty atmosphere at a controlled mine, is suffering from pneumoconiosis, she shall be entitled to a one-sum benefit of two hundred and fifty pounds. Benefits for coloured females.

(2) When the committee has found for the first time that a coloured female who has lawfully worked in a dusty atmosphere at a controlled mine, is suffering from tuberculosis with which she was, in the opinion of the committee, already affected at any time within the six months immediately following the date on which she last worked in a dusty atmosphere at a controlled mine, but is not suffering from pneumoconiosis, she shall—

(a) if she has throughout a period of six months or longer, but less than eight years, or for periods amounting in the aggregate to six months or longer, but less than eight years, worked in a dusty atmosphere at controlled mines, be entitled to a one-sum benefit of one hundred and fifty pounds;

(b) if she has throughout a period of eight years or longer, or for periods amounting in the aggregate to eight years or longer, worked in a dusty atmosphere at controlled mines, be entitled to the benefit mentioned in sub-section (1).

(3) When the committee has found for the first time that a coloured female who has become entitled to the benefit under sub-section (2), is suffering from pneumoconiosis, she shall be entitled to the difference, if any, between the benefit mentioned in sub-section (1) and the amount to which she has so become entitled.

(4) The provisions of sub-section (1) of section *ninety-one* shall *mutatis mutandis* apply with reference to a deceased coloured female who did not before her death become entitled to a benefit under this section.

(5) If the committee has found that a deceased coloured female who died after the commencement of this Act, and who did not become entitled to a benefit, was at the time of her death suffering from pneumoconiosis or tuberculosis in respect of which she would have become entitled to a benefit under sub-section (1), (2) or (3) of this section had she not died, she shall be deemed to have become entitled to that benefit before her death.

(6) During the life of a coloured female who has become entitled to a benefit under this section, the commissioner shall pay out that benefit to her or partly to her and partly to persons who are, in the opinion of the board, dependent upon her, or to any other person or persons for her benefit and for the benefit of any person who is dependent upon her, as the board deems desirable.

(7) After the death of a coloured female who has become entitled to a benefit under this section, the commissioner shall pay out the benefit or any unpaid part thereof, in accordance with the directions of the board—

(a) to the widower of the deceased, if she was married; or

(b) to any person who, in the opinion of the board, was dependent upon her for his maintenance; or

(c) partly to such widower of the deceased and partly to any such person; or

(d) to any other person for the benefit of such widower or a person mentioned in paragraph (b); or

(e) to any of her relatives if she was not married and a person such as is mentioned in paragraph (b) does not exist or cannot be traced,

as the board deems desirable.

88. Upon the remarriage of the widow of a deceased miner or coloured labourer who has been awarded a pension as the result of the death of the miner or coloured labourer, the pension so awarded shall lapse, and she shall be entitled to a sum equal to twenty-four times the amount of her monthly pension, unless the marriage is with a miner or coloured labourer who has been awarded a pension under this Act and who will become entitled to or eligible for an award of a pension in respect of her after the marriage to her has subsisted for a period of six months, in which case she shall be entitled to a sum equal to six times the amount of her monthly pension. Gratuity to widow of a deceased miner or coloured labourer on remarriage.

Uitsluiting
van sekere
persone buite
suidelike Afrika
gedomisiileer
van sekere regte
onder hierdie
Wet.

89. (1) Die bepalings van hierdie Wet is nie, vir sover dit op die toekenning of die verhoging van voordele betrekking het, van toepassing nie ten opsigte van—

- (a) 'n mynwerker of kleurlingarbeider, of 'n afhanklike van 'n oorlede mynwerker of van 'n oorlede kleurlingarbeider, indien daardie mynwerker, kleurlingarbeider of afhanklike voor die datum van inwerking-treding van hierdie Wet op 'n voordeel geregtig geword het, en op daardie datum buite suidelike Afrika gedomisiileer was; of
- (b) 'n afhanklike van 'n mynwerker of kleurlingarbeider na die dood van die mynwerker of kleurlingarbeider, indien daardie afhanklike op die datum van die oorledene se dood buite suidelike Afrika gedomisiileer was; of
- (c) 'n mynwerker of kleurlingarbeider, of die afhanklike van 'n oorlede mynwerker of van 'n oorlede kleurlingarbeider, waar 'n maandelikse toelae of pensioen wat aan daardie mynwerker, kleurlingarbeider of afhanklike toegeken was, voor die inwerking-treding van hierdie Wet weens die afwesigheid van die mynwerker of kleurlingarbeider uit suidelike Afrika verval het,

en die toepaslike bepalings van die Wet van 1946 of, in die geval van persone wat van die bepalings van daardie Wet uitgesluit is, die toepaslike bepalings van die Wet van 1925, bly in verband met so 'n mynwerker of kleurlingarbeider of afhanklike van toepassing asof hierdie Wet nie aangeneem was nie.

(2) Indien die vraag ontstaan of iemand op 'n bepaalde datum of gedurende 'n bepaalde tydperk in of buite suidelike Afrika gedomisiileer was, word so iemand geag op daardie datum of gedurende daardie tydperk buite suidelike Afrika gedomisiileer te gewees het, tensy die teendeel bewys word.

Voordele vir
naturelle-
arbeiders.

90. (1) Wanneer die komitee die eerste maal bevind het dat 'n naturelle-arbeider aan pneumokoniose ly, is hy geregtig—

- (a) indien daar nie ingevolge 'n herroepe Wet 'n voordeel ten opsigte van silikose of tuberkulose of borskwaal soos in daardie Wet omskryf aan hom toegeken is nie, op 'n voordeel van 'n enkele bedrag van tweehonderd-en-veertig pond;
- (b) indien ingevolge 'n herroepe Wet 'n voordeel ten opsigte van tuberkulose, soos aldus omskryf, aan hom toegeken is, op die bedrag, as daar is, wat daardie voordeel minder is as die voordeel in hierdie Wet ten opsigte van pneumokoniose voorgeskryf.

(2) Wanneer die komitee die eerste maal bevind het dat 'n naturelle-arbeider aan wie geen voordeel ten opsigte van tuberkulose kragtens 'n herroepe Wet toegeken is nie, en wat nie op 'n voordeel kragtens sub-artikel (1) geregtig is nie, ly aan tuberkulose waardeur hy volgens die komitee se oordeel reeds aangetas was binne die ses maande onmiddellik na die laaste dag waarop hy in stowwige lug by 'n beheerde myn gewerk het, is hy geregtig—

- (a) indien hy vir 'n aaneenlopende tydperk van ses maande of langer, maar minder as agt jaar, of vir tydperke wat gesamentlik ses maande of meer, maar minder as agt jaar beloop, in stowwige lug by beheerde myne gewerk het, op 'n voordeel van 'n enkele bedrag van honderd vyf-en-twintig pond; of
- (b) indien hy vir 'n aaneenlopende tydperk van agt jaar of langer, of vir tydperke wat gesamentlik agt jaar of langer beloop, in stowwige lug by beheerde myne gewerk het, op 'n voordeel van 'n enkele bedrag van tweehonderd-en-veertig pond.

(3) Wanneer die komitee die eerste maal bevind het dat 'n naturelle-arbeider wat op die in paragraaf (a) van sub-artikel (2) bedoelde voordeel geregtig geword het, aan pneumokoniose ly, is hy bowendien geregtig op die verskil tussen die bedrag waarop hy aldus geregtig geword het en die bedrag van die voordeel in paragraaf (a) van sub-artikel (1) bedoel.

Voordele vir
afhanklikes van
oorlede
naturelle-
arbeiders.

91. (1) Wanneer 'n naturelle-arbeider wat nie ingevolge artikel negentig op 'n voordeel geregtig geword het nie, oorlede is, en die komitee bevind het dat hy ten tyde van sy dood gely het aan pneumokoniose of aan tuberkulose ten opsigte waarvan hy op 'n voordeel ingevolge daardie artikel geregtig sou gewees het as hy nie te sterwe gekom het nie, is sy afhanklikes, as daar is, geregtig op die bedrag waarop hy geregtig sou gewees het as hy nie te sterwe gekom het nie.

89. (1) The provisions of this Act, in so far as they relate to the award or the increase of benefits, shall not apply in respect of—

Exclusion of certain persons domiciled outside southern Africa from certain rights under this Act.

- (a) a miner or coloured labourer or a dependant of a deceased miner or of a deceased coloured labourer if such miner, coloured labourer or dependant became entitled to a benefit before the date of commencement of this Act and was on that date domiciled outside southern Africa; or
- (b) a dependant of a miner or coloured labourer after the death of the miner or coloured labourer, if such dependant was domiciled outside southern Africa on the date of the deceased's death; or
- (c) a miner or coloured labourer, or the dependant of a deceased miner or of a deceased coloured labourer, where any monthly allowance or pension awarded to such miner, coloured labourer or dependant ceased before the commencement of this Act because of the absence of the miner or coloured labourer from southern Africa,

and the applicable provisions of the 1946 Act or, in the case of persons excluded from the provisions of that Act, the applicable provisions of the 1925 Act, shall continue to apply in connection with such a miner or coloured labourer or dependant as if this Act had not been passed.

(2) If the question arises whether a person was domiciled in or outside southern Africa on any particular date or during any particular period, such person shall be deemed to have been domiciled outside southern Africa on the said date or during the said period unless the contrary is proved.

90. (1) When the committee has found for the first time that a native labourer is suffering from pneumoconiosis, he shall—

Benefits for native labourers.

- (a) if he has not been awarded a benefit under a repealed Act in respect of silicosis or tuberculosis or pulmonary disability as defined in such Act, be entitled to a one-sum benefit of two hundred and forty pounds;
- (b) if he has been awarded a benefit under a repealed Act in respect of tuberculosis as so defined, be entitled to the amount, if any, by which such benefit is less than the benefit prescribed in respect of pneumoconiosis under this Act.

(2) When the committee has found for the first time that a native labourer who has not been awarded a benefit under a repealed Act in respect of tuberculosis, and who is not entitled to a benefit under sub-section (1), is suffering from tuberculosis with which he was, in the opinion of the committee, already affected within the six months which immediately followed the date on which he last worked in a dusty atmosphere at a controlled mine, he shall—

- (a) if he has worked in a dusty atmosphere at controlled mines throughout a period of six months or longer, but less than eight years, or for periods amounting in the aggregate to six months or longer, but less than eight years, be entitled to a one-sum benefit of one hundred and twenty-five pounds; or
- (b) if he has worked in a dusty atmosphere at controlled mines throughout a period of eight years or longer, or periods amounting in the aggregate to eight years or longer, be entitled to a one-sum benefit of two hundred and forty pounds.

(3) When the committee has found for the first time that a native labourer who has become entitled to the benefit mentioned in paragraph (a) of sub-section (2), is suffering from pneumoconiosis, he shall be further entitled to the difference between the amount to which he has become so entitled and the amount of the benefit mentioned in paragraph (a) of sub-section (1).

91. (1) When a native labourer who did not become entitled to a benefit under section *ninety* has died, and the committee has found that he was at the time of his death suffering from pneumoconiosis or from tuberculosis in respect of which he would have been entitled to a benefit under that section had he not died, his dependants, if any, shall be entitled to the sum to which he would have been entitled had he not died.

Benefits for dependants of deceased native labourers.

(2) Wanneer 'n natuurlike-arbeider wat op die voordeel bedoel in paragraaf (a) van sub-artikel (2) van artikel *negentig* geregtig geword het, maar nie op die voordeel in sub-artikel (1) van daardie artikel bedoel nie, oorlede is, en die komitee bevind het dat hy ten tyde van sy dood aan pneumokoniose gely het, is sy afhanklikes, as daar is, geregtig op die verskil tussen die voordeel waarop hy aldus geregtig geword het en die voordeel in sub-artikel (1) van gemelde artikel bedoel.

Metode van
betaling van
voordele aan
natuurlike-
arbeiders of
hul afhanklikes.

92. (1) Die kommissaris moet 'n voordeel wat kragtens artikel *negentig* aan 'n natuurlike-arbeider, of kragtens artikel *een-en-negentig* aan die afhanklikes van 'n oorlede natuurlike-arbeider toegeken is, ten bate van die betrokke bevoordeelde aan die owerheid vir naturellesake oorbetal.

(2) Die owerheid vir naturellesake moet enige voordeel wat hy ten bate van 'n natuurlike-arbeider ontvang het, uitbetal—

(a) aan die natuurlike-arbeider self; of

(b) aan enige ander persoon of persone ten bate van die natuurlike-arbeider en sy afhanklikes, as daar is; of

(c) ten dele aan die natuurlike-arbeider en ten dele aan enige ander persoon of persone ten bate van die natuurlike-arbeider en sy afhanklikes, as daar is,

en die owerheid vir naturellesake kan bedoelde voordeel uitbetal in die paaiemente en met die tussenpose wat hy in belang van die natuurlike-arbeider of enige van sy afhanklikes wenslik ag.

(3) Die owerheid vir naturellesake handel *mutatis mutandis* volgens voorskrif van sub-artikel (2)—

(a) met geld wat hy ingevolge sub-artikel (1) ten bate van 'n natuurlike-arbeider ontvang het en tydens die natuurlike-arbeider se dood nog nie volgens voorskrif van sub-artikel (2) uitbetal het nie; en

(b) met geld wat hy ingevolge sub-artikel (1) ten bate van 'n afhanklike van 'n oorlede natuurlike-arbeider ontvang het,

asof enige afhanklike van daardie oorlede natuurlike-arbeider die natuurlike-arbeider self was, en kan sodanige geld na goeddunke aan of ten bate van 'n enkele sodanige afhanklike of twee of meer sodanige afhanklikes uitbetal.

Beskikking oor
onuitbetaalde
voordele aan
natuurlike
toegeken.

93. (1) Indien die owerheid vir naturellesake geld in sy besit het wat hy ingevolge sub-artikel (1) van artikel *twee-en-negentig* ten bate van enige persoon ontvang het, en wat hy, weens die dood of verdwyning van daardie persoon en die feit dat niemand anders wat volgens bedoelde artikel in aanmerking kan kom om die geld te ontvang, bestaan en opgespoor kan word nie, nie volgens voorskrif van daardie artikel kan uitbetal nie—

(a) kan die owerheid vir naturellesake daardie geld, of soveel daarvan as wat hy wenslik ag, na goeddunke bestee om te betaal of ten dele te betaal vir redelike geneeskundige of verplegingsdienste gelewer aan die persoon wat voor sy dood of verdwyning op die geld geregtig was, en vir nodige medisyne of artikels aangekoop ten einde hom te behandel of enige siekte of gebrek waaraan hy gely het, te lenig, en vir sy begrafniskoste; en

(b) moet die owerheid vir naturellesake op die sub-artikel (2) voorgeskrewe wyse handel met soveel van daardie geld as wat nie soos voormeld bestee is nie.

(2) Die owerheid vir naturellesake stel 'n spesiale fonds in, wat met die gelde wat op die datum van die inwerkingtreding van hierdie Wet op krediet staan van die fonds in sub-artikel (2) van artikel *vier-en-sewentig* van die Wet van 1946 bedoel, gekrediteer word, en wat hy met alle in paragraaf (b) van sub-artikel (1) bedoelde onuitbetaalde gelde moet krediteer, en kan, behoudens die bepalinge van sub-artikel (3), van tyd tot tyd geld aan daardie fonds onttrek ten einde hulp te verleen aan 'n natuurlike-arbeider aan wie 'n voordeel toegeken is of aan 'n afhanklike van so 'n natuurlike-arbeider (hetsy voor of na laasgenoemde se dood) of aan 'n oorlede natuurlike-arbeider se afhanklike aan wie 'n voordeel toegeken is, indien die betrokke voordeel uitbetal is en die persoon aan wie die hulp verleen staan te word volgens die oordeel van die owerheid vir naturellesake dit nodig het.

(3) Wanneer die owerheid vir naturellesake, nadat hy voormelde spesiale fonds met enige geldbedrag gekrediteer het, verneem van iemand wat ingevolge artikel *twee-en-negentig* op daardie bedrag of 'n deel daarvan geregtig was of wat (indien hy gebore was voor die datum waarop bedoelde fonds met daardie bedrag gekrediteer was) daarvoor in aanmerking sou kon gekom het, moet die owerheid vir naturellesake van tyd tot tyd uit bedoelde fonds aan of ten behoewe van so iemand so 'n bedrag betaal as wat aan of ten behoewe van hom betaal sou gewees het

(2) When a native labourer who has become entitled to the benefit mentioned in paragraph (a) of sub-section (2) of section *ninety*, but not to the benefit mentioned in sub-section (1) of that section, has died, and the committee has found that at the time of his death he was suffering from pneumoconiosis, his dependants, if any, shall be entitled to the difference between the benefit to which he has so become entitled and the benefit mentioned in sub-section (1) of the said section.

92. (1) The commissioner shall pay over any benefit awarded to a native labourer under section *ninety*, or to the dependants of a deceased native labourer under section *ninety-one*, to the native affairs authority on behalf of the beneficiary concerned.

Method of payment of benefits to native labourers or their dependants.

(2) The native affairs authority shall pay any benefit which he has received on behalf of a native labourer—

- (a) to the native labourer himself; or
- (b) to any other person or persons for the benefit of the native labourer and his dependants, if any; or
- (c) partly to the native labourer and partly to any other person or persons for the benefit of the native labourer and his dependants, if any,

and the native affairs authority may pay out such benefit in such instalments and at such intervals as he deems desirable in the interests of the native labourer or any of his dependants.

(3) The native affairs authority shall deal *mutatis mutandis* in the manner prescribed by sub-section (2)—

- (a) with any money which he has received under sub-section (1) on behalf of a native labourer and has not paid out as provided in sub-section (2) at the time of the native labourer's death; and
- (b) with any money which he has received under sub-section (1) on behalf of a dependant of a deceased native labourer,

as if any dependant of such deceased native labourer in question were the native labourer himself, and may in his discretion pay any such money to or for the benefit of any one such dependant or any two or more such dependants.

93. (1) If the native affairs authority holds any money which he has received on behalf of any person in terms of sub-section (1) of section *ninety-two*, and which he cannot pay out as provided in that section, by reason of the death or disappearance of the said person and the fact that no other person who is eligible to receive the money under the said section is in existence and can be traced, the native affairs authority—

Disposal of unexpended benefits awarded to natives.

- (a) may in his discretion expend the money in question, or so much thereof as he deems desirable, in paying wholly or partly for reasonable medical or nursing services rendered to the person who was, before his death or disappearance, entitled to the money, and for necessary medicines or articles purchased for the purpose of treating him or of mitigating any disease or defect from which he was suffering and for his funeral expenses; and
- (b) shall deal in the manner prescribed in sub-section (2) with so much of the money in question as has not been expended as aforesaid.

(2) The native affairs authority shall establish a special fund, which shall be credited with the moneys standing to the credit of the fund mentioned in sub-section (2) of section *seventy-four* of the 1946 Act at the date of the commencement of this Act, and which he shall credit with all unexpended moneys mentioned in paragraph (b) of sub-section (1), and may, subject to the provisions of sub-section (3), from time to time withdraw moneys from that fund for the purpose of rendering assistance to a native labourer to whom a benefit has been awarded or to a dependant of such a native labourer (whether before or after the latter's death) or to a deceased native labourer's dependant to whom a benefit has been awarded, if the benefit in question has been expended and the person to whom such assistance is to be rendered is, in the opinion of the native affairs authority, in need thereof.

(3) Whenever after he has credited the aforesaid special fund with any sum of money, the native affairs authority discovers a person who was or would (had he been born before the date on which that sum was credited to such fund) have been entitled or eligible under section *ninety-two* to receive that amount or any part thereof, the native affairs authority shall from time to time pay out of the said fund to or on behalf of the said person, such an amount as would have been paid to him or on his behalf

as die spesiale fonds nie met bedoelde geldsom gekrediteer was nie: Met dien verstande dat die owerheid vir natuurellesake geen bedrag ingevolge hierdie sub-artikel betaal nie aan of ten behoeve van iemand anders as die natuurlike-arbeider aan wie die raad die betrokke voordeel toegeken het of sy afhanklike, tensy so iemand volgens die owerheid vir natuurellesake se oordeel hulp-behoewend is.

Rekenings
van voordele.

94. (1) Die owerheid vir natuurellesake moet onder gepaste hoofde behoorlike aantekening hou van sy ontvangste en uitgawes onder artikel *twee-en-negentig*, en van die bedrae waarmee die in artikel *drie-en-negentig* bedoelde fonds gekrediteer word en wat daaraan onttrek word.

(2) Die owerheid vir natuurellesake moet so gou doenlik na die einde van elke boekjaar sy rekenings balansêr en 'n balansstaat met betrekking tot bedoelde ontvangste en uitgawes en tot bedoelde fonds ten opsigte van daardie boekjaar opstel, en moet aan die raad 'n afskrif van bedoelde balansstaat verstrek.

Bepaling van
mate waarin
siekte waarvoor
voordeel toegeken
word aan werk in
verskillende myne
toegeskryf moet
word.

95. By die toekenning van 'n voordeel aan of en opsigte van iemand wat by beheerde myne van groep A en ook by beheerde myne van groep B in stowwige lug gewerk het, moet die raad, aan die hand van die tydperk wat hy aldus by myne van elk van bedoelde groepe gewerk het, bepaal in hoeverre die siekte ten opsigte waarvan die voordeel toegeken word aan sodanige werk by myne van elk van bedoelde groepe te wyte is.

Aansoek om
voordele.

96. (1) Geen reg op 'n voordeel waarop iemand ingevolge 'n herroepe Wet geregtig geword het, maar wat nie deur die vorige raad aan so iemand toegeken is nie, en geen reg op 'n voordeel ingevolge hierdie Wet, word van krag nie totdat die bedoelde voordeel deur die raad toegeken is, en geen voordeel word aldus toegeken nie, behalwe op aansoek deur of ten behoeve van die betrokke persoon gedoen in 'n vorm wat die kommissaris vir die doel verstrek, wat van die inligting en dokumente vergesel gaan wat die kommissaris nodig ag: Met dien verstande dat—

(a) geen aansoek vereis word nie in verband met 'n reg op 'n pensioen wat 'n kragtens die Wet van 1946 toegekende pensioen vervang nie, en so 'n reg word van krag op die datum van inwerkingtreding van hierdie Wet; en

(b) die raad na goeddunke 'n voordeel kan toeken al is aansoek daarom nie gedoen nie, en vanaf 'n datum deur hom bepaal, maar nie vroeër nie as die datum waarop die bevoordeelde op die voordeel geregtig geword het, aan die toekenning gevolg kan gee.

(2) 'n Aansoek ingevolge sub-artikel (1) om 'n voordeel waarop 'n natuurlike-arbeider of 'n afhanklike van 'n oorlede natuurlike-arbeider geregtig is, moet deur die owerheid vir natuurellesake aan die raad voorgelê word.

(3) Die Kommissaris van Kleurlingsake moet op versoek van die kommissaris die hulp verleen wat nodig mag wees ten einde 'n kleurlingarbeider of 'n afhanklike van 'n oorlede kleurlingarbeider in staat te stel om aansoek te doen om 'n voordeel waarop daardie kleurlingarbeider of afhanklike geregtig mag wees.

(4) 'n Aansoek om 'n voordeel ingevolge die Wet van 1946, wat nie voor die inwerkingtreding van hierdie Wet afgehandel is nie, word geag 'n aansoek ingevolge hierdie artikel te wees.

Datum waarop
pensioene van
krag word.

97. (1) 'n Pensioen wat as gevolg van 'n bevinding deur die komitee kragtens 'n bepaling van hierdie Wet toegeken word, is van krag vanaf die datum waarop die betrokke bevoordeelde daarop geregtig geword het, indien die aansoek daarom die kommissaris bereik het binne 'n tydperk van ses maande vanaf die datum waarop die bevinding, waarop die aansoek betrekking het, volgens voorskrif van sub-artikel (1) van artikel *elf* aan die betrokke bevoordeelde bekend gemaak was, of vanaf die datum waarop die aansoek by die kommissaris ingedien is, indien daardie datum meer as ses maande na die datum is waarop daardie bevinding aldus aan bedoelde bevoordeelde bekend gemaak was: Met dien verstande dat waar 'n aansoek om 'n pensioen by die kommissaris ingedien is op 'n datum meer as ses maande na die datum waarop die betrokke bevoordeelde van die betrokke bevinding in kennis gestel was, die raad na goeddunke die pensioen kan toeken vanaf 'n datum nie vroeër nie as ses maande voor die datum waarop die aansoek by die kommissaris ingedien is.

(2) 'n Pensioen wat ten opsigte van iemand anders aan 'n mynwerker of kleurlingarbeider toegeken word, geld vanaf die datum waarop die mynwerker of kleurlingarbeider op die

had the special fund not been credited with the said sum of money: Provided that the native affairs authority shall not pay any amount under this sub-section to or on behalf of a person other than the native labourer to whom the board has awarded the benefit in question or his dependant, unless, in the opinion of the native affairs authority, such person is in need of assistance.

94. (1) The native affairs authority shall keep a proper record under appropriate heads of his receipts and expenditure under section *ninety-two*, and of the amounts credited to and withdrawn from the fund mentioned in section *ninety-three*. Accounts of benefits.

(2) The native affairs authority shall as soon as may be after the end of every financial year, balance his accounts and prepare a balance sheet relating to the said receipts and expenditure and to the said fund in respect of that financial year, and shall furnish the board with a copy of such balance sheet.

95. In awarding a benefit to or in respect of any person who has worked in a dusty atmosphere at controlled mines of group A and also at controlled mines of group B, the board shall determine, by reference to the period during which he so worked at controlled mines of each such group, the extent to which the disease in respect of which the benefit is awarded, is to be attributed to such work at mines of each such group. Determination of extent to which disease for which benefit is awarded is to be attributed to work in various mines.

96. (1) No right to a benefit to which any person became entitled under a repealed Act, but which was not awarded to that person by the former board, and no right to a benefit under this Act, shall become effective until such benefit has been awarded by the board, and no benefit shall be so awarded, except upon an application made by or on behalf of the person concerned in a form provided for the purpose by the commissioner, which shall be accompanied by such information and documents as the commissioner considers necessary: Provided that— Application for benefits.

- (a) no application shall be required in connection with a right to a pension which supersedes a pension awarded under the 1946 Act, and any such right shall take effect upon the date of the commencement of this Act; and
- (b) the board may in its discretion award any benefit even though application therefor has not been made, and give effect to the award as from a date determined by it, but not preceding the date upon which the beneficiary became entitled to the benefit.

(2) An application under sub-section (1) for a benefit to which a native labourer or a dependant of a deceased native labourer is entitled, shall be submitted to the board through the native affairs authority.

(3) The Commissioner of Coloured Affairs shall at the request of the commissioner, render such assistance as may be necessary to enable any coloured labourer or dependant of a deceased coloured labourer to apply for any benefit to which such coloured labourer or dependant may be entitled.

(4) Any application made for a benefit under the 1946 Act, which has not been disposed of prior to the commencement of this Act, shall be deemed to be an application under this section.

97. (1) A pension awarded under any provision of this Act as the result of a finding of the committee, shall have effect as from the date upon which the beneficiary concerned became entitled thereto, if the application therefor reached the commissioner within a period of six months as from the date on which the finding to which the application relates, was notified to such beneficiary as provided in sub-section (1) of section *eleven*, or as from the date upon which the application reached the commissioner, if that date is more than six months subsequent to the date on which that finding was so notified to such beneficiary: Provided that, where an application for a pension reached the commissioner on a date more than six months subsequent to the date upon which the beneficiary concerned was notified of the finding in question, the board may in its discretion award the pension from a date not earlier than six months before the date on which the application reached the commissioner. Date on which pensions take effect.

(2) A pension awarded to a miner or coloured labourer in respect of any other person, shall be effective from the date on which the miner or coloured labourer became entitled to the

betrokke pensioen geregtig geword het, indien 'n aansoek daarom by die kommissaris ingedien word binne ses maande vanaf die datum waarop die mynwerker of kleurlingarbeider op die pensioen geregtig geword het, en 'n pensioen toegeken aan iemand wat as gevolg van die dood van 'n mynwerker of kleurlingarbeider vir die toekenning van 'n pensioen in aanmerking gekom het, geld vanaf die datum wat op die dag van die dood van die mynwerker of kleurlingarbeider volg, indien 'n aansoek daarom by die kommissaris ingedien word binne ses maande vanaf die datum van die dood van die betrokke mynwerker of kleurlingarbeider: Met dien verstande dat indien 'n aansoek om die betrokke pensioen nie binne die in die een of die ander geval voorgeskrewe tydperk van ses maande by die kommissaris ingedien was nie, die raad na goëddunke die betrokke pensioen kan toeken vanaf 'n datum nie vroeër nie as ses maande voor die datum waarop die aansoek by die kommissaris ingedien was.

(3) Wanneer 'n mynwerker of kleurlingarbeider wat op 'n pensioen geregtig geword het, oorlede is voordat die raad aan hom die pensioen toegeken het, en binne ses maande vanaf die datum waarop die bevinding van die komitee aan daardie mynwerker of kleurlingarbeider bekendgemaak was, word die pensioen geag voor sy dood aan hom toegeken te gewees het.

(4) Indien 'n oorlede mynwerker of kleurlingarbeider, as hy nie te sterwe gekom het nie, op 'n pensioen geregtig sou geword het uit hoofde van 'n bevinding van die komitee wat uitsluitlik op voor sy dood vasgestelde feite berus het, word die betrokke pensioen geag voor sy dood deur die raad aan hom toegeken te gewees het.

Geen voordele vir pneumokoniose buite beheerde myne opgedoen.

98. (1) Indien iemand ly of 'n oorlede persoon gely het aan pneumokoniose in enige stadium wat volgens die raad se oordeel nóg geheel en al nóg ten dele te wyte is of was aan die verrigting van werk in stowwige lug by 'n beheerde myn, of by 'n myn wat 'n ingelyste of geregistreerde of gepubliseerde myn volgens 'n herroepe Wet was, word daardie persoon of oorlede persoon by die toepassing van hierdie Wet geag nie aan pneumokoniose te ly of te gely het nie: Met dien verstande dat iemand wat ingevolge 'n herroepe Wet ten opsigte van silikose of borskwaal, soos in daardie Wet omskryf, op 'n voordeel geregtig geword het, of wie se afhanklikes aldus geregtig geword het, by die toepassing van hierdie artikel geag word te ly of te gely het aan pneumokoniose wat geheel en al of ten dele aan die verrigting van werk in stowwige lug by 'n beheerde myn te wyte is of was.

(2) Indien iemand ly of 'n oorlede persoon gely het aan pneumokoniose wat volgens die raad se oordeel slegs ten dele aan die verrigting van werk in stowwige lug by 'n beheerde myn of by 'n myn wat 'n ingelyste of geregistreerde of gepubliseerde myn volgens 'n herroepe Wet was te wyte is of was, moet die raad bepaal in watter mate (as 'n persentasie uitgedruk) die pneumokoniose volgens sy oordeel aan die verrigting van werk in stowwige lug by so 'n myn te wyte is of was, en daarop is die betrokke persoon of sy afhanklikes geregtig op 'n ooreenstemmende persentasie van die voordeel waarvoor in hierdie Wet voorsiening gemaak word met betrekking tot die stadium van pneumokoniose waaraan die persoon ly of gely het.

(3) Indien 'n mynwerker of 'n kleurlingarbeider ly, of 'n oorlede mynwerker of oorlede kleurlingarbeider tydens sy dood gely het, aan pneumokoniose in enige stadium wat volgens die raad se oordeel slegs ten dele aan die verrigting van werk in stowwige lug by 'n beheerde myn of by 'n myn wat 'n ingelyste of geregistreerde of gepubliseerde myn volgens 'n herroepe Wet was te wyte is of was, en ook aan tuberkulose ten opsigte waarvan hy nie ingevolge paragraaf (b) van sub-artikel (1) van artikel *sewe-en-sewentig* of sub-artikel (2) van artikel *vier-en-tagtig* op 'n voordeel geregtig geword het nie, is die bepaling van sub-artikel (2) van hierdie artikel in verband met hom van toepassing asof hy aan pneumokoniose in die vierde stadium ly of gely het en asof hy nie aan tuberkulose ly of gely het nie.

(4) Alle werk voor die eerste dag van Augustus 1941 deur 'n mynwerker of kleurling- of naturelle-arbeider verrig in stowwige lug by 'n myn wat 'n geregistreerde myn volgens die Wet van 1946 was, of by 'n myn in paragraaf (c) van sub-artikel (4) van artikel *een* bedoel, word by die toepassing van hierdie Wet geag elders as by 'n beheerde myn verrig te gewees het, tensy die mynwerker of kleurling- of naturelle-arbeider op of na gemelde datum in stowwige lug gewerk het by 'n beheerde myn of by 'n myn wat 'n ingelyste of 'n geregistreerde myn volgens die Wet van 1946 was.

(5) Werk wat deur iemand in stryd met 'n herroepe Wet of hierdie Wet in stowwige lug verrig is, word by die beslissing

pension in question, if an application therefor is lodged with the commissioner within six months from the date on which the miner or coloured labourer became entitled to the pension, and a pension awarded to any person who became eligible for the award of a pension as a result of the death of a miner or coloured labourer, shall be effective from the date following the date of the death of the miner or coloured labourer, if an application therefor is lodged with the commissioner within six months from the date of the death of the miner or coloured labourer concerned: Provided that if an application for the pension in question was not lodged with the commissioner within the period of six months prescribed in either case, the board may in its discretion award the pension in question from a date not earlier than six months before the date on which the application was lodged with the commissioner.

(3) When a miner or coloured labourer, who has become entitled to a pension, has died before the board has awarded the pension to him, and within six months as from the date on which the finding of the committee was notified to that miner or coloured labourer, the pension shall be deemed to have been awarded to him before his death.

(4) If a deceased miner or coloured labourer, would, but for his death, have become entitled to a pension by virtue of a finding of the committee which was based solely upon facts ascertained before his death, the pension in question shall be deemed to have been awarded to him by the board before his death.

98. (1) If a person is or a deceased person was suffering from pneumoconiosis in any stage which, in the opinion of the board, is or was neither wholly nor partly attributable to the performance of work in a dusty atmosphere at a controlled mine, or at a mine which was a scheduled or registered or gazetted mine in terms of a repealed Act, such person or deceased person shall for the purposes of this Act be deemed not to be or not to have been suffering from pneumoconiosis: Provided that a person who, or whose dependants, became entitled to any benefit under a repealed Act in respect of silicosis or pulmonary disability as defined in that Act, shall for the purposes of this section be deemed to be or to have been suffering from pneumoconiosis which is or was wholly or partly attributable to the performance of work in a dusty atmosphere at a controlled mine.

No benefits for pneumoconiosis contracted outside controlled mines.

(2) If a person is or a deceased person was suffering from pneumoconiosis which, in the opinion of the board, is or was only partly attributable to the performance of work in a dusty atmosphere at a controlled mine or at a mine which was a scheduled or registered or gazetted mine in terms of a repealed Act, the board shall determine the extent (expressed as a percentage) to which the pneumoconiosis is or was, in its opinion, attributable to the performance of work in a dusty atmosphere at such a mine, and thereupon the person concerned or his dependants shall be entitled to a corresponding percentage of the benefit for which provision is made in this Act in relation to the stage of pneumoconiosis from which the person is or was suffering.

(3) If a miner or a coloured labourer is suffering, or a deceased miner or deceased coloured labourer was at the time of his death suffering from pneumoconiosis in any stage which, in the opinion of the board, is or was only partly attributable to the performance of work in a dusty atmosphere at a controlled mine or at a mine which was a scheduled or registered or gazetted mine in terms of a repealed Act, and also from tuberculosis in respect of which he did not become entitled to a benefit under paragraph (b) of sub-section (1) of section *seventy-seven* or sub-section (2) of section *eighty-four*, the provisions of sub-section (2) of this section shall apply in connection with him as if he were or had been suffering from pneumoconiosis in the fourth stage and as if he were not or had not been suffering from tuberculosis.

(4) All work performed before the first day of August, 1941, by a miner, coloured labourer or native labourer in a dusty atmosphere at a mine which was a registered mine under the 1946 Act, or at a mine referred to in paragraph (c) of sub-section (4) of section *one*, shall for the purpose of this Act be deemed to have been performed elsewhere than at a controlled mine, unless the miner, coloured labourer or native labourer has on or after the said date worked in a dusty atmosphere at a controlled mine or at a mine which was scheduled or a registered mine in terms of the 1946 Act.

(5) Any work performed by a person in a dusty atmosphere in contravention of a repealed Act or this Act, shall for the

oor die vraag of so iemand of enige van sy afhanklikes op 'n voordeel geregtig is, geag werk te wees wat elders as by 'n beheerde myn verrig is.

Pensioene gaan nie maandloon te bowe nie en dubbele pensioene word nie toegeken nie.

99. (1) Die totale bedrag van 'n maandelikse pensioen aan enige persoon ingevolge hierdie Wet toegeken, met inbegrip van so 'n pensioen ten opsigte van iemand anders aan hom toegeken, en die totaal van die maandelikse pensioene aan die afhanklikes van 'n oorlede persoon toegeken, gaan nie die bedrag van daardie persoon se maandloon te bowe nie.

(2) Indien iemand wat op 'n pensioen of 'n maandelikse toelae ingevolge 'n herroepe Wet geregtig is, op 'n pensioen ingevolge hierdie Wet geregtig word, of iemand wat op 'n pensioen ingevolge 'n bepaling van hierdie Wet geregtig is, op 'n pensioen ingevolge 'n ander bepaling van hierdie Wet geregtig word, word aan so iemand of bedoelde maandelikse toelae of die grootste van bedoelde pensioene, na gelang watter die grootste bedrag is, betaal.

(3) Niemand is tegelyk op 'n spesiale toelae sowel as 'n pensioen ingevolge hierdie Wet of 'n maandelikse toelae ingevolge 'n herroepe Wet geregtig nie.

Verhaal van geld per abuis uitbetaal.

100. Enige bedrag wat deur die vorige raad of deur die kommissaris betaal mag gewees het aan of ten bate van iemand wat nie op betaling daarvan geregtig was nie, kan deur die kommissaris verhaal word of regstreeks of deur aftrekking van enige voordeel waarop bedoelde persoon geregtig geword het of mag word.

Kommissaris se bevoegdheid in verband met voordele aan ander persone as naturelle toegeken.

101. (1) Die kommissaris moet enige voordeel (behalwe 'n pensioen of 'n maandelikse toelae) wat aan 'n ander persoon as 'n naturel toegeken is, uitbetaal in die maandelikse paaielemente, veertig pond in enige maand nie te bowe gaande nie, wat die raad in belang van die betrokke persoon wenslik ag: Met dien verstande dat, waar die raad oortuig is dat die voordeel in geheel *bona fide* deur die bevoordeelde benodig word in een bedrag of in groter paaielemente as veertig pond in enige maand, die raad aan die kommissaris magtiging kan verleen om die voordeel in een bedrag of in die groter paaielemente wat die raad raadsaam ag, uit te betaal.

(2) Die kommissaris kan 'n voordeel wat deur die raad aan 'n ander persoon as 'n naturel toegeken is, uitbetaal—

- (a) aan die bevoordeelde self;
- (b) aan die bevoordeelde se afhanklike of afhanklikes, as daar is;
- (c) aan enige ander persoon of persone ten bate van die bevoordeelde en van enige van of al sy afhanklikes;
- (d) ten dele aan die bevoordeelde en ten dele aan 'n persoon in paragraaf (b) of (c) bedoel,

al na die raad in belang van die bevoordeelde en sy afhanklike of afhanklikes wenslik ag.

(3) Die kommissaris kan 'n maandelikse toelae of pensioen wat deur die raad aan 'n afhanklike van 'n oorlede mynwerker of kleurlingarbeider toegeken is, aan die afhanklike self of aan enige ander persoon of persone ten bate van die afhanklike of ten dele aan die afhanklike en ten dele aan daardie ander persoon of persone uitbetaal, al na die raad in belang van die afhanklike wenslik ag.

(4) Iemand wat nie 'n naturel is nie, en aan wie 'n in sub-artikel (1) bedoelde voordeel toegeken is, kan die voordeel of enige deel daarvan in die bewaring laat van die kommissaris wat dit ter beskikking van die bevoordeelde of, na sy dood, ter beskikking van die eksekuteur van sy boedel moet hou.

(5) Wanneer iemand aan wie die vorige raad of die raad 'n maandelikse toelae of 'n pensioen toegeken het, 'n ingesetene geword het van 'n inrigting waarvan die instandhoudingskoste geheel of ten dele uit Staatsfondse bestry word, kan die kommissaris met goedkeuring van die raad soveel van bedoelde maandelikse toelae of pensioen terughou as wat nie nodig is om die koste van onderhoud van so iemand of van 'n persoon vir wie se onderhoud so iemand aanspreeklik is, te bestry nie.

(6) Die kommissaris moet die betrokke persoon krediteer met rente teen 'n koers wat die raad van tyd tot tyd na raadpleging van die aktuaris bepaal, wat halfjaarliks op die laaste dag van Maart en die laaste dag van September saamgestel word, op soveel van die bedrag van enige aan een of ander persoon verskuldigde voordeel as wat ingevolge hierdie artikel deur die kommissaris teruggehou of in sy bewaring gelaat word: Met dien verstande dat rente nie betaalbaar is nie op enige bedrag wat vir 'n tydperk van minder as dertig dae in die kommissaris se besit gebly het.

purposes of determining whether that person or any of his dependants is entitled to a benefit, be deemed to be work performed elsewhere than at a controlled mine.

99. (1) The total amount of any monthly pension awarded under this Act to any person, including any such pension awarded to him in respect of any other person, and the aggregate of the monthly pensions awarded to the dependants of a deceased person, shall not exceed the amount of such person's monthly earnings.

Pensions not to exceed monthly earnings or be duplicated.

(2) If a person who is entitled to a pension or a monthly allowance under a repealed Act, becomes entitled to a pension under this Act, or a person who is entitled to a pension under any provision of this Act, becomes entitled to a pension under any other such provision, there shall be paid to such person either that monthly allowance or the greater of such pensions, whichever is the greater amount.

(3) No person shall be entitled simultaneously to a special grant as well as a pension under this Act or a monthly allowance under a repealed Act.

100. Any amount which may have been paid by the former board or by the commissioner, to or for the benefit of any person who was not entitled to the payment thereof, may be recovered by the commissioner either directly or by deduction from any benefit to which the said person has or may become entitled.

Recovery of money paid in error.

101. (1) The commissioner shall pay out any benefit (other than a pension or a monthly allowance) which has been awarded to a person, other than a native, in such monthly instalments, not exceeding in any one month the sum of forty pounds, as the board deems desirable in the interests of the person concerned: Provided that where the board is satisfied that the whole benefit is *bona fide* required by the beneficiary in one payment or in instalments exceeding forty pounds in any month, the board may authorize the commissioner to pay out the benefit in one payment or in such greater instalments as the board deems expedient.

Commissioner's powers to deal with benefits awarded to any person other than a native.

(2) The commissioner may pay out any benefit which has been awarded by the board to a person other than a native—

- (a) to the beneficiary himself;
- (b) to the beneficiary's dependant or dependants, if any;
- (c) to any other person or persons for the benefit of the beneficiary and of all or any of his dependants;
- (d) partly to the beneficiary and partly to any person mentioned in paragraph (b) or (c),

as the board deems desirable in the interests of the beneficiary and his dependant or dependants.

(3) The commissioner may pay out any monthly allowance or pension which has been awarded by the board to a dependant of a deceased miner or coloured labourer, to the dependant himself or to any other person or persons for the benefit of the dependant or partly to the dependant and partly to such other person or persons, as the board deems desirable in the interest of the dependant.

(4) Any person, other than a native, to whom a benefit such as is mentioned in sub-section (1) has been awarded, may leave the benefit or any part thereof in the custody of the commissioner who shall keep it at the disposal of the beneficiary or after his death at the disposal of the executor of his estate.

(5) When a person to whom the former board or the board has awarded a monthly allowance or a pension, has become an inmate of an institution, the cost of maintenance whereof is wholly or partly defrayed from State funds, the commissioner may, with the approval of the board, retain so much of the said monthly allowance or pension as is not needed to defray the cost of maintaining the person concerned or any person for whose maintenance the said person is responsible.

(6) The commissioner shall credit the person concerned with interest calculated at a rate determined from time to time by the board after consultation with the actuary, and compounded half-yearly as at the last day of March and as at the last day of September, on so much of the amount of any benefit due to any person as is retained by the commissioner or left in his custody under this section: Provided that interest shall not be payable on any amount which has remained in the possession of the commissioner for a period of less than thirty days.

Reg op
voordeel
verval by
dood van
bevoordeelde.

102. (1) 'n Reg op 'n voordeel, behalwe 'n voordeel wat kragtens sub-artikel (4) van artikel *honderd-en-een* in die kommissaris se besit gelaat is, waarop iemand anders as 'n naturel geregtig geword het, verval by die dood van die betrokke persoon, behalwe vir sover enige deel van die voordeel deur die vorige raad of deur die kommissaris aan of ten bate van so iemand uitbetaal is.

(2) Wanneer 'n reg op 'n voordeel (behalwe 'n maandelikse toelae of 'n pensioen) soos voormeld verval het, moet die raad die betrokke voordeel of die saldo daarvan toeken—

- (a) indien die reg by die dood van 'n mynwerker of kleurlingarbeider verval het, aan sy afhanklikes; of
- (b) indien daar geen afhanklikes is nie, of die reg by die dood van 'n afhanklike van 'n oorlede mynwerker of oorlede kleurlingarbeider verval het, aan 'n in sub-artikel (3) van artikel *twee-en-tagtig* bedoelde vrou of aan enige ander verwant of verwante, of aan een of meer verwante, van die oorlede mynwerker of kleurlingarbeider, of aan enige skuld-eiser ter vereffening in geheel of ten dele van enige eis wat hy teen die oorledene se boedel het, al na die raad wenslik ag,

en die bepalinge van sub-artikels (1), (2) en (3) van artikel *honderd-en-een* is *mutatis mutandis* van toepassing in verband met die uitbetaling van 'n voordeel aldus toegeken: Met dien verstande dat indien 'n afhanklike van 'n oorlede mynwerker of oorlede kleurlingarbeider as gevolg van die dood van die mynwerker of kleurlingarbeider op 'n pensioen geregtig geword het, en 'n reg wat soos voormeld verval het, 'n reg op 'n voordeel van 'n enkele bedrag was wat aan die mynwerker of kleurlingarbeider toegeval het omdat bevind was dat hy aan tuberkulose ly, en daardie voordeel nog nie aan die mynwerker of kleurlingarbeider toegeken was nie, die bedrag kragtens paragraaf (a) toegeken nie meer mag wees nie as die bedrag wat ingevolge hierdie Wet ten opsigte van pneumokoniose in die eerste stadium sonder tuberkulose aan 'n mynwerker of kleurlingarbeider betaalbaar is.

(3) Wanneer iemand aan wie 'n maandelikse toelae of 'n pensioen toegeken is, of ingevolge 'n toepaslike bepaling van hierdie Wet geag word toegeken te wees, oorlede is, word enige gedeelte van die maandelikse toelae of pensioen ten opsigte van 'n tydperk voor so iemand se dood wat nog nie uitbetaal is nie, by die toepassing van hierdie artikel geag aan daardie persoon betaalbaar te geword het onmiddellik voor sy dood, en moet die raad volgens voorskrif van sub-artikel (2) daarmee handel.

Staking of
vermindering
van maandelikse
toelaes of
pensioene aan
afhanklikes
toegeken.

103. (1) 'n Maandelikse toelae of pensioen onder hierdie Wet of 'n herroepe Wet, wat toegeken is aan 'n afhanklike van 'n oorlede mynwerker of oorlede kleurlingarbeider of aan 'n in sub-artikel (6) van artikel *vyf-en-sewentig* bedoelde persoon, verval—

- (a) indien die betrokke persoon in die huwelik tree; of
- (b) indien die betrokke persoon tydens die dood van die mynwerker of kleurlingarbeider onder die leeftyd van agtien jaar was, en daarna daardie leeftyd bereik, maar onderworpe aan die bepalinge van sub-artikel (4) van artikel *nege-en-sewentig* of sub-artikel (3) van artikel *ses-en-tagtig*, na gelang watter een van toepassing is; of
- (c) indien die betrokke persoon oor die leeftyd van agtien jaar is en die raad van oordeel is dat bedoelde persoon voldoende bestaansmiddele verkry het of in staat is om dit te verkry: Met dien verstande dat indien die raad daarna van oordeel is dat die betrokke persoon nie meer voldoende bestaansmiddele het nie en nie in staat is om dit te verkry nie, die kommissaris weer die maandelikse toelae of pensioen of 'n deel daarvan aan of ten bate van daardie persoon kan betaal vir die tydperk of tydperke wat die raad wenslik ag; of
- (d) by verstryking van die tydperk van die mynwerker of kleurlingarbeider se normale lewensverwachting, bereken op grondslag van sy ouderdom by sy dood, sonder inagneming van enige ander faktor as sy ouderdom, volgens 'n sterftetabel wat die raad in oorleg met die aktuaris kies.

(2) Die bepalinge van paragrafe (c) en (d) van sub-artikel (1) is nie in verband met die weduwee van 'n oorlede mynwerker of oorlede kleurlingarbeider van toepassing nie, en die bepalinge van laasgemelde paragraaf is nie op 'n afhanklike kind van toepassing nie.

102. (1) Any right to a benefit, other than a benefit left in the custody of the commissioner under sub-section (4) of section *one hundred and one*, to which a person other than a native has become entitled, shall lapse on the death of the person concerned, except in so far as any part of the benefit was paid out by the former board or by the commissioner to or for the benefit of that person.

Right to a benefit lapses on the death of beneficiary.

(2) When a right to a benefit (other than a monthly allowance or a pension) has lapsed as aforesaid, the board shall award the benefit in question or the balance thereof—

- (a) if the right lapsed on the death of a miner or coloured labourer, to his dependants; or
- (b) if there are no dependants or the right lapsed on the death of a dependant of a deceased miner or deceased coloured labourer, to such a woman as is referred to in sub-section (3) of section *eighty-two* or to any other relative or relatives, or to any one or more of them, of the deceased miner or coloured labourer or to any creditor in payment or part payment of any claim which he has against the estate of the deceased as the board deems desirable,

and the provisions of sub-sections (1), (2) and (3) of section *one hundred and one* shall *mutatis mutandis* apply in connection with the payment of any benefit so awarded: Provided that if any dependant of a deceased miner or deceased coloured labourer has become entitled to a pension as a result of the death of the miner or coloured labourer, and a right which lapsed as aforesaid was a right to a one-sum benefit which accrued to the miner or coloured labourer because he was found to be suffering from tuberculosis, and that benefit had not yet been awarded to the miner or coloured labourer, the amount awarded under paragraph (a) shall not exceed the amount which is payable under this Act to a miner or a coloured labourer in respect of pneumoconiosis in the first stage without tuberculosis.

(3) When a person to whom a monthly allowance or a pension has been awarded (or is deemed to have been awarded under any applicable provision of this Act) has died, any unpaid part of the monthly allowance or pension in respect of any period preceding such person's death shall, for the purposes of this section, be deemed to have become due to such person immediately before his death, and the board shall deal therewith in accordance with the provisions of sub-section (2).

103. (1) A monthly allowance or pension under this Act or a repealed Act, awarded to a dependant of a deceased miner or deceased coloured labourer or to a person mentioned in sub-section (6) of section *seventy-five*, shall cease—

Cessation or reduction of monthly allowances or pensions awarded to dependants.

- (a) if the person concerned marries; or
- (b) if the person concerned was under the age of eighteen years at the time of the death of the miner or coloured labourer, and thereafter attains the said age, but subject to the provisions of sub-section (4) of section *seventy-nine* or sub-section (3) of section *eighty-six*, whichever is applicable; or
- (c) if the person concerned is over the age of eighteen years and the board is of the opinion that such person has acquired or is capable of acquiring sufficient means of subsistence: Provided that if the board thereafter is of the opinion that the person concerned no longer has sufficient means of subsistence and is not capable of acquiring such means, the commissioner may resume payment of the monthly allowance or pension or of any part thereof to or for the benefit of that person during such a period or periods as the board deems desirable; or
- (d) on the expiration of the period of the miner's or coloured labourer's normal expectation of life, estimated on the basis of his age at the time of his death, without reference to any factor other than his age, according to any mortality table to be selected by the board in consultation with the actuary.

(2) The provisions of paragraphs (c) and (d) of sub-section (1) shall not apply in connection with the widow of a deceased miner or deceased coloured labourer, and the provisions of the lastmentioned paragraph shall not apply to a dependant child.

(3) Wanneer 'n afhanklike van 'n oorlede mynwerker of kleurlingarbeider wat op 'n maandelikse toelae of 'n pensioen geregtig geword het, daarna op 'n pensioen ten opsigte van 'n ander oorlede mynwerker of oorlede kleurlingarbeider geregtig word, verval die toelae of eersbedoelde pensioen, al na die geval, vanaf die datum waarop laasbedoelde pensioen 'n aanvang neem.

(4) Wanneer 'n mynwerker of 'n afhanklike van 'n oorlede mynwerker wat op 'n maandelikse toelae of op 'n pensioen geregtig is, ook op 'n pensioen ingevolge die Ongevalle wet, 1941 (Wet No. 30 van 1941), geregtig is, kan die raad, na oorlegpleging met die Ongevallekommissaris, in enige geval waar laasgenoemde die bevoegdheid besit om bedoelde maandelikse toelae of eersbedoelde pensioen in aanmerking te neem wanneer hy kragtens gemelde Wet 'n pensioen toeken of hersien, die bedrag van bedoelde maandelikse toelae of eersbedoelde pensioen verminder, hetsy voordat dit toegeken word of nadat dit toegeken is, met 'n breukdeel daarvan wat nie een-derde te bowe gaan nie.

Kommissaris
kan bewys van
voortbestaan
van reg op
voordeel eis.

104. Die kommissaris kan na goëddunke bewys verlang dat iemand aan wie 'n voordeel toegeken is, nog in lewe is, of in die geval van 'n maandelikse toelae of pensioen, dat die bevoordeelde nie opgehou het om op daardie toelae of pensioen of 'n deel daarvan geregtig te wees nie, en kan, indien sodanige bewys nie tot sy bevrediging verstrekkend word nie, die betaling van die voordeel staak.

Wysiging van
sekere bepalinge
van hierdie Wet
by ooreenkoms
met ander
Regerings.

105. (1) Die Goewerneur-generaal kan by ooreenkoms met die regering van enige gebied in suidelike Afrika, die wyse reël waarop 'n voordeel toegeken aan 'n naturel wat in daardie gebied gedomisileer is, aan daardie naturel of aan iemand anders ten behoeve van hom betaal moet word, asook die wyse waarop oor enige gedeelte van so 'n voordeel wat nie uitbetaal is nie omdat die bevoordeelde oorlede is, beskik moet word.

(2) Indien 'n ooreenkoms soos voormeld enige in sub-artikel (1) bedoelde bepalinge bevat wat met die bepalinge van sub-artikel (1) van artikel twee-en-negentig in stryd is, word aan bedoelde bepalinge van die ooreenkoms voorkeur verleen.

(3) 'n Ooreenkoms wat voor die inwerkingtreding van hierdie Wet deur die Goewerneur-generaal met die regering van 'n gebied in suidelike Afrika aangegaan is, en wat 'n in sub-artikel (1) bedoelde bepaling bevat, word geag kragtens daardie sub-artikel aangegaan te gewees het.

Berekening
van tydperk
van werk in
stowwige lug.

106. (1) In sub-artikel (2) beteken „ruspouse” 'n Sondag of 'n openbare feesdag of 'n tydperk van afwesigheid van werk met verlof, en indien so 'n ruspouse deur 'n ander sodanige ruspouse onmiddellik voorafgegaan of gevolg word, word daardie ruspouses gesamentlik as 'n enkele ruspouse beskou.

(2) By die berekening van 'n tydperk van werk ten einde te bepaal of iemand op 'n voordeel ingevolge hierdie Wet ten opsigte van tuberkulose alleen geregtig is, al dan nie, of te bepaal of iemand ten opsigte van tuberkulose alleen op 'n voordeel van 'n enkele bedrag of 'n pensioen geregtig is, word daar by bedoelde tydperk elke ruspouse in die werk van daardie persoon ingereken wat onmiddellik gevolg is deur 'n dag waarop hy in stowwige lug by 'n beheerde myn gewerk het, al was hy nie gedurende bedoelde ruspouse in iemand se diens nie.

Voordele aan
amptenare uit
Staatsfondse
betaalbaar.

107. Die Minister moet uit gelde wat die Parlement vir die doel bewillig het, aan die kommissaris enige bedrag terugbetaal wat uit die vergoedingsfonds betaal is aan 'n amptenaar (of vorige amptenaar) in sub-artikel (1) van artikel vier-en-twintig bedoel, of aan die afhanklikes van so 'n amptenaar of vorige amptenaar, ten opsigte van pneumokoniose of tuberkulose of sowel pneumokoniose as tuberkulose wat geheel of ten dele te wyte is aan werk in stowwige lug by beheerde myne terwyl hy in die Staat se diens was.

Navorsing in
verband met
gesondheid
van werkers
in myne.

108. Die Minister kan in oorleg met die Minister van Finansies, rêlings tref wat hy nodig en wenslik ag vir die behoorlike ondersoek van alle aangeleenthede rakende die gesondheid van persone wat in myne werksaam is.

Jaarverslae
van kommis-
saris en
direkteur.

109. (1) So gou doenlik na verstryking van elke boekjaar moet die kommissaris aan die Minister 'n verslag verstrekkend oor sy werksaamhede, asook die werksaamhede van die raad, en moet die direkteur aan die Minister 'n verslag verstrekkend oor sy werksaamhede, asook die werksaamhede van die komitee, gedurende daardie boekjaar.

(3) When a dependant of a deceased miner or coloured labourer who became entitled to a monthly allowance or a pension, thereafter becomes entitled to a pension in respect of another deceased miner or deceased coloured labourer, the allowance or the firstmentioned pension, as the case may be, shall cease as from the date upon which the latter pension takes effect.

(4) When a miner or a dependant of a deceased miner who is entitled to a monthly allowance or to a pension, is also entitled to a pension under the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), the board may, after consultation with the Workmen's Compensation Commissioner in any case in which the latter has the power to make allowance for the said monthly allowance or the firstmentioned pension in awarding or revising a pension under the said Act, reduce the amount of the said monthly allowance or the firstmentioned pension, whether before awarding it or after having awarded it, by any fraction thereof not exceeding one-third.

104. The Commissioner may in his discretion require proof that a person to whom any benefit has been awarded is still alive, or, in the case of a monthly allowance or pension, that the beneficiary has not ceased to be entitled to such allowance or pension or any part thereof, and may, if such proof is not furnished to his satisfaction, discontinue the payment of the benefit.

Commissioner may demand proof of continuance of right to a benefit.

105. (1) The Governor-General may by agreement with the government of any territory in southern Africa, regulate the manner in which any benefit awarded to any native who is domiciled in such territory, shall be paid to that native or to any other person on his behalf, and the manner of disposing of any part of such a benefit which has not been expended because the beneficiary has died.

Modification of certain provisions of this Act by agreement with other Governments.

(2) If an agreement as aforesaid contains any provisions mentioned in sub-section (1) which are in conflict with the provisions of sub-section (1) of section *ninety-two*, the said provisions of the agreement shall prevail.

(3) Any agreement which before the commencement of this Act was entered into by the Governor-General with the government of any territory in southern Africa, and which contains any such provision as is mentioned in sub-section (1), shall be deemed to have been entered into in terms of that sub-section.

106. (1) In sub-section (2) "rest interval" means a Sunday or a public holiday or a period of leave of absence from work, and if such a rest interval is immediately preceded or followed by another such rest interval, the aggregate of those rest intervals shall be regarded as a single rest interval.

Calculation of period of work in a dusty atmosphere.

(2) In calculating a period of work for the purpose of determining whether a person is or is not entitled to a benefit under this Act in respect of tuberculosis only, or whether a person is entitled to a one-sum benefit or to a pension in respect of tuberculosis only, there shall be included in such period every rest interval in the work of that person which was immediately followed by a day on which he worked in a dusty atmosphere at a controlled mine, even though he may not have been in any person's employ during such rest interval.

107. The Minister shall out of moneys appropriated by Parliament for the purpose, refund to the commissioner any money paid from the compensation fund to any officer (or former officer) referred to in sub-section (1) of section *twenty-four*, or to the dependants of any such officer or former officer, in respect of pneumoconiosis or tuberculosis or a combination of pneumoconiosis with tuberculosis which is attributable either wholly or partly to work in a dusty atmosphere at controlled mines while he was in the service of the State.

Benefits to officers payable from State funds.

108. The Minister may in consultation with the Minister of Finance make such arrangements as he deems necessary and desirable for the proper investigation of all matters affecting the health of workers in mines.

Research in connection with health of workers in mines.

109. (1) As soon as may be after the close of every financial year, the commissioner shall furnish the Minister with a report on his activities, including the activities of the board, and the director shall furnish the Minister with a report on his activities, including the activities of the committee, during that financial year.

Annual reports of commissioner and director.

(2) Die Minister moet afskrifte van enige verslag ingevolge sub-artikel (1) aan hom verstrek, en van die dokumente in sub-artikel (2) van artikel *drie-en-vyftig* bedoel, in beide Huise van die Parlement ter Tafel lê, binne veertien dae na ontvangs daarvan as die Parlement dan in sitting is, of, as die Parlement dan nie in sitting is nie, binne veertien dae na die begin van sy eersvolgende sitting.

Gratifikasies
by aftrede en
voordele nie
vir beslaglegging
vatbaar nie.

110. (1) 'n Reg op 'n gratifikasie in sub-artikel (4) van artikel *honderd-en-sestien* bedoel, of op 'n voordeel ingevolge hierdie Wet, kan nie deur die houer daarvan gesedeer word nie, en so 'n reg of enige geld by wyse van so 'n gratifikasie of voordeel deur die kommissaris aan of ten bate van die daarop geregtigde persoon betaal, of enige geld deur die kommissaris by wyse van 'n in artikel *twee-en-tagtig* bedoelde spesiale toelae aan of ten bate van enigiemand betaal, is nie vir beslaglegging ter uitvoering van 'n vonnis of order van 'n geregshof vatbaar nie, behalwe in opdrag van die kommissaris handelende kragtens artikel *honderd*, en indien die boedel van die houer van so 'n reg of van iemand aan of ten bate van wie geld aldus betaal is, as insolvent gesekwestreer word, maak bedoelde reg of geld nie deel van sy insolvente boedel uit nie.

(2) Indien iemand aan of ten bate van wie so 'n gratifikasie of so 'n voordeel (behalwe 'n maandelikse toelae of 'n pensioen) betaal is, vasgoed of losgoed gekoop het, en die koopprys of minstens een-kwart van die koopprys uit die gratifikasie of voordeel betaal is, is daardie goed nie vatbaar nie vir beslaglegging vir skuld (of 'n vernuwing daarvan) wat ontstaan het voordat die betrokke gratifikasie of voordeel aan of ten bate van die vonnisskuldenaar betaal was.

Verjaring.

111. Geen regseding kan teen die raad, die kommissaris, die direkteur, die buro, die komitee, 'n owerheid vir naturelle sake of die Minister ingestel word om 'n reg ingevolge 'n herroepe Wet of hierdie Wet af te dwing nie, tensy die geding ingestel word binne 'n tydperk van sewe jaar vanaf die datum waarop die eisorsaak waarop daardie geding berus, ontstaan het.

Kennisgewing
per aangetekende
brief.

112. 'n Kennisgewing, eis of lasgewing waarvoor in hierdie Wet voorsiening gemaak word, word geag—

(a) behoorlik meegedeel of gestel te gewees het indien dit deur die pos in 'n korrek geadresseerde, aangetekende koevert versend is; en

(b) meegedeel of gestel te gewees het op die tydstip waarop bedoelde koevert in gewone omstandighede verwag sou word om die betrokke adres te bereik, tensy bewys word dat die kennisgewing die persoon aan wie dit gerig was, nie bereik het nie, of dat daardie persoon dit later as op bedoelde tydstip ontvang het, al na die geval, en dat die skuld daarvoor nie op bedoelde persoon rus nie.

Wanvoorstelling
en vervalsing.

113. Iemand wat—

(a) 'n valse bewering of wanvoorstelling maak of 'n feit van wesentlike belang verswyg, met die doel om 'n dokument of 'n voordeel ingevolge hierdie Wet vir homself of iemand anders te verkry of om iemand anders te help om dit te verkry; of

(b) 'n dokument waarvoor in 'n herroepe Wet voorsiening gemaak was of in hierdie Wet gemaak word, of wat ingevolge 'n herroepe Wet of hierdie Wet uitgereik is, vervals of, met die doel om te mislei, verander, is aan falsiteit skuldig.

Staat moet koste
van uitvoering
van hierdie
Wet dra.

114. Alle uitgawes wat aangegaan word om aan 'n bepaling van hierdie Wet gevolg te gee, moet, behalwe vir sover sodanige uitgawes volgens hierdie Wet uit 'n ander bron gedek moet word, betaal word uit gelde wat die Parlement vir die doel bewillig het.

Regulasies.

115. Die Minister kan enige regulasie uitvaardig waarvoor hierdie Wet voorsiening maak, en kan wanneer hy so 'n regulasie uitvaardig, onderskeid maak tussen een gebied en 'n ander gebied en tussen myne wat tot verskillende klasse behoort en tussen persone wat tot verskillende kategorieë behoort.

Herroeping
van Wette.

116. (1) Behoudens die bepalinge van sub-artikels (2), (3) en (4), word die Wet van 1946 hierby herroep.

(2) Artikels *vyf-en-negentig* en *vyf-en-negentig bis* van bedoelde Wet bly, ondanks die herroeping van daardie Wet by sub-artikel (1), van krag onderskeidelik tot die een-en-dertigste dag van Maart 1967 en die een-en-dertigste dag van Maart 1971, en word uitgelê asof 'n verwysing daarin na 'n ingelyste myn,

(2) the Minister shall lay copies of any report furnished to him under sub-section (1), and of the documents mentioned in sub-section (2) of section *fifty-three* upon the Tables of both Houses of Parliament within fourteen days after receipt thereof if Parliament is then in session or, if Parliament is not then in session, within fourteen days after commencement of its next ensuing session.

110. (1) A right to a gratuity mentioned in sub-section (4) of section *one hundred and sixteen*, or to any benefit under this Act, shall not be capable of being ceded by the holder thereof, and such a right or any money paid by the commissioner as such a gratuity or benefit to or on behalf of the person entitled thereto, or any money paid by the commissioner to or on behalf of any person as a special grant mentioned in section *eighty-two*, shall not be subject to attachment in execution of a judgment or order of a court of law, except at the instance of the commissioner when acting under section *one hundred*, and if the estate of the holder of such a right or of a person to whom or on whose behalf such money was paid is sequestrated as insolvent, the said right or money shall not form part of his insolvent estate.

Retiring gratuities and benefits free from attachment for debt.

(2) If a person to whom or on whose behalf such a gratuity or such a benefit (other than a monthly allowance or a pension) has been paid, has purchased any movable or immovable property, and the purchase price or not less than one-quarter of the purchase price has been paid out of the gratuity or benefit, that property shall not be subject to attachment for a debt (or a novation thereof) which arose before the gratuity or benefit in question was paid to or on behalf of the judgment debtor.

111. No legal proceedings shall be brought against the board, the commissioner, the director, the bureau, the committee, a native affairs authority or the Minister, to enforce any right under a repealed Act or this Act, unless such proceedings are commenced within a period of seven years from the date upon which arose the cause of action upon which those proceedings are based.

Prescription.

112. Any notice, demand or direction for which provision is made in this Act, shall be deemed—

Notice by registered letter.

- (a) to have been properly given or made if it was sent by post in a correctly addressed, registered envelope; and
- (b) to have been given at the time when the said envelope can be expected to have reached the address in question in normal circumstances,

unless it is proved that the notice did not reach the person to whom it was addressed or that the said person received it later than the said time, as the case may be, and that the said person is not to blame therefor.

113. Any person—

Misrepresentation or forgery.

- (a) who makes a false statement or misrepresentation or refrains from disclosing any material fact, for the purpose of obtaining for himself or any other person or for the purpose of assisting any other person in obtaining any document or advantage under this Act; or
- (b) who counterfeits or, with intent to deceive, alters any document for which provision was made in a repealed Act or is made in this Act or which was issued under a repealed Act or under this Act,

shall be guilty of falsitas.

114. All expenditure incurred in giving effect to any provision of this Act shall, except in so far as any such expenditure is in terms of this Act to be defrayed from any other source, be defrayed out of moneys appropriated by Parliament for the purpose.

State to bear cost of administering this Act.

115. The Minister may make any regulation for which this Act makes provision, and in making any such regulation the Minister may differentiate between one area and another and between mines belonging to different classes and between persons belonging to different classes.

Regulations.

116. (1) Subject to the provisions of sub-sections (2), (3) and (4), the 1946 Act is hereby repealed.

Repeal of laws.

(2) Sections *ninety-five* and *ninety-five bis* of the said Act shall, notwithstanding the repeal of that Act by sub-section (1), remain in force until the thirty-first day of March, 1967, and the thirty-first day of March, 1971, respectively, and shall be construed as if any reference therein to a scheduled mine, as

soos in daardie Wet omskryf, 'n verwysing na 'n beheerde myn van groep A was, en asof 'n verwysing daarin na Fonds „A”, soos aldus omskryf, 'n verwysing na die vergoedingsfonds was.

(3) 'n Regulasie kragtens die bepalings van die Wet van 1946 uitgevaardig, en onmiddellik voor die inwerkingtreding van hierdie Wet van krag, word geag ingevolge die ooreenstemmende bepalings van hierdie Wet uitgevaardig te wees.

(4) (a) Iemand wat, as hierdie Wet nie aangeneem was nie, op 'n gratifikasie ingevolge artikel *twee-en-twintig* van die Wet van 1946 geregtig sou gewees het, bly aldus geregtig asof daardie Wet nie herroep was nie, en bedoelde artikel word vir daardie doel uitgelê asof 'n verwysing daarin na Fonds „A”, soos in daardie Wet omskryf, 'n verwysing na die vergoedingsfonds was.

(b) Die verwysing in sub-artikel (9) van gemelde artikel na bedanking deur enige persoon voor die bereiking van die leeftyd van sestig jaar in die geval van 'n manspersoon of vyf-en-vyftig jaar in die geval van 'n vrouspersoon, word nie uitgelê nie as insluitende 'n verwysing na so 'n bedanking deur enige persoon nadat hy in 'n hoedanigheid in sub-artikel (1) van bedoelde artikel genoem of in diens van die raad of die Staat gedien het vir 'n aaneenlopende tydperk of aaneenlopende tydperke wat in die geheel minstens vyftien jaar beloop: Met dien verstande dat 'n gratifikasie waarop iemand wat bedank voor die bereiking van die leeftyd van sestig jaar in die geval van 'n man, of vyf-en-vyftig jaar in die geval van 'n vrou, geregtig mag word, nie betaalbaar word voordat so iemand bedoelde leeftyd bereik nie.

(c) 'n In hierdie sub-artikel bedoelde gratifikasie is nie aan belasting onder enige wet met betrekking tot belasting op inkomste onderhewig nie.

Kort titel en
inwerkingtreding.

117. Hierdie Wet heet die Pneumokoniosewet, 1956, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

defined in that Act, were a reference to a controlled mine of group A, and as if any reference therein to Fund "A" as so defined were a reference to the compensation fund.

(3) Any regulation made under the 1946 Act and in force immediately prior to the commencement of this Act, shall be deemed to have been made under the corresponding provisions of this Act.

(4) (a) Any person who, but for the passing of this Act, would have been entitled to a gratuity under section *twenty-two* of the 1946 Act, shall continue to be so entitled as if that Act had not been repealed, and the said section shall for that purpose be construed as if any reference therein to Fund "A" as defined in that Act were a reference to the compensation fund.

(b) The reference in sub-section (9) of the said section to resignation by any person before attaining the age of sixty years in the case of a male or fifty-five years in the case of a female, shall not be construed as including a reference to any such resignation by any person after he has served continuously in any capacity referred to in sub-section (1) of that section or in the service of the board or the State for a period or periods amounting in the aggregate to not less than fifteen years: Provided that any gratuity to which any such person who resigns before reaching the age of sixty years in the case of a male or fifty-five years in the case of a female, may become entitled, shall not be payable until that person reaches the said age.

(c) A gratuity referred to in this sub-section shall not be subject to taxation under any law relating to taxation upon income.

117. This Act shall be called the Pneumoconiosis Act, 1956, **Short title and** and shall come into operation upon a date to be fixed by the **commencement.** Governor-General by proclamation in the *Gazette*.