

EXTRAORDINARY

BUITENGEWONE



THE UNION OF SOUTH AFRICA

Government Gazette

Staatskroerant

VAN DIE UNIE VAN SUID-AFRIKA

[Registered at the General Post Office as a Newspaper.]

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

VOL. CCII.]

PRICE 6d.

CAPE TOWN, 25TH NOVEMBER, 1960.

KAAPSTAD, 25 NOVEMBER 1960.

PRYS 6d.

[No. 6580.

DEPARTMENT OF HEALTH.

[25th November, 1960.

PAGE

The following Bill which the Minister of Health proposes introducing into Parliament at the next Session of Parliament is published for general information:—

Atmospheric Pollution Prevention Bill 2

DEPARTEMENT VAN GESONDHEID.

[25 November 1960.

BLADSY

Die volgende Wetsonwerp wat die Minister van Gesondheid voornemens is om by die volgende Parlementsitting in te dien, word vir algemene inligting gepubliseer:—

Wetsonwerp op Voorkoming van Lugbesoedeling ... 3

DEPARTMENT OF LABOUR.

The following Bills which the Minister of Labour proposes introducing during the next session of Parliament are published for general information.

Unemployment Insurance Amendment Bill 36
Workmen's Compensation Amendment Bill 40

DEPARTEMENT VAN ARBEID.

Die volgende Wetsonwerpe wat die Minister van Arbeid voornemens is om gedurende die volgende Parlementsitting in te dien, word vir algemene inligting gepubliseer.

Wysigingswetsonwerp op Werkloosheidversekerung 37
Ongevalle-wysigingswetsonwerp 41

BILL

To provide for the prevention of the pollution of the atmosphere, for the establishment of a National Air Pollution Advisory Committee, and for matters incidental thereto.

(To be introduced by the MINISTER OF HEALTH.)

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:—

Definitions.

1. (1) In this Act, unless the context otherwise indicates—
 - (i) "best practicable means", when used with reference to the prevention of the escape of noxious or offensive gases, includes the provision and maintenance of the necessary appliances to that end, the effective operation of such appliances, and the adoption of any other methods necessary for the purpose;
 - (ii) "board" means the Air Pollution Appeal Board established under paragraph (a) of sub-section (1) of section five; (xiii)
 - (iii) "chief officer" means the chief air pollution control officer appointed under section six; (v)
 - (iv) "committee" means the National Air Pollution Advisory Committee established under section two; (viii)
 - (v) "controlled area" means any area which has under section eight been declared to be a controlled area; (i)
 - (vi) "dark smoke" means smoke which, if compared in the prescribed manner with a chart of the kind shown in the First Schedule, appears to be of a shade not lighter than shade 2 on that chart; (xviii)
 - (vii) "dwelling house" means any building or other structure intended for use or used as a dwelling for a single family, and any outbuildings appurtenant thereto; (xxii)
 - (viii) "fixed date", in relation to any area in respect of which any regulations made under section eighteen are in force, means the date of commencement of such regulations; (xix)
 - (ix) "fuel burning appliance" means any furnace, boiler or other appliance designed to burn or capable of burning liquid fuel or wood, coal, anthracite or other solid fuel, or used to dispose of any material by burning, or to subject solid fuel to any process involving the application of heat; (iii)
 - (x) "inspector" means an inspector appointed under section six; (vii)
 - (xi) "local authority" means any institution or body contemplated in paragraph (vi) of section eighty-five of the South Africa Act, 1909; (xii)
 - (xii) "Minister" means the Minister of Health; (ix)
 - (xiii) "noxious or offensive gas" means any aldehyde, ammonium compound or cementworks fumes, chlorine and any of its acid compounds, any cyanide, cyanogen, any fluorine compound, fumes containing antimony, arsenic, beryllium, chromium, copper, lead, manganese or zinc or any of their compounds, any gaseous sulphur compound or hydrocarbon, hydrochloric acid, any ketone, nitric acid, any acid forming compound of nitrogen, any odour from rendering plants, glue factories or fish or whale processing factories and sulphuric acid, and any other gas, fumes or particulate matter which the Minister may notice in the *Gazette* declare to be a noxious or offensive gas for the purposes of this Act; (xvi)
 - (xiv) "occupier", in relation to any premises, means the occupier of those premises or of any particular part thereof, as the circumstances may require; (x)

WETSONTWERP

Om voorsiening te maak vir die voorkoming van lugbesoedeling, vir die instelling van 'n Nasionale Adviserende Komitee op Lugbesoedeling, en vir aangeleenthede wat daarvan in verband staan.

(Deur die MINISTER VAN GESONDHEID ingedien te word.)

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

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

- (i) „beheerde gebied” 'n gebied wat kragtens artikel *agt* tot 'n beheerde gebied verklaar is; (v)
- (ii) „beste beskikbare metode”, waar dit met betrekking tot die voorkoming van ontsnapping van skadelike of hinderlike gas gesig word, ook die voorsiening en instandhouding van die nodige toestelle vir die doel, die doeltreffende werking van daardie toestelle, en die aanwending van ander metodes wat daarvan nodig is; (i)
- (iii) „brandstof-verbruikende toestel” 'n oond, stoomketel of ander toestel wat ontwerp of geskik is om brandstof in vloeibare vorm of hout, steenkool, antrasiet of ander vaste brandstof te verbrand, of wat gebruik word om met enige materiaal weg te doen deur dit te verbrand of om vaste brandstof deur middel van 'n proses waarby die aanwending van hitte betrokke is, te behandel; (ix)
- (iv) „hierdie Wet” ook enige regulasie kragtens artikel *agt-en-twintig* uitgevaardig; (xxi)
- (v) „hoofbeampte” die kragtens artikel *ses* aangestelde hoofbeampte vir die bestryding van lugbesoedeling; (iii)
- (vi) „ingelyste proses” werke of 'n proses in die Tweede Bylae vermeld; (xix)
- (vii) „inspekteur” 'n kragtens artikel *ses* aangestelde inspekteur; (x)
- (viii) „komitee” die by artikel *twee* ingestelde Nasionale Adviserende Komitee op Lugbesoedeling; (iv)
- (ix) „Minister” die Minister van Gesondheid; (xii)
- (x) „okkupeerder”, met betrekking tot 'n perseel, die okkupeerder van daardie perseel of van 'n bepaalde deel daarvan, na vereiste van omstandighede; (xiv)
- (xi) „perseel” 'n gebou of ander struktuur tesame met die grond waarop dit geleë is en enige aangrensende grond geokkupeer of gebruik in verband met die bedrywigheid wat in bedoelde gebou of struktuur voortgesit word, en ook grond sonder geboue of ander strukture; (xv)
- (xii) „plaaslike bestuur” 'n instelling of liggaam in paraaf (vi) van artikel *vyf-en-tachtig* van die „Zuid-Afrika Wet, 1909” bedoel; (xi)
- (xiii) „raad” die kragtens paragraaf (a) van sub-artikel (1) van artikel *vyf* ingestelde Appèlraad op Lugbesoedeling; (ii)
- (xiv) „registrasiesertifikaat” 'n registrasiesertifikaat kragtens sub-paragraaf (i) van paragraaf (a) van sub-artikel (2) of sub-artikel *drie* van artikel *tien* uitgereik; (xviii)
- (xv) „rook” ook roet, gruis en gruiserige stofdeeltjies wat in rook bevatt is; (xx)
- (xvi) „skadelike of hinderlike gas” enige aldehyde, ammoniumverbinding of cementfabriekdampe, chloor en enige suurverbinding daarvan, enige sianiede, sianogeenverbinding, fluoorverbinding, dampe wat antimoon, arseen, berillium, chroom, koper, lood, mangaan of sink of verbindingen van een of ander daarvan bevat, enige swawelverbinding in die vorm van gas of koolwaterstofverbinding, chloorwaterstofsuur, enige keton, salpetersuur, enige suurvormende stikstofverbinding, enige reuk afkomstig van uit-

- (xv) "premises" means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in such building or structure, and includes any land without any buildings or other structures; (xi)
- (xvi) "prescribed" means prescribed by or under this Act; (xx)
- (xvii) "provisional registration certificate" means a provisional registration certificate issued under subparagraph (i) of paragraph (b) of sub-section (2) or sub-section (3) of section ten; (xxi)
- (xviii) "registration certificate" means a registration certificate issued under sub-paragraph (1) of paragraph (a) of sub-section (2) or sub-section (3) of section ten; (xiv)
- (xix) "scheduled process" means any works or process specified in the Second Schedule; (vi)
- (xx) "smoke" includes soot, grit and gritty particles emitted in smoke; (xv)
- (xxi) "this Act" includes any regulations made under section *twenty-eight*; (iv)
- (xxii) "town clerk" means the chief administrative officer of a local authority; (xvii)

(2) The Minister may, after consultation with the committee, by notice in the *Gazette* amend the Second Schedule by including therein or excluding therefrom any process or works or in any other manner as he may deem fit.

PART I.

ESTABLISHMENT OF NATIONAL AIR POLLUTION ADVISORY COMMITTEE AND APPEAL BOARD AND APPOINTMENT OF OFFICERS.

Establishment of National Air Pollution Advisory Committee.

2. (1) There is hereby established a committee to be known as the National Air Pollution Advisory Committee which shall consist of not less than seven and not more than eleven persons to be appointed by the Minister.

(2) The Minister shall designate one of the members of the committee as the chairman and one such member as vice-chairman of the committee.

Functions of the committee.

3. The functions of the committee shall be—

- (a) to advise the Minister on all matters relating to the control, abatement and prevention of air pollution;
- (b) to study and report to the Minister upon measures taken outside the Union for the control of air pollution;
- (c) to stimulate public interest in the problem of air pollution and for that purpose (but without limiting the generality of the foregoing) to arrange for the delivery of lectures and addresses, the holding of discussions and the display of pictures, cinematograph films or exhibitions relating to that problem; and
- (d) to advise the Minister generally in regard to any matter relating to air pollution as to which the committee considers it necessary to advise the Minister or which he may refer to the committee for its advice.

Sub-committees.

4. (1) The Minister may on the recommendation of the committee appoint such sub-committees, including sub-committees in respect of particular areas, as he may consider necessary to advise and assist the committee in the performance of its functions under this Act and assign to a sub-committee so appointed such of the powers of the committee as he may deem fit; Provided that the committee shall not be divested of any powers which may have been assigned to any such sub-committee.

(2) A member of the committee shall be eligible for appointment to any such sub-committee.

Appeal Boards.

5. (1) The Minister shall establish—

- (a) a board to be known as the Air Pollution Appeal Board to hear and determine appeals from the decision of the chief officer in terms of section *thirteen*;

- braaierye, lymfabriekie of vis- of walvisverwerkingsfabriekie, en swawelsuur, en enige ander gas, damp of partikelbevattende stof wat die Minister by kennisgewing in die *Staatskoerant* vir die doeleindes van hierdie Wet tot 'n skadelike of hinderlike gas verklaar; (xiii)
- (xvii) „stadsklerk” die administratiewe hoofamptenaar van 'n plaaslike bestuur; (xxii)
- (xviii) „swart rook” rook waarvan die kleur, indien dit op die voorgeskrewe wyse vergelyk word met 'n kaart van die soort in die Eerste Bylae uiteengesit, van 'n kleur nie ligter as tint 2 op daardie kaart blyk te wees nie; (vi)
- (xix) „vasgestelde datum”, met betrekking tot 'n gebied ten opsigte waarvan regulasies ingevolge artikel *actien van krag* is, die datum van inwerkingtreding van daardie regulasies; (viii)
- (xx) „voorgeskryf” deur of kragtens hierdie Wet voorgeskryf; (xvi)
- (xxi) „voorlopige registrasiesertifikaat” 'n voorlopige registrasiesertifikaat kragtens sub-paragraaf (i) van paragraaf (b) van sub-artikel (2) of sub-artikel (3) van artikel *tien* uitgereik; (xvii)
- (xxii) „woning” 'n gebou of ander struktuur wat bestem is of gebruik word as 'n woning vir 'n enkele gesin, en enige daarby behorende buitegeboue; (vii)
- (2) Die Minister kan na oorlegpleging met die komitee, die Tweede Bylae by kennisgewing in die *Staatskoerant* wysig deur enige proses of werke daarby in te sluit of daarvan uit te sluit of op enige ander wyse wat hy goedvind.

DEEL I:

INSTELLING VAN NASIONALE ADVISERENDE KOMITEE OP LUGBESOEDELING EN APPÉLRAAD EN AANSTELLING VAN BEAMPTE.

2. (1) Hierby word 'n komitee ingestel onder die naam van die Nasionale Adviserende Komitee op Lugbesoedeling wat bestaan uit minstens sewe en hoogstens elf persone deur die Minister aangestel.

Instelling van Nasionale Adviserende Komitee op Lugbesoedeling.

(2) Die Minister wys een lid van die komitee aan as voorstitter en een sodanige lid as ondervoorsitter van die komitee.

Werksaamhede van komitee.

3. Die werksaamhede van die komitee is—

- (a) om die Minister in verband met alle sake rakende die beheer, bestryding en voorkoming van lugbesoedeling van advies te dien;
- (b) om maatreëls buite die Unie geneem vir die beheer van lugbesoedeling te bestudeer en daaroor aan die Minister verslag te doen;
- (c) om die openbare belangstelling in die vraagstuk van lugbesoedeling aan te wakker, en om vir die doel (maar sonder afbreuk aan die algemeenheid van die voorgaande) die verskaffing van voorlesings en toesprake, die hou van besprekings en die vertoning van prente, rolprente of tentoonstellings met betrekking tot daardie vraagstuk te reël; en
- (d) om die Minister algemeen van advies te dien aanstaande enige aangeleentheid wat op lugbesoedeling betrekking het en waaromtrent die komitee dit nodig ag om die Minister van advies te dien of wat die Minister vir sy advies na die komitee verwys.

4. (1) Die Minister kan op aanbeveling van die komitee **Sub-komitees.** sodanige sub-komitees, met inbegrip van sub-komitees ten opsigte van bepaalde gebiede, aanstel as wat hy nodig ag om die komitee by die verrigting van sy werksaamhede ingevolge hierdie Wet van advies te dien en by te staan en aan 'n aldus aangestelde sub-komitee sodanige bevoegdhede van die komitee toewys as wat die Minister goedvind: Met dien verstande dat die komitee nie ontheft is van enige bevoegdhede wat aan so 'n sub-komitee toegewys word nie.

(2) 'n Lid van die komitee kan in so 'n sub-komitee aangeset word.

5. (1) Die Minister stel—

Appèlrade.

- (a) 'n raad aan bekend as die Appèlraad op Lugbesoedeling om appelle ooreenkomsdig artikel *dertien* teen besluite van die hoofbeampte te verhoor en te beslis;

(b) so many regional appeal boards as he may consider necessary to hear and determine appeals from the decisions of local authorities in terms of section *twenty-four*.

(2) The board and every regional appeal board shall consist of three members who are in the opinion of the Minister suitably qualified to perform the functions devolving upon them under this Act.

(3) The Minister may at the request of the board or any regional appeal board, appoint not more than two persons who in the opinion of the Minister have expert knowledge of any matter to which any appeal relates, to serve as assessors on the board or that regional appeal board, in connection with such appeal.

Appointment of chief officer and inspectors.

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

(a) an officer to be styled the chief air pollution control officer who shall exercise the powers and perform the duties assigned to him by this Act; and

(b) so many persons as he may consider necessary to be inspectors under this Act.

(2) Every inspector shall be furnished with a certificate signed by the chief officer stating that he has been appointed as an inspector under this Act.

(3) The chief officer may with the approval of the Minister authorize any person in the service of a local authority to perform in the area under the jurisdiction of that local authority, and subject to the directions of the chief officer, such of the functions of the chief officer or an inspector as the chief officer may determine.

(4) Any person so authorized shall be furnished with a certificate signed by the chief officer specifying the functions which may be performed by such person and the area in respect of which those functions may be so performed.

(5) The chief officer may at any time, with the approval of the Minister, withdraw any authorization under sub-section (3), and shall cause the local authority concerned to be notified in writing of such withdrawal and of the date on which it shall take effect.

Powers of chief officer and inspectors.

7. (1) The chief officer or an inspector may, for the purpose of ascertaining whether the provisions of Part II of this Act or any regulation made under section *twenty-eight* are being complied with—

(a) without previous notice at any time enter any premises in which a scheduled process is or is suspected to be carried on, and examine any process in which any noxious or offensive gas is used or produced and any apparatus for condensing any such gas or otherwise preventing the discharge thereof into the atmosphere or for rendering any such gas harmless or inoffensive when discharged;

(b) require from the person in charge of any such premises in which a scheduled process is carried on, the production of the registration certificate issued in respect of such premises under section *ten* of this Act;

(c) apply such tests and take such samples and generally make such enquiries and investigations as appear to him to be necessary for the due performance of his functions under this Act.

(2) Any person who—

(a) falsely holds himself out to be the chief officer or an inspector; or

(b) refuses or fails to answer to the best of his power any lawful question put to him by the chief officer or an inspector in the exercise of his powers under this section; or

(c) refuses or fails to comply to the best of his power with any lawful requirement of the chief officer or an inspector under this section; or

(d) obstructs or interferes with the chief officer or an inspector in the exercise of his powers under this section,

shall be guilty of an offence.

- (b) soveel streeksappèlrade aan as wat hy nodig ag om appelle ooreenkomstig artikel *vier-en-twintig* teen besluite van plaaslike besture te verhoor en te beslis.

(2) Die raad en elke streeksappèlraad bestaan uit drie lede wat volgens die Minister se oordeel die nodige kwalifikasies besit om die werksaamhede wat ingevolge hierdie Wet op hulle rus te verrig.

(3) Die Minister kan op versoek van die raad of 'n streeksappèlraad hoogstens twee persone aanstel, wat volgens die Minister se oordeel deskundige kennis besit van enige aangeleentheid waarop 'n appell betrekking het, om in verband met so 'n appell as assessors op die raad of daardie streeksappèlraad te dien.

6. (1) Die Minister kan met inagneming van die wetsbepalings op die staatsdiens—

Aanstelling van hoofbeampte en inspekteurs.

- (a) 'n beampte aanstel bekend as die hoofbeampte vir die bestryding van lugbesoedeling, wat die by hierdie Wet aan hom toegewese bevoegdhede uitoefen en pligte uitvoer; en

- (b) soveel persone as wat hy nodig ag, aanstel as inspekteurs ingevolge hierdie Wet.

(2) Daar word aan elke inspekteur 'n sertifikaat verstrek wat deur die hoofbeampte onderteken is en waarin vermeld word dat hy as 'n inspekteur ingevolge hierdie Wet aangestel is.

(3) Die hoofbeampte kan met goedkeuring van die Minister, enigiemand in die diens van 'n plaaslike bestuur magtig om binne die regssgebied van daardie plaaslike bestuur, en onderworpe aan die voorskrifte van die hoofbeampte, sodanige werksaamhede van die hoofbeampte te verrig as wat die hoofbeampte bepaal.

(4) Daar word aan 'n aldus gemagtigde persoon 'n sertifikaat verstrek wat deur die hoofbeampte onderteken is en waarin die werksaamhede wat bedoelde persoon kan verrig en die gebied waarin daardie werksaamhede aldus verrig kan word, uiteengesit word.

(5) Die hoofbeampte kan te eniger tyd met goedkeuring van die Minister 'n magtiging ingevolge sub-artikel (3) terugtrek, en laat die betrokke plaaslike bestuur skriftelik van die terugtrekking en van die datum waarop dit 'n aanvang neem, in kennis stel.

7. (1) Die hoofbeampte of 'n inspekteur kan ten einde te bepaal of daar aan die bepalings van Deel II van hierdie Wet of 'n kragtens artikel *agt-en-twintig* uitgevaardigde regulasie voldoen word—

Bevoegdhede van hoofbeampte en inspekteurs.

- (a) sonder kennisgewing vooraf te eniger tyd 'n perseel betree waarin 'n ingelyste proses voortgesit of vermoedelik voortgesit word, en enige proses onderzoek waarby skadelike of hinderlike gas gebruik of voortgebring word en enige apparaat ondersoek wat dien om so 'n gas te kondenseer of op ander wyse te verhoed dat dit in die lug uitgelaat word of dat dit na uitlating skadelik of hinderlik sal wees;

- (b) van die persoon belas met die toesig oor so 'n perseel waarin 'n ingelyste proses voortgesit word, die oorlegging eis van die registrasiesertifikaat ingevolge artikel *tien* van hierdie Wet ten opsigte van bedoelde perseel uitgereik;

- (c) die toetse toepas en die monsters neem en oor die algemeen die ondersoek en navrae doen wat hom vir die behoorlike verrigting van sy werksaamhede ingevolge hierdie Wet nodig blyk.

(2) Iemand wat—

- (a) hom valslik as die hoofbeampte of 'n inspekteur voordoen; of

- (b) weier of versuim om na sy beste vermoë te antwoord op enige vraag wettiglik deur die hoofbeampte of 'n inspekteur by die uitoefening van sy bevoegdhede ingevolge hierdie artikel aan hom gestel; of

- (c) weier of versuim om na sy beste vermoë aan 'n vereiste van die hoofbeampte of 'n inspekteur ingevolge hierdie artikel te voldoen; of

- (d) die hoofbeampte of 'n inspekteur by die uitoefening van sy bevoegdhede ingevolge hierdie artikel hinder of belemmer,

is aan 'n misdryf skuldig.

PART II.

CONTROL OF NOXIOUS AND OFFENSIVE GASES

Controlled areas.

8. The Minister may, after consideration of a report by the committee, by notice in the *Gazette*—
 (a) declare any area to be a controlled area for the purposes of this Act;
 (b) include any area in or exclude any area from a controlled area.

Premises on which scheduled process carried on to be registered.

9. (1) Save as provided in sub-section (4) of section eleven, no person shall within a controlled area—
 (a) carry on a scheduled process in or on any premises, unless—
 (i) he is the holder of a current registration certificate authorizing him to carry on that process in or on those premises; or
 (ii) in the case of a person who was carrying on any such process in or on any premises immediately prior to the date of publication of the notice by virtue of which the area in question is a controlled area, he has within three months after that date applied for the issue to him of a registration certificate authorizing the carrying on of that process in or on those premises, and his application has not been refused; or
 (b) erect or cause to be erected any building or plant or alter or extend or cause to be altered or extended any existing building or plant on any premises, which is intended to be used for the purpose of carrying on any scheduled process in or on those premises, unless he is the holder of a provisional registration certificate authorizing the erection, alteration or extension of that building or plant for the said purpose.
 (2) Any person who contravenes any provision of sub-section (1) shall be guilty of an offence.

Application for and issue of registration certificates and provisional registration certificates.

10. (1) An application for a registration certificate or a provisional registration certificate under section nine shall be lodged with the chief officer in the prescribed form and shall be accompanied by such information as may be prescribed.
 (2) The chief officer shall after consideration of any such application—
 (a) in the case of an application under sub-paragraph (ii) of paragraph (a) of sub-section (1) of that section—
 (i) if he is satisfied that the best practicable means are being adopted for preventing or reducing to a minimum the escape into the atmosphere of noxious or offensive gases produced or likely to be produced by the scheduled process in question, grant the application and issue to the applicant a registration certificate in the form prescribed; or
 (ii) if he is not so satisfied, by notice in writing require the applicant to take the necessary steps for preventing or reducing to a minimum the escape into the atmosphere of noxious or offensive gases produced or likely to be produced by the said scheduled process;
 (b) in the case of an application under paragraph (b) of the said sub-section, and subject to the provisions of sub-section (4)—
 (i) if he is satisfied in regard to the matters referred to in sub-paragraph (i) of paragraph (a) of this sub-section, grant the application and issue to the applicant a provisional registration certificate in the form prescribed; or
 (ii) if he is not so satisfied, by notice in writing advise the applicant to take the necessary steps of the nature contemplated in sub-paragraph (ii) of paragraph (a) of sub-section (1) in order that he may be so satisfied.
 (3) An applicant who has complied with the requirements of any notice under sub-paragraph (ii) of paragraph (a) or sub-paragraph (ii) of paragraph (b) of sub-section (2), within the period specified in that notice or within such further period as the chief officer may allow, shall, subject to the provisions of sub-section (4), be entitled to the issue to him of a registration certificate or a provisional registration certificate, as

DEEL II.

BEHEER VAN SKADELIKE EN HINDERLIKE GASSE.

8. Die Minister kan, na oorweging van 'n verslag deur die Beheerde gebiede, komitee, by kennisgewing in die *Staatskoerant*—

- (a) enige gebied tot 'n beheerde gebied vir die doeleindes van hierdie Wet verklaar;
- (b) enige gebied by 'n beheerde gebied insluit of daarvan uitsluit.

9. (1) Behoudens die bepalings van sub-artikel (4) van artikel *elf*, mag niemand binne 'n beheerde gebied—

- (a) 'n ingelyste proses in of op 'n perseel voortsit nie, tensy—
 - (i) hy die houer is van 'n geldende registrasiesertifikaat wat hom magtig om daardie proses in of op bedoelde perseel voort te sit; of
 - (ii) in die geval van 'n persoon wat daardie proses in of op bedoelde perseel voortgesit het onmiddellik voor die datum van die kennisgewing uit hoofde waarvan die betrokke gebied 'n beheerde gebied is, hy binne drie maande na daardie datum aansoek gedoen het om die uitreiking aan hom van 'n registrasiesertifikaat wat die voortsetting van daardie proses in of op bedoelde perseel magtig, en sy aansoek nie geweier is nie; of
- (b) op enige perseel 'n gebou of installasie oprig of laat oprig of 'n bestaande gebou of installasie verander of uitbrei of laat verander of uitbrei, wat bestem is vir gebruik om 'n ingelyste proses in of op daardie perseel voort te sit nie, tensy hy die houer is van 'n voorlopige registrasiesertifikaat wat die oprigting, verandering of uitbreiding vir die betrokke doel magtig.

(2) Iemand wat 'n bepaling van sub-artikel (1) oortree, is aan 'n misdryf skuldig.

10. (1) 'n Aansoek om 'n registrasiesertifikaat of 'n voorlopige registrasiesertifikaat ingevolge artikel *nege* moet in die voorgeskrewe vorm by die hoofbeampte ingedien word en van die voorgeskrewe inligting vergesel gaan.

(2) Die hoofbeampte moet na oorweging van so 'n aansoek—

- (a) in die geval van 'n aansoek ingevolge sub-paragraaf (ii) van paragraaf (a) van sub-artikel (1) van daardie artikel—
 - (i) indien hy oortuig is dat die beste beskikbare metode toegepas word om die ontsnapping in die lug van skadelike of hinderlike gasse wat deur die betrokke ingelyste proses voortgebring of waarskynlik voortgebring sal word, te verhoed, die aansoek toestaan en 'n registrasiesertifikaat in die voorgeskrewe vorm aan die applikant uitreik; of
 - (ii) indien hy nie aldus oortuig is nie, die applikant by skriftelike kennisgewing aansê om die nodige stappe te doen om die ontsnapping in die lug van skadelike of hinderlike gasse wat deur bedoelde ingelyste proses voortgebring of waarskynlik voortgebring sal word, te verhoed of tot 'n minimum te beperk;
- (b) in die geval van 'n aansoek ingevolge paragraaf (b) van bedoelde sub-artikel, en behoudens die bepalings van sub-artikel (4)—
 - (i) indien hy ten opsigte van die in sub-paragraaf (i) van paragraaf (a) van hierdie sub-artikel genoemde aangeleenthede tevrede is, die aansoek toestaan en aan die applikant 'n voorlopige registrasiesertifikaat in die voorgeskrewe vorm uitreik; of
 - (ii) indien hy nie aldus tevrede is nie, die applikant skriftelik aansê om die nodige stappe van die aard in sub-paragraaf (ii) van paragraaf (a) van sub-artikel (1) beoog, te doen, ten einde hom in die opsig tevrede te stel.

(3) 'n Applikant wat aan die vereistes van 'n kennisgewing ingevolge sub-paragraaf (ii) van paragraaf (a) of sub-paragraaf (ii) van paragraaf (b) van sub-artikel (2) voldoen het, binne die tydperk in daardie kennisgewing vermeld, of binne so 'n verdere tydperk as wat die hoofbeampte mag toestaan, is behoudens die bepalings van sub-artikel (4), geregtig op die uitreiking aan hom van 'n registrasiesertifikaat of 'n voorlopige registrasiesertifikaat, al na die geval, en indien daar nie aldus

Persele waarop
1. ingelyste proses
voortgesit word,
geregistreer te
word.

Aansoek om en
uitreiking van
registrasie-
sertifikate en voor-
lopige registrasie-
sertifikate.

the case may be, and if the said requirements are not so complied with, the application in question may be refused.

(4) No provisional registration certificate shall be issued under this section; unless the chief officer is satisfied that the scheduled process in question may reasonably be permitted to be carried on in the locality affected, having regard to the nature of that process, the character of such locality, the purposes for which other premises in such locality are used and any other considerations which in his opinion have a bearing on the matter, and that the carrying on of that process in or on the premises in question would not be in conflict with any town planning scheme in operation or in course of preparation in respect of such locality.

Period of validity and conditions of provisional certificate.

11. (1) A provisional registration certificate shall, subject to the provisions of sub-section (3), be valid for such period as may be determined by the chief officer and specified in that certificate, and the chief officer may, if he is satisfied that good reasons exist for doing so, from time to time extend the period of validity of any such certificate.

(2) Every provisional registration certificate shall specify—

- (a) the situation and extent of the proposed building or plant to which the certificate relates;
- (b) the nature of the scheduled process intended to be carried on;
- (c) the raw materials intended to be used, the nature of the operations intended to be carried out and the products intended to be produced; and
- (d) the appliances intended to be installed and any other measures intended to be taken with a view to preventing or reducing to a minimum the escape into the atmosphere of any noxious or offensive gases likely to be produced by the operations intended to be carried on.

(3) If any building or plant in respect of which a provisional registration certificate has been issued, is, within the period specified in sub-section (1), or within such further period as the chief officer may allow, completed to the satisfaction of the chief officer in accordance with the particulars specified in that certificate, the chief officer shall, on application by the holder of that certificate, issue to him a registration certificate in the prescribed form authorizing the carrying on of the scheduled process to which that provisional registration certificate relates in or on the premises in respect of which such provisional registration certificate was issued, and thereupon such provisional registration certificate shall lapse.

(4) The holder of a provisional registration certificate may carry on in the premises to which that certificate relates any process specified in such certificate, and the provisions of section twelve shall *mutatis mutandis* apply with reference to the carrying on of any such process in those premises.

Conditions of registration certificates.

12. (1) A registration certificate shall be subject to the condition that all plant and apparatus used for the purpose of carrying on the scheduled process in question and all appliances for preventing or reducing to a minimum the escape into the atmosphere of noxious or offensive gases, shall at all times be properly maintained and operated and that the holder of the certificate shall ensure that all other necessary measures are taken to prevent the escape into the atmosphere of noxious or offensive gases.

(2) The chief officer may at any time by notice in writing require the holder of any such certificate to take steps to ensure the more effective prevention of the escape into the atmosphere of noxious or offensive gases produced by the scheduled process to which the certificate relates.

(3) If the holder of a registration certificate fails to comply with the conditions referred to in sub-section (1) or any requirement under sub-section (2), the chief officer may by notice in writing call upon such holder to comply with such conditions or requirement within a period specified in the notice, and in the event of failure on the part of such holder to comply with the said conditions or requirement within the period so specified, the chief officer may cancel the registration certificate or suspend the operation thereof for such period as he may deem fit.

aan bedoelde vereistes voldoen word nie, kan die betrokke aansoek van die hand gewys word.

(4) Geen voorlopige registrasiesertifikaat word ingevolge hierdie artikel uitgereik nie, tensy die hoofbeampte tevrede is dat voortsetting van die betrokke ingelyste proses in die betrokke omgewing redelikerwys toegelaat kan word, met inagneming van die aard van daardie proses, die aard van bedoelde omgewing, die doeleindes waarvoor ander persele in daardie omgewing gebruik word, en enige ander oorwegings wat na sy oordeel op die saak betrekking het, en dat die voortsetting van daardie proses in of op die betrokke perseel nie met 'n dorpsaanlegskema wat in daardie omgewing geld of wat ten opsigte daarvan opgestel word, in stryd sou wees nie.

11. (1) 'n Voorlopige registrasiesertifikaat is, behoudens die bepalings van sub-artikel (3), geldig vir die tydperk wat deur die hoofbeampte bepaal en in daardie sertifikaat vermeld word, en die hoofbeampte kan, indien hy oortuig is dat grondige redes daar toe bestaan, van tyd tot tyd die geldigheidsduur van die sertifikaat verleng.

Geldigheidsduur
en voorwaardes
van voorlopige
sertifikaat.

(2) Elke voorlopige registrasiesertifikaat moet—

- (a) die ligging en omvang vermeld van die voorgestelde gebou of installasie waarop die sertifikaat betrekking het;
- (b) die aard van die voorgenome ingelyste proses vermeld wat voortgesit staan te word;
- (c) die grondstowwe vermeld wat bedoel is om gebruik te word, asook die aard van die werksaamhede wat bedoel is om gedryf te word en die produkte bestem om voortgebring te word; en
- (d) die toestelle vermeld wat bedoel is om opgerig te word en die ander maatreëls wat beoog word ten einde die ontsnapping in die lug van skadelike of hinderlike gas wat waarskynlik voortgebring sal word deur die werksaamhede bedoel om gedryf te word, te verhoed of tot 'n minimum te beperk.

(3) Indien 'n gebou of installasie ten opsigte waarvan 'n voorlopige registrasiesertifikaat uitgereik is, binne die in sub-artikel (1) vermelde tydperk of binne so 'n verdere tydperk as wat die hoofbeampte mag toestaan, tot bevrediging van die hoofbeampte ooreenkomsdig die in daardie sertifikaat vermelde besonderhede voltooi word, moet die hoofbeampte op aansoek van die houer van daardie sertifikaat aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik waarby die voortsetting van die ingelyste proses waarop daardie voorlopige registrasiesertifikaat betrekking het, in of op die perseel ten opsigte waarvan daardie voorlopige registrasiesertifikaat uitgereik is, gemagtig word, en daarop verval bedoelde voorlopige registrasiesertifikaat.

(4) Die houer van 'n voorlopige registrasiesertifikaat kan in die perseel waarop die sertifikaat betrekking het, enige in daardie sertifikaat vermelde proses voortsit, en die bepalings van artikel twaalf is *mutatis mutandis* van toepassing met betrekking tot die voortsetting van daardie proses in bedoelde perseel.

12. (1) 'n Registrasiesertifikaat is onderworpe aan die voorwaarde dat alle installasies en apparate wat gebruik word om die betrokke ingelyste proses voort te sit, en alle toestelle om die ontsnapping in die lug van skadelike of hinderlike gasse te verhoed of tot 'n minimum te beperk, te alle tye behoorlik in stand gehou en in werking moet wees, en dat die houer van die sertifikaat moet toesien dat alle ander nodige maatreëls getref word om die ontsnapping in die lug van skadelike of hinderlike gasse te verhoed.

Voorwaardes van
registrasie-
sertifikate.

(2) Die hoofbeampte kan te eniger tyd die houer van so 'n sertifikaat skriftelik aansê om stappe te doen ten einde die ontsnapping in die lug van skadelike of hinderlike gasse wat voortgebring word deur die ingelyste proses waarop die sertifikaat betrekking het, meer doeltreffend te verhoed.

(3) Indien die houer van 'n registrasiesertifikaat versuim aan die voorwaardes in sub-artikel (1) vermeld of die vereistes van 'n aanseggeling kragtens sub-artikel (2) te voldoen, kan die hoofbeampte daardie houer by skriftelike kennisgewing gelas om binne 'n in die kennisgewing vermelde tydperk aan daardie voorwaardes of vereistes te voldoen, en as bedoelde houer in gebreke bly om binne die aldus vermelde tydperk aan daardie voorwaardes of vereistes te voldoen, kan die hoofbeampte die registrasiesertifikaat intrek of die werking daarvan opskort vir die tydperk wat hy goed vind.

Appeals from decisions of chief officer.

13. Any person who is aggrieved by a decision of the chief officer refusing an application for a registration certificate or a provisional registration certificate or cancelling or suspending a registration certificate or provisional registration certificate, or imposing any requirement under sub-section (2) of section twelve, may within one month appeal against such decision to the board, which shall have power to make such order on the appeal as it may consider equitable and whose decision shall be final.

PART III.

ATMOSPHERIC POLLUTION BY SMOKE.

Application of this Part.

14. (1) The provisions of this Part shall apply only in areas in which they have been declared to be applicable by the Minister by notice in the *Gazette*, and with effect from such date in the case of any such area as may be specified in the relevant notice.

(2) Save as provided in sub-section (6), no such notice shall be issued in respect of any area or part of an area under the jurisdiction of a local authority except with the concurrence of that local authority.

(3) Subject to the provisions of sub-sections (4) and (6), the powers conferred by this Part upon local authorities shall in respect of any area under the jurisdiction of a local authority, which is the subject of a notice under sub-section (1), be exercised by that local authority.

(4) The Minister may at the request of any local authority, by notice in the *Gazette* direct that the powers which may in terms of sub-section (3) be exercised by that local authority, shall be exercised by the chief officer, and may in that event recover from that local authority the costs incurred by the chief officer in the exercise of the said powers, as determined by agreement between the Minister and such local authority.

(5) Where any notice under sub-section (1) is issued in respect of any area which is not under the jurisdiction of a local authority, the Minister may in that notice or by subsequent notice in the *Gazette*—

(a) direct that the powers conferred by this Part upon local authorities be exercised in respect of such area by the chief officer; or

(b) if such area adjoins the area under the jurisdiction of a local authority, authorize that local authority to exercise the said powers in respect of such area.

(6) If after consideration of a report submitted to him by the committee in pursuance of any enquiry made by it consequent upon representations by any local authority (hereinafter referred to as the aggrieved local authority), the Minister is satisfied that smoke emanating from premises situated within the area of jurisdiction of any other local authority (hereinafter referred to as the defaulting local authority), is causing a nuisance to persons within the area of jurisdiction of the aggrieved local authority, the Minister may, after consultation with the defaulting local authority—

(a) if the premises from which the smoke emanates are situated within an area in which the provisions of this Part have in terms of sub-section (1) been declared to be applicable, and in the opinion of the Minister the defaulting local authority has not taken and is not taking reasonable steps with a view to preventing the continuation of the nuisance, by notice in the *Gazette* direct that the powers conferred by this Part upon local authorities shall in respect of the said area be exercised by the chief officer;

(b) if the said premises are not situated within such an area as aforesaid, by notice in the *Gazette* declare the provisions of this Part to be applicable either in the entire area under the jurisdiction of the defaulting local authority or in such a portion of that area as he may consider necessary to permit of effective action being taken in accordance with the said provisions in order to prevent the continuation of the nuisance;

13. Iemand wat hom veronreg ag deur 'n besluit van die hoofbeampte waarby 'n aansoek om 'n registrasiesertifikaat of 'n voorlopige registrasiesertifikaat geweiер of 'n registrasiesertifikaat of voorlopige registrasiesertifikaat ingetrek of opgeskort of 'n vereiste kragtens sub-artikel (2) van artikel *twaalf* opgelê word, kan binne een maand teen daardie besluit appèl aanteken by die raad wat bevoeg is om so 'n beslissing op die appèl te gee as wat hy billik ag en wie se beslissing afdoende is.

Appelle teen
besluite van
hoofbeampte.

DEEL III.

LUGBESOEDELING DEUR ROOK.

14. (1) Die bepalings van hierdie Deel geld slegs in gebiede waarin die Minister dit by kennisgewing in die *Staatskoerant* van toepassing verklaar het, en vanaf so 'n datum in die geval van enige sodanige gebied as wat in die kennisgewing bepaal word.

Toepassing van
hierdie Deel.

(2) So 'n kennisgewing word, behoudens die bepalings van sub-artikel (6), nie ten opsigte van 'n gebied of deel van 'n gebied binne die regsmag van 'n plaaslike bestuur uitgevaardig nie, dan alleen met instemming van daardie plaaslike bestuur.

(3) Die bevoegdhede deur hierdie Deel aan plaaslike besture verleen, word, behoudens die bepalings van sub-artikels (4) en (6), ten opsigte van enige gebied binne die regsmag van 'n plaaslike bestuur wat die onderwerp van 'n kennisgewing kragtens sub-artikel (1) is, deur daardie plaaslike bestuur uitgeoefen.

(4) Die Minister kan op versoek van 'n plaaslike bestuur by kennisgewing in die *Staatskoerant* gelas dat die bevoegdhede wat ingevolge sub-artikel (3) deur daardie plaaslike bestuur uitgeoefen kan word, deur die hoofbeampte uitgeoefen moet word, en kan in so 'n geval die koste deur die hoofbeampte by die uitoefening van bedoelde bevoegdhede aangegaan, soos by ooreenkoms tussen die Minister en bedoelde plaaslike bestuur bepaal, op daardie plaaslike bestuur verhaal.

(5) Waar 'n kennisgewing kragtens sub-artikel (1) uitgevaardig word ten opsigte van 'n gebied wat nie onder die regsmag van 'n plaaslike bestuur val nie, kan die Minister in daardie kennisgewing of by latere kennisgewing in die *Staatskoerant*—

- (a) gelas dat die bevoegdhede deur hierdie Deel aan plaaslike besture verleen, ten opsigte van bedoelde gebied deur die hoofbeampte uitgeoefen word; of
- (b) indien bedoelde gebied aan die regsgebied van 'n plaaslike bestuur grens, daardie plaaslike bestuur magtig om gemelde bevoegdhede ten opsigte van bedoelde gebied uit te oefen.

(6) Indien die Minister na oorweging van 'n verslag deur die komitee aan hom voorgelê ingevolge 'n ondersoek deur die komitee ingestel na aanleiding van vertoe deur 'n plaaslike bestuur (hieronder die benadeelde plaaslike bestuur genoem), oortuig is dat rook wat voortkom uit 'n perseel geleë binne die regsgebied van 'n ander plaaslike bestuur (hieronder die in gebreke blywende plaaslike bestuur genoem) 'n oorlas vir persone binne die regsgebied van die benadeelde plaaslike bestuur veroorsaak, kan die Minister, na oorlegpleging met die in gebreke blywende plaaslike bestuur—

- (a) indien die perseel waaruit die rook voortkom, geleë is binne 'n gebied waarin die bepalings van hierdie Deel ingevolge sub-artikel (1) van toepassing verklaar is, en die in gebreke blywende plaaslike bestuur volgens die Minister se oordeel nie redelike stappe gedoen het of doen ten einde te verhoed dat die oorlas voortduur nie, by kennisgewing in die *Staatskoerant* gelas dat die by hierdie Deel aan plaaslike besture verleende bevoegdhede ten opsigte van bedoelde gebied deur die hoofbeampte uitgeoefen moet word;
- (b) indien bedoelde perseel nie binne so 'n gebied soos voormeld geleë is nie by kennisgewing in die *Staatskoerant* die bepalings van hierdie Deel van toepassing verklaar of in die hele regsgebied van die in gebreke blywende plaaslike bestuur of in so 'n deel van daardie gebied as wat hy nodig ag sodat doeltreffende stappe ooreenkomsdig bedoelde bepalings gedoen kan word ten einde te verhoed dat die oorlas voortduur;

- (c) in any notice under paragraph (b) or by subsequent notice in the *Gazette* direct that the powers conferred by this Part upon local authorities shall in respect of the area which is the subject of such first-mentioned notice be exercised by the chief officer;
- (d) at any time by notice in the *Gazette* withdraw or amend any notice issued under this sub-section;
- (e) where any powers are in terms of a notice under this sub-section exercised by the chief officer, recover the costs incurred in connection with the exercise of such powers from the defaulting local authority.

(7) The Minister may by notice in the *Gazette*—

- (a) withdraw any notice under sub-section (1) or include any area within the area to which that notice relates or exclude therefrom any area which is included therein;
- (b) withdraw any notice under sub-section (4) or (5) and issue any other notice under sub-section (5) in respect of the area or any part of the area to which any notice under that sub-section relates: Provided that no notice under sub-section (4) or paragraph (b) of sub-section (5) shall be withdrawn except after consultation with the local authority concerned.

(8) Any reference in this Part to a local authority shall—

- (a) in relation to any area in respect of which any powers are by virtue of a notice under sub-section (4) or paragraph (a) of sub-section (5) required to be exercised by the chief officer, be construed as a reference to the chief officer; and
- (b) in relation to an area in respect of which a local authority has under paragraph (b) of sub-section (5) been authorized to exercise the powers conferred upon local authorities by this Part, shall be construed as a reference to that local authority.

(9) Whenever any notice issued under this section has the effect of vesting—

- (a) in the chief officer any powers which prior to the date on which the notice came into operation were vested in a local authority; or
- (b) in a local authority any powers which prior to that date were vested in the chief officer,

any order duly issued or other action duly taken prior to the said date by the authority which was then competent to make such order or take such action shall be deemed to have been duly issued or taken by the authority who has become competent to issue such order or take such action by virtue of the notice.

**Installation of
fuel burning
appliances.**

15. (1) No person shall install or cause or permit to be installed in or on any premises—

- (a) any fuel burning appliance, unless such appliance is so far as reasonably practicable capable of being operated continuously without emitting dark smoke or without prior notice in writing to the local authority concerned; or
- (b) any fuel burning appliance designed to subject solid fuel to any process involving the application of heat, or to burn solid fuel, including pulverized solid fuel, unless such appliance is provided with efficient appliances for arresting grit and dust.

(2) The provisions of sub-section (1) shall not apply—

- (a) in respect of the installation of any fuel burning appliance in any dwelling house;
- (b) in so far as paragraph (b) of that sub-section is concerned, in respect of any fuel burning appliance if the maximum quantity of solid fuel capable of being subjected to any process contemplated in that paragraph or of being burnt by means of such appliance is less than one ton of such fuel per hour; or

- (c) in 'n kennisgewing ingevolge paragraaf (b) of by latere kennisgewing in die *Staatskoerant* gelas dat die by hierdie Deel aan plaaslike besture verleende bevoegdhede, ten opsigte van die gebied wat die onderwerp van eersbedoelde kennisgewing is, deur die hoofbeampte uitgeoefen moet word;
 - (d) te eniger tyd by kennisgewing in die *Staatskoerant* enige kragtens hierdie sub-artikel uitgevaardigde kennisgewing intrek;
 - (e) waar bevoegdhede uit hoofde van 'n kennisgewing ingevolge hierdie sub-artikel deur die hoofbeampte uitgeoefen word, die koste in verband met die uit-oefening van bedoelde bevoegdhede aangegaan van die in gebreke blywende plaaslike bestuur verhaal.
- (7) Die Minister kan by kennisgewing in die *Staatskoerant*—
- (a) enige kennisgewing kragtens sub-artikel (1) intrek of enige gebied insluit in die gebied waarop daardie kennisgewing betrekking het of enige daarby inbegrepe gebied daarvan uitsluit;
 - (b) enige kennisgewing ingevolge sub-artikel (4) of (5) intrek en enige ander kennisgewing kragtens sub-artikel (5) uitvaardig ten opsigte van die gebied of 'n deel van die gebied waarop 'n kennisgewing ingevolge daardie sub-artikel betrekking het: Met dien verstande dat geen kennisgewing ingevolge sub-artikel (4) of paragraaf (b) van sub-artikel (5) ingetrek word nie behalwe na oorlegpleging met die betrokke plaaslike bestuur.

(8) 'n Verwysing in hierdie Deel na 'n plaaslike bestuur word—

- (a) met betrekking tot 'n gebied ten opsigte waarvan uit hoofde van 'n kennisgewing kragtens sub-artikel (4) of paragraaf (a) van sub-artikel (5) enige bevoegdhede deur die hoofbeampte uitgeoefen moet word, as 'n verwysing na die hoofbeampte uitgelê; en
- (b) met betrekking tot 'n gebied ten opsigte waarvan 'n plaaslike bestuur kragtens paragraaf (b) van sub-artikel (5) gemagtig is om die by hierdie Deel aan plaaslike besture verleende bevoegdhede uit te oefen, as 'n verwysing na daardie plaaslike bestuur uitgelê.

(9) Wanneer 'n kragtens hierdie artikel uitgevaardigde kennisgewing die uitwerking het—

- (a) om in die hoofbeampte bevoegdhede te vestig wat voor die datum waarop die kennisgewing van krag word by 'n plaaslike bestuur berus het; of
- (b) om in 'n plaaslike bestuur bevoegdhede te vestig wat voor daardie datum by die hoofbeampte berus het, word 'n bevel wat voor daardie datum behoorlik uitgevaardig is of ander stappe wat behoorlik gedoen is deur die gesag wat toe bevoeg was om die bevel uit te vaardig of die stappe te doen, geag behoorlik uitgevaardig of gedoen te wees deur die gesag wat uit hoofde van die kennisgewing bevoeg geword het om die bevel uit te vaardig of die stappe te doen.

15. (1) Niemand mag in of op 'n perseel—

- (a) 'n brandstof-verbruikende toestel inrig of laat inrig nie, tensy daardie toestel sover redelikérwys doenlik voortdurend aan die gang kan bly sonder om swart rook af te gee of sonder skriftelike kennisgewing vooraf aan die betrokke plaaslike bestuur; of
- (b) 'n brandstof-verbruikende toestel inrig of laat inrig nie, wat bedoel is om vaste brandstof deur middel van 'n proses waarby die aanwending van hitte betrokke is, te behandel, of om vaste brandstof, met inbegrip van fyngemaakte vaste brandstof, te verbrand, tensy daardie toestel voorsien is van doeltreffende toestelle om te verhoed dat gruisdeeltjies en stof afgagee word.

Aanbring van
brandstof-
verbruikende
toestelle.

(2) Die bepalings van sub-artikel (1) is nie van toepassing nie—

- (a) ten opsigte van die inrig van 'n brandstof-verbruikende toestel in 'n woning;
- (b) vir sover dit paragraaf (b) van daardie sub-artikel betref, ten opsigte van enige brandstof-verbruikende toestel, indien die maksimum hoeveelheid vaste brandstof wat deur middel van daardie toestel volgens 'n in bedoelde paragraaf beoogde proses behandel of verbrand kan word, minder as een ton van daardie brandstof per uur beloop; of

- (c) in respect of any fuel burning appliance if the installation thereof was commenced or an agreement for the acquisition thereof was entered into prior to the fixed date.
- (3) A fuel burning appliance which has been installed in accordance with plans and specifications approved by the local authority concerned, shall not for the purposes of sub-section (1), be deemed to have been installed in contravention of the provisions of that sub-section, but nothing in this sub-section shall be construed as precluding any action under section *seventeen* or *nineteen* in respect of any such fuel burning appliance.
- (4) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence.

**Siting of fuel
burning appliances
and construction
of chimneys.**

16. (1) No local authority shall approve of any plan which provides for the construction of any chimney or other opening for carrying smoke, gases, vapours, fumes, grit, dust or other final escapes from any building or for the installation of any fuel burning appliance, unless it is satisfied—

- (a) in the case of any such chimney or other opening, that the height thereof will as far as practicable be sufficient to prevent smoke or any other product of combustion from becoming prejudicial to health or a nuisance to occupiers of premises in the vicinity; or
 - (b) in the case of any such fuel burning appliance, that it is suitably sited in relation to other premises in the vicinity.
- (2) For the purposes of paragraph (a) of sub-section (1), a local authority may have regard to—
- (a) the purpose for which the chimney or other opening in question is intended;
 - (b) the position and nature of any other buildings in the vicinity;
 - (c) the levels of land in the vicinity; and
 - (d) any other matter which in the opinion of the local authority should be considered.

**Procedure where
smoke or other
products of
combustion cause
nuisance.**

17. (1) If as a result of representations made to it by any occupier of premises (hereinafter referred to as the affected premises), a local authority is satisfied that smoke or any other product of combustion emanating from any premises is a nuisance to the occupier of the affected premises, that local authority may cause to be served on the person responsible for such nuisance a notice calling upon him to abate the nuisance within a period specified in the notice and to take all such steps as may be necessary to prevent a recurrence of the nuisance.

(2) For the purposes of sub-section (1), the person responsible for any nuisance referred to in that sub-section shall be—

- (a) if the nuisance is due to structure defects in any building erected or adapted by the owner or a predecessor in title of the premises in question for the carrying on of the activities giving rise to the nuisance, or by any plant or appliance installed by the owner or such a predecessor in title or for the maintenance of which the owner is responsible, the owner of such premises; and
- (b) in any other case, the occupier of such premises.

(3) A notice under sub-section (1) may be served—

- (a) upon the owner of any premises, by delivering it to him or his agent or transmitting it by post under registered cover to him or his agent at his last known address or the last known address of such agent, as the case may be, or, if his address and the address of his agent are unknown, at the address where the premises are situated;
- (b) upon the occupier of the premises, by delivering it to such occupier or his agent or transmitting it by post to such occupier under registered cover at the address where the premises are situated.

(4) Any person who fails to comply with any notice under sub-section (1), shall be guilty of an offence.

(5) Where it is necessary in order to comply with any notice under sub-section (1) for the person upon whom such notice is served to carry out any works or install any appliances, he may apply to any court having jurisdiction for an order direct-

- (c) ten opsigte van enige brandstof-verbruikende toestel, indien voor die vasgestelde datum met die inrig daarvan 'n begin gemaak was of 'n ooreenkoms vir die verkryging daarvan aangegaan was.

(3) 'n Brandstof-verbruikende toestel wat ooreenkomstig planne en spesifikasies goedgekeur deur die betrokke plaaslike bestuur ingerig is, word nie by die toepassing van sub-artikel (1) geag in stryd met die bepalings van daardie sub-artikel ingerig te wees nie, maar die bepalings van hierdie sub-artikel word nie so uitgelê dat dit optrede kragtens artikel *seventien of negentien* ten opsigte van so 'n brandstof-verbruikende toestel verhoed nie.

(4) Iemand wat die bepalings van sub-artikel (1) oortree, is aan 'n misdryf skuldig.

16. (1) Geen plaaslike bestuur keur 'n plan wat vir die oprigting van 'n skoorsteen of ander opening vir die afvoer van rook, gasse, dampe, gruisdeeltjies, stof of enigets anders wat uiteindelik uit 'n gebou afgelaat moet word, of vir die inrig van 'n brandstof-verbruikende toestel voorsiening maak, goed nie, tensy hy oortuig is—

- (a) in die geval van so 'n skoorsteen of ander opening, dat dit sover doenlik hoog genoeg sal wees om te verhoed dat rook of ander produkte van verbranding vir die gesondheid skadelik of vir okkuperders van persele in die omgewing 'n oorlas sal wees; of
 (b) in die geval van so 'n brandstof-verbruikende toestel, dat dit op 'n gesikte plek in verhouding tot ander persele in die omgewing aangelê staan te word.

(2) By die toepassing van paragraaf (a) van sub-artikel (1) kan 'n plaaslike bestuur rekening hou met—

- (a) die doel waarvoor die betrokke skoorsteen of ander opening bestem is;
 (b) die ligging en aard van ander geboue in die omgewing;
 (c) die niveau van grond in die omgewing; en
 (d) enige ander aangeleentheid wat volgens die plaaslike bestuur se oordeel in aanmerking geneem behoort te word.

17. (1) Indien 'n plaaslike bestuur as gevolg van vertoe deur 'n okkuperder van 'n perseel (hieronder die benadeelde perseel genoem) aan hom gerig, oortuig is dat rook of 'n ander voortbrengsel van verbranding wat uit enige perseel voortkom, vir die okkuperder van die benadeelde perseel 'n oorlas is, kan daardie plaaslike bestuur aan die persoon wat vir die oorlas verantwoordelik is 'n kennisgiving laat besorg wat hom aansê om die oorlas binne 'n in die kennisgiving vermelde tydperk stop te sit en alle stappe te doen wat nodig mag wees om 'n herhaling van die oorlas te verhoed.

Procedure waar rook of ander voortbrengsels van verbranding 'n oorlas word.

(2) By die toepassing van sub-artikel (1) is die persoon wat vir 'n in daardie sub-artikel bedoelde oorlas verantwoordelik is—

- (a) indien die oorlas te wyte is aan boukundige gebreke in 'n gebou wat deur die eienaar of sy regsvoorganger opgerig of ingerig is om die werkzaamhede voort te sit wat tot die oorlas aanleiding gee, of deur 'n installasie of toestel wat deur die eienaar of so 'n regsvoorganger aangebring is en vir die instandhouding waarvan die eienaar aanspreeklik is, die eienaar van daardie perseel; en
 (b) in enige ander geval, die okkuperder van bedoelde perseel.

(3) 'n Kennisgiving ingevolge sub-artikel (1) kan besorg word—

- (a) aan die eienaar van 'n perseel, deur dit aan hom of sy verteenwoordiger af te lewer of deur dit per geregistreerde pos aan hom of sy agent by sy laaste bekende adres of die laaste bekende adres van daardie verteenwoordiger, na gelang van die geval, te stuur, of, indien sy adres en die adres van sy verteenwoordiger nie bekend is nie, aan die adres waar die perseel geleë is;
 (b) aan die okkuperder van die perseel, deur dit af te lewer aan die okkuperder of sy verteenwoordiger, of deur dit per geregistreerde pos aan bedoelde okkuperder by die adres waar die perseel geleë is, te stuur.

(4) Iemand wat versuim om aan 'n kennisgiving ingevolge sub-artikel (1) te voldoen, is aan 'n misdryf skuldig.

(5) Waar dit vir die persoon aan wie 'n kennisgiving ingevolge sub-artikel (1) besorg word, nodig is om enige werke uit te voer of toestelle in te rig ten einde aan die kennisgiving te voldoen, kan hy by 'n bevoegde hof aansoek doen om 'n bevel

ing the owner of the affected building to pay or contribute towards the cost of carrying out such works or installing such appliances.

(6) On an application under sub-section (5) the court may, if it is satisfied that the affected building was erected after the building from which the smoke or other product causing the nuisance emanates, and that it is equitable to require the owner of the affected building to pay or contribute a share of the cost of carrying out the works or installing the appliances in question, order him to pay such cost or contribute such share as it may determine towards such cost, as the court may in the circumstances consider equitable.

(7) If within a period of one month after the conviction of any person charged with an offence under sub-section (4), steps have not been taken to the satisfaction of such local authority with a view to the abatement of the nuisance which gave rise to the conviction, the local authority may itself execute such works and install such appliances and take such other steps as it may consider necessary to abate such nuisance, and recover the cost thereby incurred from the person convicted: Provided that if any person has under sub-section (6) been ordered to pay or contribute towards the cost involved in abating the nuisance, the local authority may in its discretion recover from that person so much of the amount, if any, which that person is in terms of the order required to pay as remains unpaid, and such person shall in that event be discharged from liability under the order to the extent of the amount so recovered.

Smoke control regulations.

18. (1) A local authority may make regulations—

- (a) prohibiting the emission or emanation from any premises of smoke which is of a darker colour or greater density or content than is specified in such regulations;
- (b) prohibiting the installation in any premises or the alteration or extension of any fuel burning appliance which does not comply with such requirements as may be specified in such regulations or determined by a person authorized thereto by or in accordance with such regulations or otherwise than in accordance with and subject to such conditions as may be so specified or determined;
- (c) requiring or authorizing the removal of any fuel burning appliance which has been installed, extended or altered or is being used in contravention of any such regulation or otherwise than in accordance with any condition imposed by or under any such regulation;
- (d) prohibiting the use or sale for use of solid fuel which does not comply with such requirements as may be specified in the regulations or determined by a person authorized thereto by or in accordance with such regulations, except in such cases and on such conditions as may be so specified or determined;
- (e) prescribing the records to be kept and the returns to be rendered to the local authority by any person who has in his possession or under his control any fuel burning appliance, as to the quantity, nature and type of fuel consumed by such appliance, and the form in which such records shall be kept and the form in which and the times at which such returns shall be rendered;
- (f) providing for the inspection of fuel burning appliances, whether or not installed in any premises, and the powers and functions of persons engaged in such inspection, and prescribing the circumstances under which fees shall be payable in respect of such inspection and the amount or the method of determining the amount of any such fees;
- (g) requiring the owner or occupier of any premises in or on which any fuel burning appliance is used, or in or on which any fuel or any fuel of a particular type is consumed at a rate of or above the rate specified in the regulations, to install, maintain and use at his own expense such apparatus as may be specified in such regulations or determined by the local authority or a person designated by it or specified in the regulations, for the purpose of indicating or recording the colour, density or content of such smoke as may be emitted by such appliance or as may emanate from the premises in or on which it is used or by the fuel so consumed, and for the purpose

wat die eienaar van die benadeelde perseel gelas om die koste van uitvoering van daardie werke of inrig van daardie toestelle te betaal of daar toe by te dra.

(6) By 'n aansoek ingevolge sub-artikel (5) kan die hof, indien hy oortuig is dat die benadeelde gebou opgerig is na die gebou waaruit die rook of ander voortbrengsels afkomstig is wat die oorlas veroorsaak; en dat dit billik is om te gelas dat die eienaar van die benadeelde gebou die koste van uitvoering van die betrokke werke of inrig van die betrokke toestelle betaal of daar toe bydra, daardie eienaar gelas om bedoelde koste te betaal of so 'n deel daarvan by te dra as wat die hof in die omstandighede billik ag.

(7) Indien daar nie binne een maand na die veroordeling van iemand wat weens 'n misdryf ingevolge sub-artikel (4) aangekla is, stappe tot bevrediging van die plaaslike bestuur gedoen is om die oorlas wat tot die veroordeling aanleiding gegee het, teen te gaan nie, kan die plaaslike bestuur self die werke uitvoer en die toestelle inrig en die ander stappe doen wat hy nodig ag om die oorlas teen te gaan, en die koste daarby aangegaan op die veroordeelde persoon verhaal: Met dien verstande dat, indien iemand kragtens sub-artikel (6) beveel is om die koste verbonde aan die bestryding van die oorlas te betaal of daar toe by te dra, die plaaslike bestuur na goeddunke soveel van die bedrag, as daar is, wat so iemand volgens die bevel moet betaal en wat nog nie betaal is nie, op hom kan verhaal, en so iemand is in so 'n geval onthef van aanspreeklikheid ingevolge die bevel vir die bedrag wat aldus verhaal word.

18. (1) 'n Plaaslike bestuur kan regulasies uitvaardig—

- (a) waarby verbied word dat uit 'n perseel rook uitgelaat of afgegee word van 'n donkerder kleur of groter digtheid of inhoud as wat in die regulasies bepaal word;
- (b) waarby die inrig in 'n perseel of die verandering of uitbreiding verbied word van 'n brandstof-verbruikende toestel wat nie aan die vereistes in bedoelde regulasies vermeld, of deur 'n by of ooreenkomsdig bedoelde regulasies gemagtigde persoon bepaal, voldoen nie, of andersins as ooreenkomsdig en onderworpe aan die voorwaardes aldus vermeld of bepaal;
- (c) waarby die verwydering van 'n brandstof-verbruikende toestel vereis of gemagtig word wat in stryd met so 'n regulasie, of andersins as ooreenkomsdig 'n voorwaarde deur of kragtens so 'n regulasie opgelê, ingerig, uitgebrei of verander is of gebruik word;
- (d) waarby die gebruik of verkoop vir gebruik verbied word van vaste brandstof wat nie aan die vereistes in die regulasies uiteengesit, of deur 'n by of ooreenkomsdig die regulasies gemagtigde persoon bepaal, voldoen nie, behalwe in die gevalle en op die voorwaardes aldus uiteengesit of bepaal;
- (e) waarby voorgeskryf word watter aantekenings gehou en watter opgawes aan die plaaslike bestuur verstrek moet word deur iemand wat 'n brandstof-verbruikende toestel in sy besit of onder sy beheer het, aangaande die hoeveelheid, aard en tipe brandstof wat deur bedoelde toestel verbruik word, asook die vorm waarin daardie aantekenings gehou en die vorm waarin en die tye wanneer daardie opgawes verstrek moet word;
- (f) waarby voorsiening gemaak word vir die inspeksie van brandstof-verbruikende toestelle, hetby in 'n perseel ingerig al dan nie, en vir die bevoegdhede en werkzaamhede van persone wat sodanige inspeksie onderneem, en die omstandighede voorgeskryf word waarin ten opsigte van so 'n inspeksie geldte betaalbaar is, asook die bedrag van sodanige geldte of die wyse waarop daardie bedrag bepaal moet word;
- (g) waarby die eienaar of okkuperer van 'n perseel waarin of waarop 'n brandstof-verbruikende toestel gebruik word, of waarin of waarop enige brandstof of brandstof van 'n besondere tipe verbruik word op 'n skaal of 'n hoërskaal as die skaal in die regulasies vermeld, verplig word om op eie koste die apparaat in te rig, in stand te hou en te gebruik wat in die regulasies vermeld of deur die plaaslike bestuur of 'n deur hom aangewese of in die regulasies vermelde persoon bepaal word, ten einde die kleur, digtheid of inhoud aan te dui of te noteer van rook wat deur bedoelde toestel afgegee word of uit die perseel waarin of waarop dit gebruik word of deur die aldus verbruikte brandstof uitgelaat of afgegee

**Regulasies vir
beheer van rook.**

of facilitating the observance of such smoke with a view to determining its colour, density or content, and requiring such owner or occupier to make available to the local authority any results recorded by or ascertained by means of such apparatus;

- (h) prescribing such requirements in respect of the provision of heating or cooking facilities in buildings as the local authority may consider necessary for reducing to a minimum the emanation of smoke from such buildings, and prohibiting the installation in any building of any appliances other than specified types of appliances or any appliances which do not comply with the requirements so prescribed;
- (i) providing for the constitution, functions and procedure of any committee established under section *twenty-one*;
- (j) prescribing the manner in which appeals under section *twenty-four* shall be submitted, the amount, if any, to be deposited with the local authority in respect of any such appeal and the procedure for dealing with any such appeal, and providing for the refund of any amount so deposited if the appeal is successful; and
- (k) generally for the effective control of the emission or emanation of smoke from any premises.

(2) Different regulations may be made under sub-section (1) in respect of different parts of the area under the control of a local authority or different classes of premises or premises used for different purposes or in respect of different times or of different periods of the year, and any such regulations may provide for exemption from compliance therewith in such cases under such circumstances and on such conditions as may be prescribed in such regulations.

(3) Any such regulations may provide that for the purpose of determining the density of smoke, use shall be made of the chart set out in the First Schedule or of any other method of determination specified in such regulations.

(4) Such regulations may provide for penalties for any contravention thereof or failure to comply therewith, but not exceeding a fine of one hundred pounds or, in default of payment, imprisonment for a period not exceeding six months.

(5) No such regulation shall have any force or effect unless it has been approved by the Minister and promulgated in the manner prescribed by law for the promulgation of by-laws of the local authority concerned.

Procedure in event of contravention of regulations.

19. (1) If smoke is emitted or emanates from any premises in contravention of any regulation made under section *eighteen*, the local authority concerned may, subject to the provisions of sub-section (3), cause to be served on the owner or occupier of such premises a notice in writing calling upon him to bring about, within a period specified in the notice, the cessation of the emission or emanation of such smoke from those premises.

(2) Such a notice may be served by delivering it to the owner or occupier concerned personally or to the person in charge of the premises in question or by transmitting it to such owner or occupier by post under registered cover at the address at which such premises are situated, describing him by name or as the occupier of those premises.

(3) No such notice shall be served in respect of any premises in or on which a scheduled process is being carried on, except after consultation with the chief officer.

(4) In determining the period to be specified in any such notice, the local authority shall have regard to the nature and magnitude of the measures to be taken in order to comply with the notice.

(5) Any person who fails to comply with any such notice, shall be guilty of an offence.

(6) If after the expiration of a period of one month from the date of the conviction of any person of an offence under sub-section (5), steps have not been taken to the satisfaction of the local authority concerned to comply with the relevant notice, that local authority may cause such works to be undertaken and such appliances to be installed and such other measures to be taken as it may consider necessary to bring about the cessation of the emission or emanation of the smoke which was

word, en ten einde die waarneming van sodanige rook vir die bepaling van die kleur, digtheid of inhoud daarvan te vergemaklik, en waarby bedoelde eienaar of okkuperder verplig word om enige resultate deur middel van sodanige apparaat genoteer of vasgestel aan die plaaslike bestuur beskikbaar te stel;

- (h) waarby sodanige vereistes voorgeskryf word ten opsigte van die voorsiening van verwarmings- of kookgeriewe in geboue as wat die plaaslike bestuur nodig ag ten einde die uitlating van rook uit sodanige geboue tot 'n minimum te beperk, en die inrig in enige gebou van ander toestelle as bepaalde tipes toestelle of van toestelle wat nie aan aldus voorgeskrewe vereistes voldoen nie, verbied word;
- (i) waarby die samestelling, werksaamhede en prosedure van enige ingevolge artikel *een-en-twintig* saamgestelde komitee bepaal word;
- (j) waarby die wyse waarop appelle kragtens artikel *vier-en-twintig* voorgelê moet word, die bedrag (as daar is) wat ten opsigte van so 'n appèl by die plaaslike bestuur gestort moet word en die prosedure by die behandeling van so 'n appèl voorgeskryf word, en vir terugbetaling van 'n aldus gestorte bedrag indien die appèl slaag, voorsiening gemaak word; en
- (k) in die algemeen vir die doeltreffende beheer van die uitlating of afgee van rook uit persele.

(2) Verskillende regulasies kan kragtens sub-artikel (1) ten opsigte van verskillende dele van die gebied onder die beheer van 'n plaaslike bestuur of verskillende kategorieë van persele of persele wat vir verskillende doeleindes gebruik word of ten opsigte van verskillende tye of verskillende tydperke van die jaar uitgevaardig word, en sodanige regulasies kan voorseening maak vir vrystelling van voldoening daaraan in die gevalle en onder die omstandighede en op die voorwaardes in daardie regulasies voorgeskryf.

(3) Sodanige regulasies kan bepaal dat ten einde die dightheid van rook vas te stel, daar van die kaart in die Eerste Bylae uiteengesit of van enige ander metode van vasstelling daarvan gebruik gemaak moet word.

(4) Sodanige regulasies kan op oortreding daarvan of versuim om daaraan te voldoen, strawwe stel wat 'n boete van vyfhonderd pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie.

(5) So 'n regulasie het geen krag of uitwerking nie tensy dit deur die Minister goedgekeur is en op die by wet voorgeskrewe wyse van afkondiging van verordeninge van die betrokke plaaslike bestuur afkondig is.

19. (1) Indien rook uit 'n perseel uitgelaat word of voortkom in stryd met 'n regulasie ingevolge artikel *agtien*, kan die betrokke plaaslike bestuur, behoudens die bepalings van sub-artikel (3), aan die eienaar of okkuperder van daardie perseel 'n skriftelike kennisgewing laat besorg waarby hy aangesê word om binne 'n in die kennisgewing vermelde tydperk toe te sien dat die uitlating of voortkoming van sodanige rook uit daardie perseel beëindig word.

(2) So 'n kennisgewing kan besorg word deur dit te oorhandig aan die betrokke eienaar of okkuperder persoonlik of aan die persoon belas met die toesig oor die betrokke perseel of deur dit per geregistreerde pos na die adres waar die perseel geleë is aan die betrokke eienaar of okkuperder onder sy naam of as die eienaar of okkuperder van daardie perseel te stuur.

(3) So 'n kennisgewing word nie ten opsigte van 'n perseel waarin of waarop 'n ingelyste proses voortgesit word, besorg nie, behalwe na oorlegpleging met die hoofbeampte.

(4) By die bepaling van die tydperk in so 'n kennisgewing vasgestel te word, moet die plaaslike bestuur rekening hou met die aard en omvang van die maatreëls wat geneem sal moet word ten einde aan die kennisgewing te voldoen.

(5) Iemand wat versuim om aan so 'n kennisgewing te voldoen, is aan 'n misdryf skuldig.

(6) Indien na verstryking van 'n tydperk van een maand vanaf die datum waarop iemand weens 'n misdryf ingevolge sub-artikel (5) veroordeel is, daar geen stapte tot bevrediging van die betrokke plaaslike bestuur gedoen is om aan die betrokke kennisgewing te voldoen nie, kan daardie plaaslike bestuur die werke laat onderneem en die toestelle laat aanbring en die ander maatreëls laat neem wat hy nodig ag om die uitlating of voortkoming van die rook wat die onderwerp

Prosedure in geval van oortreding van regulasies.

**Establishment
of smoke
control zones.**

the subject of the notice, and recover the cost incurred from the person upon whom the notice was served.

20. (1) A local authority may by order confirmed by the Minister and promulgated in the manner in which the by-laws of that local authority are by law required to be promulgated—

- (a) declare the area within its jurisdiction or any part of that area to be a smoke control zone; and
- (b) prohibit the emanation or emission from any premises in that zone of smoke of a darker colour or greater density of content than is specified in the order.

(2) For the purposes of sub-section (1), the area under the jurisdiction of a local authority includes any area in respect of which that local authority is empowered to exercise any powers under this Act.

(3) An order under sub-section (1)—

- (a) may apply to all premises or to specified premises or classes of premises or to premises used for specified purposes or for purposes other than specified purposes;
- (b) may prescribe different requirements in respect of different portions of a smoke control zone or for different classes of premises or for premises used for specified purposes or for purposes other than specified purposes; and
- (c) may provide for exemption on such conditions as may be specified in the order from the provisions thereof in respect of specified premises or classes of premises or premises used for specified purposes or for purposes other than specified purposes or premises not so used, or in respect of specified fuel burning appliances or types of such appliances.

(4) Before submitting an application to the Minister for confirmation of an order in terms of sub-section (1), the local authority shall publish in three consecutive issues of an Afrikaans newspaper and in three consecutive issues of an English newspaper circulating in its area of jurisdiction, a notice in Afrikaans and English, respectively, of its intention to make such application, and—

- (a) stating the general effect of the order;
- (b) describing the area to which the order is to apply; and
- (c) stating that within one month after the date of the first publication of such notice any person may object to the confirmation of the order by giving notice in writing to the Minister and sending a copy of his notice to the town clerk concerned.

(5) Where objections to any such order are lodged, the Minister may, if he considers it advisable to do so, appoint a committee consisting of one or more persons to enquire into and report upon the advisability or otherwise of confirming the order in which event the Minister shall not confirm the order before he has received and considered the report of such committee, and notice of the appointment of such committee and of the subject matter of the enquiry shall be published in Afrikaans and in English, respectively, in an Afrikaans newspaper and in an English newspaper circulating in the area of jurisdiction of the local authority concerned.

(6) Subject to the provisions of sub-section (4), the Minister may confirm any such order either with or without modification, or may refuse to confirm such order, and where the order is confirmed, notice of the confirmation, and of the general effect of the order as so confirmed, shall be published by the local authority in Afrikaans and in English, respectively, in an Afrikaans newspaper and in an English newspaper circulating in the area of jurisdiction of the local authority.

(7) Any expenses incurred by the Minister under this section shall be defrayed by the local authority.

(8) An order which has been confirmed by the Minister shall come into operation on a date to be specified in the notice by which the order is promulgated, not being a date earlier than six months from the date on which the order was confirmed.

(9) An order under this section may contain such provisions as the Minister may consider expedient—

- (a) for enabling the occupier of any premises within the area to which the order relates who has to incur expenses in executing works or providing, altering

van die kennisgewing was te beëindig, en die koste wat aangegaan word, verhaal op die persoon aan wie die kennisgewing besorg was.

20. (1) 'n Plaaslike bestuur kan by bevel wat deur die Minister bekragtig is en afgekondig is op die wyse waarop die verordeninge van daardie plaaslike bestuur volgens wet afgekondig moet word— Instelling van rookbeheerstreke.

- (a) die gebied binne sy regsmag of 'n deel van daardie gebied tot 'n rookbeheerstreek verklaar; en
- (b) die uitlating of voortkomming uit enige perseel van rook van 'n donkerder kleur of groter digtheid of inhoud as wat in die bevel vermeld word, verbied.

(2) By die toepassing van sub-artikel (1) sluit die gebied binne die regsmag van 'n plaaslike bestuur enige gebied in ten opsigte waarvan daardie plaaslike bestuur gemagtig is om bevoegdhede ingevolge hierdie Wet uit te oefen.

(3) 'n Bevel ingevolge sub-artikel (1)—

- (a) kan van toepassing wees op alle persele of op gemelde persele of kategorieë van persele of op persele wat vir bepaalde doeleindeste of vir ander doeleindeste as bepaalde doeleindeste gebruik word;
- (b) kan verskillende vereistes voorskryf ten opsigte van verskillende dele van 'n rookbeheerstreek of van verskillende kategorieë van persele of van persele wat vir bepaalde doeleindeste of vir ander doeleindeste as bepaalde doeleindeste gebruik word en persele wat nie aldus gebruik word nie; en
- (c) kan voorsiening maak vir vrystelling, op die voorwaardes in die bevel uiteengesit, van die bepalings van die bevel ten opsigte van gemelde persele of kategorieë van persele of persele wat vir bepaalde doeleindeste of vir ander doeleindeste as bepaalde doeleindeste gebruik word, of ten opsigte van bepaalde brandstofverbruikende toestelle of tipes van sodanige toestelle.

(4) Voordat hy 'n aansoek om bekragtiging van 'n bevel ingevolge sub-artikel (1) aan die Minister voorlê, moet die plaaslike bestuur in drie agtereenvolgende uitgawes van 'n Afrikaanse nuusblad en in drie agtereenvolgende uitgawes van 'n Engelse nuusblad wat binne sy regsgebied in omloop is, 'n kennisgewing onderskeidelik in Afrikaans en Engels publiseer van sy voorneme om die aansoek te doen, en daarin—

- (a) die algemene strekking van die bevel vermeld;
- (b) die gebied beskryf waarop die bevel van toepassing sal wees; en
- (c) aandui dat enigiemand binne een maand na die datum waarop die kennisgewing die eerste maal gepubliseer word, teen die bekragtiging van die bevel beswaar kan aanteken deur skriftelik aan die Minister kennis te gee en 'n afskrif van sy kennisgewing aan die betrokke stadsklerk te stuur.

(5) Waar beware teen so 'n bevel aangeteken word, kan die Minister, indien hy dit raadsaam ag, 'n komitee bestaande uit een of meer persone aanstel om onderzoek in te stel en verslag te doen of dit wenslik is al dan nie om die bevel te bekragtig, en in so 'n geval bekragtig die Minister nie die bevel voordat hy die verslag van bedoelde komitee ontvang en oorweeg het nie, en moet van die aanstelling van bedoelde komitee en van die onderwerp van die onderzoek 'n kennisgewing onderskeidelik in Afrikaans en in Engels gepubliseer word in 'n Afrikaanse en in 'n Engelse nuusblad wat binne die regsgebied van die betrokke plaaslike bestuur in omloop is.

(6) Die Minister kan behoudens die bepalings van sub-artikel (4), so 'n bevel bekragtig of met of sonder wysiging, of bekragtiging daarvan weier, en, waar die bevel bekragtig word, moet 'n kennisgewing van die bekragtiging, en van die algemene strekking van die bevel soos aldus bekragtig, onderskeidelik in Afrikaans en in Engels deur die plaaslike bestuur gepubliseer word in 'n Afrikaanse en in 'n Engelse nuusblad in omloop binne die regsgebied van die plaaslike bestuur.

(7) Enige koste ingevolge hierdie artikel deur die Minister aangegaan, moet deur die plaaslike bestuur betaal word.

(8) 'n Bevel wat deur die Minister bekragtig is, tree in werking op 'n datum wat vermeld moet word in die kennisgewing waarby die bevel afgekondig word, maar nie op 'n vroeër datum as ses maande vanaf die datum waarop die bevel bekragtig is nie.

(9) 'n Bevel ingevolge hierdie artikel kan die bepalings bevat wat die Minister raadsaam ag—

- (a) om die okkupeerde van 'n perseel binne die gebied waarop die bevel betrekking het, wat onkoste moet aangaan om werke uit te voer of vaste uitrusting, toe-

or adapting fixtures, fittings or appliances for the purpose of complying with the order, to enter into and fulfil agreements with the owner of such premises, making such variations of the terms of the lease or tenancy of the premises as may be reasonable having regard to the expenses to be incurred and to other relevant circumstances; and

(b) for enabling any such occupier who has been unable to make an agreement with the owner concerned under paragraph (a) of this sub-section to apply to any competent court for an order making such variation of the terms of the lease or tenancy of the premises as aforesaid and for enabling the court to make such an order.

(10) An order under sub-section (1) may be amended or withdrawn by another order made by the local authority and confirmed by the Minister, and the provisions of sub-sections (3) to (7), inclusive, shall *mutatis mutandis* apply with reference to any amendments to such an order.

(11) Any person who contravenes or fails to comply with the provisions of any order under sub-section (1) shall be guilty of an offence.

(12) In any legal proceedings under this section the production of a copy of an order certified by the town clerk concerned to be a true copy of any order made by a local authority shall constitute *prima facie* evidence of the contents of such order.

(13) Where any exemption is granted in terms of paragraph (c) of sub-section (2) on the condition that a particular type of fuel is used, it shall in proceedings for an offence under this section be a defence to prove that the emission of smoke was not caused by the use of any fuel other than that authorized.

Delegation of powers by local authority.

21. (1) A local authority may in such manner and subject to such conditions as it may think fit, delegate to any of its officers or servants, or to any committee constituted as provided in sub-section (2), any of the powers conferred on it by this Part, except the powers conferred by section *eighteen* or *twenty*.

(2) Any such committee may consist—

- (a) wholly of members of the governing body of the local authority; or
- (b) wholly of persons who are not such members; or
- (c) partly of such members and partly of persons who are not such members.

(3) Any person upon whom any notice is served under section *nineteen* by an officer or servant of a local authority by virtue of a delegation under sub-section (1) of this section, may within fourteen days after receipt of such notice, appeal to the local authority which shall have power to confirm or withdraw the notice.

Power to enter upon premises.

22. (1) A local authority may authorize any person to enter any premises for the purpose of making any investigation in connection with the emission or emanation of smoke or in connection with any fuel burning appliance, or for the purpose of executing any work or taking any steps which the local authority is authorized by this Act to execute or take: Provided that no such person shall between the hours of 7 p.m. and 7 a.m. enter any premises not occupied or used for or in connection with business purposes.

(2) Any such person shall be provided with a certificate signed by an officer designated by the local authority and indicating that he has been so authorized.

(3) Any person who fails to give or refuses admission to a person so authorized after the production by that person of the certificate issued to him under sub-section (2), or who obstructs or interferes with any such person in the performance of his functions under this section, shall be guilty of an offence.

Information to be supplied to local authorities.

23. (1) A local authority may by notice in writing served on—

- (a) the owner or occupier of any premises from which smoke is emitted or emanates; require such owner or occupier to furnish within the time and to the officer of such local authority specified in the notice, such

behere of toestelle moet voorsien ten einde aan die bevel te voldoen, in staat te stel om met die eienaar van daardie perseel ooreenkomste aan te gaan, en daarvan gevolg te gee, waarby sodanige wysigings in die voorwaardes waarop die perseel gehuur is of geokkupeer word, aangebring word as wat met die oog op die koste wat aangegaan sal moet word en ander omstandighede wat ter sake is, redelik mag wees; en

(b) om so 'n okkupeerder wat nie tot 'n ooreenkoms met die betrokke eienaar ingevolge paragraaf (a) van hierdie sub-artikel kan geraak nie, in staat te stel om by 'n bevoegde hof aansoek te doen om 'n bevel waarby so 'n wysiging van die bepalings waarop die betrokke perseel gehuur is of geokkupeer word, aangebring word, en om die hof te magtig om so 'n bevel uit te vaardig.

(10) 'n Bevel ingevolge hierdie artikel kan deur 'n ander bevel deur die plaaslike bestuur uitgevaardig en deur die Minister bekratig, gewysig of herroep word, en die bepalings van sub-artikels (3) tot en met (7) is *mutatis mutandis* op wysigings van so 'n bevel van toepassing.

(11) Iemand wat die bepalings van 'n bevel ingevolge hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(12) By 'n geding ingevolge hierdie artikel is die oorlegging van 'n afskrif van 'n bevel wat deur die betrokke stadsklerk as 'n ware afskrif van 'n bevel deur 'n plaaslike bestuur uitgevaardig, gesertifiseer is, *prima facie* bewys van die inhoud van bedoelde bevel.

(13) Waar 'n vrystelling kragtens paragraaf (c) van sub-artikel (2) verleen word op voorwaarde dat 'n bepaalde tipe brandstof gebruik moet word, is dit by 'n geding weens 'n misdryf ingevolge hierdie artikel 'n verweer om te bewys dat die uitlating van rook nie deur die gebruik van ander brandstof as dié wat gemagtig was, veroorsaak is nie.

21. (1) 'n Plaaslike bestuur kan op die wyse en onderworpe aan die voorwaardes wat hy goedvind, enige van die bevoegdhede by hierdie Deel aan hom verleen, behalwe die bevoegdheid in artikel *agtien of twintig* bedoel, aan enige van sy amptenaars of dienaars of aan 'n volgens voorskrif van sub-artikel (2) saamgestelde komitee delegering van bevoegdheid deur plaaslike bestuur.

(2) So 'n komitee kan bestaan—

- (a) geheel en al uit lede van die beherende liggaam van die plaaslike bestuur; of
- (b) geheel en al uit persone wat nie sodanige lede is nie; of
- (c) ten dele uit sodanige lede en ten dele uit persone wat nie sodanige lede is nie.

(3) Iemand aan wie 'n kennisgewing ingevolge artikel *negen-tien* besorg word deur 'n amptenaar of dienaar van 'n plaaslike bestuur uit hoofde van 'n delegasie kragtens sub-artikel (1) van hierdie artikel, kan binne veertien dae na ontvangs van daardie kennisgewing by die plaaslike bestuur appèl aanteken wat bevoeg is om die kennisgewing te bekratig of in te trek.

22. (1) 'n Plaaslike bestuur kan enigiemand magtig om enige perseel te betree ten einde ondersoek in te stel in verband met die uitlating of voortkomming van rook of in verband met enige brandstof-verbruikende toestel, of ten einde enige werke uit te voer of stapte te doen wat die plaaslike bestuur ingevolge hierdie Wet gemagtig is om uit te voer of te doen: Met dien verstande dat so iemand nie tussen 7 uur nm. en 7 uur vm. 'n perseel mag betree wat nie vir of in verband met besigheidsdoeleindes geokkupeer of gebruik word nie.

(2) So iemand moet voorsien word van 'n sertifikaat wat onderteken is deur 'n amptenaar wat die plaaslike bestuur aangewys het en waarin vermeld word dat hy aldus gemagtig is.

(3) Iemand wat versuim om aan 'n aldus gemagtigde persoon toegang te verleen of aan hom toegang weier nadat daardie persoon die ingevolge sub-artikel (2) aan hom uitgereikte sertifikaat vertoon het, of wat so 'n persoon by die verrigting van sy werkzaamhede ingevolge hierdie artikel belemmer, is aan 'n misdryf skuldig.

23. (1) 'n Plaaslike bestuur kan by skriftelike kennisgewing besorg aan—

- (a) die eienaar of okkupeerder van 'n perseel vanwaar rook uitgelaat word of voortkom, daardie eienaar of okkupeerder gelas om binne die tydperk en aan die amptenaar van die plaaslike bestuur in die kennisgewing vermeld, sodanige inligting aangaande die

Inligting wat aan plaaslike bestuur verstrek moet word.

information as to the fuel burning appliances in such premises and the fuel or waste burned in such appliances as the local authority may require;

- (b) any person selling solid fuel within its area of jurisdiction, require such person to furnish within the time and to the officer specified in the notice, such information as to the quantity, type and source of the solid fuel sold by such person as the local authority may require.

(2) Any person who fails to comply with any such notice or who in reply to such a notice knowingly furnishes any information which is false or misleading in any material respect, shall be guilty of an offence.

Appeals.

24. Any person upon whom a notice has been served under section *nineteen* by a local authority, or who is aggrieved by the decision of a local authority on appeal to it under sub-section (3) of section *twenty-one*, may within thirty days after the date on which such notice was served or such decision was given, appeal against that notice or decision to the regional appeal board established under sub-section (1) of section *five* for the area in question, which may confirm or set aside such notice or decision and whose decision shall be final.

Expenditure by local authority.

25. A local authority may incur expenditure in connection with the exercise of the powers and the performance of the functions conferred or imposed upon it by this Act and may—

- (a) with the approval of the administrator of the province concerned, incur expenditure out of revenue and, where any loan has been authorized, out of moneys borrowed by the local authority, for the purpose of making loans or grants to persons in connection with the installation or improvement of fuel burning appliances and equipment designed to prevent or minimise the emission of smoke or of electrical or other equipment in place of such appliances;
- (b) undertake or contribute towards the cost of investigations and research relevant to the problem of atmospheric pollution;
- (c) arrange for the publication of information on the problem of atmospheric pollution and for the delivery of lectures and addresses and the holding of discussions thereon.

PART IV.

GENERAL PROVISIONS.

Disclosure of information.

26. (1) No person shall disclose any information relating to any manufacturing process or trade secret used in carrying on any particular undertaking which has been furnished to or obtained by him under this Act unless the disclosure is made—

- (a) with the consent of the person carrying on that undertaking; or
- (b) in connection with the performance of his functions under this Act; or
- (c) for the purposes of legal proceedings arising out of this Act or of any report of such proceedings.

(2) Any person who discloses any information in contravention of the provisions of sub-section (1) shall be guilty of an offence.

Court to authorize works and order payments.

27. If works are reasonably necessary in or in connection with a building, in order to enable the building to be used for any particular purpose without contravention of any of the provisions of this Act or any regulations made thereunder, the occupier of the building may—

- (a) if by reason of a restriction affecting his interest in the building he is unable to carry out the works without the consent of the owner of the building or some other person interested therein and is unable to obtain such consent, apply to any competent court for an order authorizing him to carry out such works; and
- (b) if he considers that the whole or any portion of the cost of carrying out the works should be borne by the owner of the building or some other person interes-

brandstof-verbruikende toestelle in daardie perseel en die brandstof of afval wat in daardie toestelle verbrand word, te verstrek as wat die plaaslike bestuur mag vereis;

- (b) iemand wat vaste brandstof binne die plaaslike bestuur se regsgebied verkoop, so iemand gelas om binne die tydperk en aan die amptenaar in die kennisgewing vermeld, sodanige inligting aangaande die hoeveelheid, tipe en oorsprong van die vaste brandstof deur so iemand verkoop te verstrek as wat die plaaslike bestuur mag vereis.

(2) Iemand wat versuim om aan so 'n kennisgewing te voldoen of wat in antwoord op so 'n kennisgewing wetens inligting verstrek wat in 'n wesenlike opsig vals of misleidend is, is aan 'n misdryf skuldig.

24. Iemand aan wie 'n kennisgewing ingevolge artikel *Appelle. negentien* deur 'n plaaslike bestuur besorg is, of wat hom deur 'n beslissing van 'n plaaslike bestuur by appèl na hom ingevolge sub-artikel (3) van artikel *een-en-twintig* veronreg ag, kan binne dertig dae na die datum waarop die kennisgewing besorg of die beslissing gegee is, teen daardie kennisgewing of beslissing by die streeksappèlraad ingevolge sub-artikel (1) van artikel *vyf* aangestel vir die betrokke gebied appèl aanteken, wat die kennisgewing of beslissing kan bekratig of ter syde stel en wie se beslissing afdoende is.

25. 'n Plaaslike bestuur kan in verband met die uitoefening van die bevoegdhede en die verrigting van die werksaamhede deur hierdie Wet aan hom verleen of opgedra, onkoste aangaan, en kan— *Uitgawes deur plaaslike bestuur.*

- (a) met goedkeuring van die Administrateur van die betrokke provinsie, uitgawes beloop uit inkomste of, waar 'n lening gemagtig is, uit gelde deur die plaaslike bestuur geleen, ten einde aan persone lenings te verstrek of toekennings te maak in verband met die inrig of verbetering van brandstof-verbruikende toestelle en toerusting bedoel om die uitlating van rook te verhoed of te verminder of van elektriese of ander uitrusting in plaas van sodanige toestelle;
- (b) ondersoek en navorsing met betrekking tot die vraagstuk van lugbesoedeling onderneem of tot die koste daarvan bydra;
- (c) reëlings tref vir die publikasie van inligting oor die vraagstuk van lugbesoedeling en vir die lewering van voorlesings en toesprake en die hou van besprekings in verband daarmee.

DEEL IV.

ALGEMENE BEPALINGS.

26. (1) Niemand mag inligting met betrekking tot 'n vervaardigingsproses of bedryfsgeheim wat by die voortsetting van 'n bepaalde onderneming toegepas word en wat ingevolge hierdie Wet aan hom verstrek of deur hom verkry is, openbaar maak nie, tensy die openbaarmaking geskied—

Openbaar-making van inligting.

- (a) met toestemming van die persoon wat daardie onderneming voortsit; of
- (b) in verband met die verrigting van sy werksaamhede ingevolge hierdie Wet; of
- (c) vir die doeleindes van 'n regsgeding wat uit hierdie Wet ontstaan of van 'n verslag oor so 'n geding

(2) Iemand wat instryd met die bepalings van sub-artikel (1) inligting openbaar maak, is aan 'n misdryf skuldig.

27. Indien werke redelikerwys in of in verband met 'n gebou nodig is sodat die gebou vir 'n besondere doel gebruik kan word sonder om die bepalings van hierdie Wet of daaronder uitgevaaardigde regulasies te oortree, kan die okkuperder van die gebou—

Gereghof kan werke magtig en betalings beveel.

- (a) as hy uit hoofde van 'n beperking rakende sy belang in die gebou nie in staat is om sonder toestemming van die eienaar van die gebou of iemand anders wat daarin belang het, die werke uit te voer nie, en nie sodanige toestemming kan verkry nie, by 'n bevoegde hof aansoek doen om 'n bevel wat hom magtig om die werke uit te voer; en
- (b) as hy meen dat die koste verbonde aan die uitvoering van die werke of 'n deel daarvan deur die eienaar van die gebou of iemand anders wat daarin belang

ted therein, apply to such court for an order directing such owner or other person to pay such cost or such portion thereof, and the said court may on any such application make such order as may appear to it to be just and equitable in the circumstances.

Regulations.

28. The Minister may make regulations for the more effective administration of this Act, including regulations—

- (a) as to the calling of meetings of the committee or any sub-committee thereof or the board or any regional appeal board established under section *five*, the quorum for and procedure at such meetings and the remuneration and allowances, conditions of service and term of office of members of the committee or any such sub-committee, the board or any regional appeal board who are not in the full-time employment of the State;
- (b) as to the form of any application for any registration certificate or provisional registration certificate and the plans, documents and other information to be submitted in connection with any such application, the fees to be paid in connection with any such application or any appeal under section *thirteen* and the circumstances under which the fees paid in connection with any such appeal shall be refunded;
- (c) as to the form of any registration certificate or provisional registration certificate; and
- (d) generally in regard to any matter in respect of which it is necessary to make regulations in terms of this Act, or in respect of which the Minister may consider it necessary to make regulations in order that the objects of this Act may be achieved.

**Application of
Act and operation
in relation to
other laws.**

29. (1) Nothing in this Act shall apply in connection with any vehicle used upon any public road.

(2) The provisions of this Act shall be in addition to and not in substitution for any other law which is not in conflict with or inconsistent with this Act.

Penalties.

30. Any person who is convicted of an offence under this Act shall be liable to a fine not exceeding one hundred pounds or, in default of payment, imprisonment for a period not exceeding six months.

**Application of
Act to the State.**

31. (1) The provisions of this Act, other than the provisions of Part III, shall bind the State.

(2) Notwithstanding the provisions of sub-section (1), if any time after the fixed date smoke in excess of the standard prescribed by any regulations made under the Act is emitted or emanates from any premises as a result of the operation of any fuel burning appliance controlled by the State, the local authority concerned shall where it deems it proper to do so, notify the Minister or the administrator of the province concerned who shall, upon receipt of such notice, transmit a copy thereof to the head of the department or the provincial secretary, as the case may be, under whose control such appliance falls, who shall immediately take all such steps as may be necessary to prevent or minimise the emission of such smoke and furnish the Minister or the administrator, as the case may be, with a report on the steps so taken.

(3) The Minister shall each year lay before both Houses of Parliament and any Administrator shall each year lay before the provincial council concerned—

- (a) a copy of every notice sent to him by a local authority in terms of sub-section (2) during the preceding calendar year; and
- (b) a copy of every report submitted to him by any head of a department or provincial secretary in terms of sub-section (2) during such calendar year.

Short title.

32. This Act shall be called the Atmospheric Pollution Prevention Act, 1916.

het, gedra behoort te word, by bedoelde hof aansoek doen om 'n bevel wat daardie eienaar of ander persoon gelas om bedoelde koste of bedoelde deel daarvan te betaal,
en die betrokke hof kan by so 'n aansoek die bevel uitvaardig wat hy in die omstandighede regverdig en billik ag.

28. Die Minister kan vir die meer doeltreffende uitvoering **Regulasies** van hierdie Wet regulasies uitvaardig, met inbegrip van regulasies—

- (a) aangaande die byeenroeping van vergaderings van die komitee of 'n sub-komitee daarvan of die raad of 'n ingevolge artikel vyf aangestelde streeksappèlraad, die kworum vir en prosedure by sodanige vergaderings en die besoldiging en toelaes, diensvoorraades en ampstermy van lede van die komitee of so 'n sub-komitee, die raad of 'n streeksappèlraad wat nie in die voltydse diens van die Staat is nie;
- (b) aangaande die vorm van 'n aansoek om 'n registrasiesertifikaat of voorlopige registrasiesertifikaat en die planne, dokumente en ander inligting wat in verband met so 'n aansoek voorgelê moet word, die gelde wat in verband met so 'n aansoek of 'n appèl ingevolge artikel *dertien* betaal moet word, en die omstandighede waaronder die gelde in verband met so 'n appèl betaal, terugbetaal moet word;
- (c) aangaande die vorm van 'n registrasiesertifikaat of voorlopige registrasiesertifikaat; en
- (d) in die algemeen aangaande enige aangeleentheid ten opsigte waarvan dit ingevolge hierdie Wet nodig is om regulasies uit te vaardig of ten opsigte waarvan die Minister dit nodig ag om regulasies uit te vaardig sodat die oogmerke van hierdie Wet verwesenlik kan word.

29. (1) Die bepalings van hierdie Wet is nie in verband met 'n voertuig wat op 'n openbare pad gebruik word, van toepassing nie.

Toepassing van
Wet en uitwerking
met betrekking tot
ander
wetsbepalings.

(2) Die bepalings van hierdie Wet dien ter aanvulling van enige ander wetsbepalings wat nie met hierdie Wet strydig of onbestaanbaar is nie, en nie ter vervanging daarvan nie.

30. Iemand wat weens 'n misdryf ingevolge hierdie Wet Strawwe skuldig bevind word, is strafbaar met 'n boete van hoogstens honderd pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Toepassing van
Wet op die Staat.

31. (1) Die bepalings van hierdie Wet, uitgesonderd die bepalings van Deel III, bind die Staat.

(2) Indien te eniger tyd na die vasgestelde datum rook wat die by regulasies kragtens hierdie Wet voorgeskrewe standaard te bowe gaan, uit 'n perseel uitgelaat word of voortkom as gevolg van die werking van 'n brandstof-verbruikende toestel wat deur die Staat beheer word, kan die betrokke plaaslike bestuur, ondanks die bepalings van sub-artikel (1), waar hy dit van pas ag daarvan kennis gee aan die Minister of die Administrateur van die betrokke provinsie wat by ontvangs van die kennisgewing 'n afskrif daarvan stuur aan die hoof van die departement of die provinsiale sekretaris, na gelang van die geval, onder wie se beheer die toestel val, wat onmiddellik alle nodige stappe moet doen om die uilating van die rook te verhoed of te verminder en aan die Minister of die Administrateur, na gelang van die geval, oor die stappe aldus gedoen, verslag moet doen.

(3) Die Minister lê elke jaar aan beide Huise van die Parlement, en 'n Administrateur lê elke jaar aan die betrokke provinsiale raad—

- (a) 'n afskrif voor van elke kennisgewing gedurende die voorgaande kalenderjaar ingevolge sub-artikel (2) deur 'n plaaslike bestuur aan hom gestuur; en
- (b) 'n afskrif voor van elke verslag gedurende bedoelde kalenderjaar ingevolge sub-artikel (2) deur 'n hoof van 'n departement of provinsiale sekretaris aan hom verstrek.

32. Hierdie Wet heet die Wet op Voorkoming van Lugbe-
soedeling, 1961. Kort-titel.

Second Schedule.

SCHEDULED PROCESSES.

(1) *Sulphuric Acid Manufacture*: That is to say, processes for the manufacture of sulphuric acid.

(2) *Phosphate Fertilizer Processes*: That is to say, processes in which any mineral phosphate is subjected to treatment involving chemical change with the evolution of any noxious or offensive gas, and works for the granulating of such fertilizers involving the evolution of any noxious or offensive gas.

(3) *Gas Liquor Works*: That is to say, processes in which sulphuretted hydrogen or any other noxious or offensive gas is evolved by the use of ammoniacal liquor, and works in which any such liquor is desulphurized in any process connected with the purification of gas.

(4) *Nitric Acid Processes*: That is to say, processes in connection with the manufacture of nitric acid or in which nitric acid is recovered from oxides of nitrogen or in which nitrogen oxides are evolved.

(5) *Ammonium Sulphate and Ammonium Chloride Processes*: That is to say, the manufacture of ammonium sulphate or ammonium chloride.

(6) *Manufacture or Processing of Chlorine*: That is to say, processes in which chlorine is made or used in any manufacturing processes.

(7) *Hydrochloric Acid Processes*: That is to say—

(a) processes in which chlorine gas is evolved either during the preparation of hydrochloric acid or as the result of the use of chlorides in a chemical process or for use in any manufacturing process.

(b) tin plate flux works, that is to say processes in which any residue of flux from tin plate works is calcined for the utilization of such residue or flux and in which hydrogen chloride gas is evolved; and

(c) salt processes (not being processes in which salt is produced by refining rock salt, otherwise than by the dissolution of rock salt at the place of deposit) in which the extraction of salt from brine is carried on and in which hydrogen chloride gas is evolved.

(8) *Sulphide Works*: That is to say, processes in which sulphuretted hydrogen is evolved by the decomposition of metallic sulphides, or in which sulphuretted hydrogen is used in the production of such sulphides, or in which sulphuretted hydrogen is evolved as part of a chemical process.

(9) *Alkali Waste Works*: That is to say, processes in which alkali waste or the drainage therefrom is subjected to any chemical process for the recovery of sulphur or for the utilization of any constituent of such waste or drainage.

(10) *Oxide Pigment Works*: That is to say, processes for the manufacture of venetian red, crocus or polishing powder or other oxide pigment by heating sulphate or some other salt of iron.

(11) *Arsenic Works*: That is to say, processes in which any volatile compound of arsenic is evolved.

(12) *Carbon Disulphide Works*: That is to say, the manufacture, use or recovery of carbon disulphide.

(13) *Sulphocyanide Works*: That is to say, any process for the manufacture of sulphocyanide or any of its compounds.

(14) *Refining of Hydrocarbons*: That is to say, the processing (such as distilling, cracking and refining) of crude shale oil, crude petroleum and similar synthetic products so as to cause the evolution of noxious or offensive gases.

(15) *Bisulphite Works*: That is to say, processes in which sulphurous acid is used in the manufacture of acid sulphites of the alkalies or alkaline earths and processes for the manufacture of liquid sulphur dioxide or of sulphurous acid or of any sulphite in which oxides of sulphur are evolved in any chemical manufacturing process.

(16) *Tar Works*: That is to say, processes in which tar is distilled or is heated in any manufacturing process and works in which creosote or any other product of the distillation of tar is distilled or is heated in any manufacturing operation involving the evolution of any noxious or offensive gas.

(17) *Zinc Works*: That is to say, processes in which by the application of heat, zinc is extracted from the ore or from any residue containing that metal.

(18) *Benzene Processes*: That is to say, processes (not being tar works as already defined) in which any wash oil used for the scrubbing of coal gas is distilled.

(19) *Pyridine Processes*: That is to say, processes in which pyridine is recovered and used.

(20) *Bromine Processes*: That is to say, processes in which bromine is made or is used in any manufacturing operation.

(21) *Hydrofluoric Acid Works*: That is to say, processes in which hydrofluoric acid is evolved in the manufacture of liquid hydrofluoric acid or its compounds or is used.

(22) *Cement Production Works*: That is to say, works in which argillaceous and calcareous materials are used in the production of cement clinker, and works in which cement clinker is ground or cement is packed, and also works in which aluminous slags and deposits are treated for the purpose of making cement.

(23) *Lead Works*: That is to say, works in which by the application of heat, lead is extracted from any material containing lead or its compounds, and works in which compounds of lead are manufactured from metallic lead or its compounds by processes which give rise to dust or fumes or noxious or offensive gases.

(24) *Fluorine Processes*: That is to say, processes in which fluorine or its compounds with other halogens are made, used or evolved in any manufacturing process.

Tweede Bylae.**INGELYSTE PROSESSE.**

1. *Vervaardiging van swawelsuur:* Dit wil sê, prosesse vir die vervaardiging van swawelsuur.
2. *Fosfaatkunsmisprosesse:* Dit wil sê, prosesse waarby enige mineraalfosfaat behandeling ondergaan wat chemiese veranderinge gepaard met die ontwikkeling van skadelike of hinderlike gas meebring, en werke vir die granulering van sodanige kunsmisstowwe waarby skadelike of hinderlike gas ontstaan.
3. *Vervaardiging of verwerking van ammoniakwater:* Dit wil sê, prosesse waarby swawelwaterstof of enige ander skadelike of hinderlike gas deur die gebruik van ammoniakwater ontwikkel word en werke waar sodanige vloeistof in 'n proses in verband met die suiwering van gas ontswawel word.
4. *Salpetersuurprosesse:* Dit wil sê, prosesse wat met die vervaardiging van salpetersuur in verband staan of waarby salpetersuur uit stikstofoksied herwin word of waarby stikstofoksied ontstaan.
5. *Ammoniumsulfaat- en ammoniumchloriedprosesse:* Dit wil sê prosesse vir die vervaardiging van ammoniumsulfaat of ammoniumchloried.
6. *Vervaardiging of verwerking van chloor:* Dit wil sê, prosesse waarby chloor vervaardig of in 'n vervaardigingsproses gebruik word.
7. *Chloorklouwaterstofsuurprosesse:* Dit wil sê—
 - (a) prosesse waarby chloorgas ontwikkel word of tydens die bereiding van chloorklouwaterstofsuur of as gevolg van die gebruik van chloriede in 'n chemiese proses of vir gebruik in 'n vervaardigingsproses;
 - (b) vloeimiddel-tinwerke, dit wil sê, prosesse waarby residu van die vloeimiddel wat by 'n vertinningsproses gebruik word, uitgebrand word ten einde die residu of vloeimiddel weer te gebruik, en waarby waterstofchloriedgas ontstaan; en
 - (c) soutprosesse (uitgesonderd prosesse waarby sout geproduceer word deur klipsout op 'n ander wyse as deur die oplossing daarvan op die plek waar dit voorkom te raffineer) waarby sout uit soutwater geëkstraheer word en waarby waterstofchloriedgas ontstaan.
8. *Sulfiedwerke:* Dit wil sê, prosesse waarby swawelwaterstof deur die ontbinding van metaalsulfiede ontwikkel word, of waarby swawelwaterstof deur die vervaardiging van sodanige sulfiede gebruik word, of waarby swawelwaterstof as deel van 'n chemiese proses ontstaan.
9. *Verwerking van alkali-afval:* Dit wil sê, prosesse waarby alkali-afval of afvoerwater daarvan 'n chemiese proses ondergaan vir die herwinning van swawel of die benutting van enige bestanddeel van sodanige afval of afvoerwater.
10. *Oksied-pigmentwerke:* Dit wil sê, prosesse vir die vervaardiging van venesiaansrooi, polysrooi of polypoeier of 'n ander oksiedpigment deur verhitting van sulfaat of 'n ander ystersout.
11. *Arseenwerke:* Dit wil sê, prosesse waarby enige vlugtige verbinding van arseen ontwikkel word.
12. *Koolstofdisulfidwerke:* Dit wil sê, die vervaardiging, gebruik of herwinning van koolstofdisulfid.
13. *Sulfosianiedwerke:* Dit wil sê, enige proses vir die vervaardiging van sulfosianied of enige van sy verbindings.
14. *Raffinering van koolwaterstofverbindingen:* Dit wil sê, die verwerking (soos distillasie, kraking en raffinering) van ru-skalieolie, ru-petroleum en sintetiese produkte soortgelyk daaraan, wat skadelike of hinderlike gasse laat ontstaan.
15. *Bisulfietwerke:* Dit wil sê, prosesse waarby swaweligsuur by die vervaardiging van suursulfiete van die alkalië of alkali-aardes gebruik word, en prosesse vir die vervaardiging van vloeibare swaweldioksied of swaweligsuur of enige sulfiet waarby daar swaweloksiede in 'n chemiese vervaardigingsproses ontstaan.
16. *Teerwerke:* Dit wil sê, prosesse waarby teer in 'n vervaardigingsproses gedistilleer of verhit word, en prosesse waarby kreosoot of 'n ander distillasieproduk van teer gedistilleer of verhit word in 'n vervaardigingsproses waarby skadelike of hinderlike gas ontstaan.
17. *Sinkwerke:* Dit wil sê, prosesse waarby sink deur die aanwending van hitte uit erts of 'n residu wat daardie metaal bevat, geëkstraheer word.
18. *Benseenprosesse:* Dit wil sê, prosesse (uitgesonderd teerwerke soos hierbo omskryf) waarby wasolie wat vir die was van steenkoolgas gebruik word, gedistilleer word.
19. *Piridienprosesse:* Dit wil sê, prosesse waarby piridien herwin en gebruik word.
20. *Broomprosesse:* Dit wil sê, prosesse waarby broom in enige vervaardigingsproses gemaak of gebruik word.
21. *Fluoorwaterstofsuurwerke:* Dit wil sê, prosesse waarby fluoorwaterstofsuur by die vervaardiging van vloeibare fluoorwaterstofsuur of sy verbindings ontstaan of gebruik word.
22. *Vervaardiging van cement:* Dit wil sê, prosesse waarby klei- of kalkagtige stowwe gebruik word by die vervaardiging van cementklinker, en prosesse waarby cementklinker gemaal of cement verpak word, asook prosesse waarby aluinslakke en -afsettings behandel word om cement te vervaardig.
23. *Loodwerke:* Dit wil sê, prosesse waarby lood uit enige stof wat lood of sy verbindings bevat met behulp van verhitting geëkstraheer word, asook werke waarby loodverbinding uit metaallood of sy verbinding verkry word deur prosesse wat stof of dampie of skadelike of hinderlike gasse laat ontstaan.
24. *Fluoorprosesse:* Dit wil sê, prosesse waarby fluoor of sy verbinding saam met ander halogene vervaardig of gebruik word of by 'n vervaardigingsproses ontstaan.

(25) *Acid Sludge Works:* That is to say, processes in which acid sludge produced in the refining of coal tar, petroleum or other hydro-carbon derivatives, is treated in such a manner as to cause the evolution of any noxious or offensive gas.

(26) *Alkali Processes:* That is to say—

- (a) the manufacture of potassium or sodium sulphate; or
- (b) the treatment of ores by common salt or other chlorides, whereby any sulphate is formed in which hydrogen chloride gas is evolved.

(27) *Roasting Processes:* That is to say, works in which sulphate and sulphide ores, including regulas, are calcined or smelted.

(28) *Asbestos Works:* That is to say, processes involving the grinding and utilization of asbestos.

25. *Suurslykverwerking*: Dit wil sê, prosesse waarby suurslyk wat as afvalstof by die raffinering van steenkoolteer, petroleum of ander koolwaterstofderivate ontstaan, 'n proses ondergaan wat skadelike of hinderlike gasse laat ontstaan.

26. *Alkaliprosesse*: Dit wil sê—

- (a) die vervaardiging van kalium- of natriumsulfaat; of
- (b) die behandeling van ertse met behulp van tafelsout of ander chloriede waarby daar enige sulfaat gevorm word en waardeur waterstofchloriedgas ontstaan.

27. *Uitbrandingsprosesse*: Dit wil sê, prosesse waarby sulfaat en sulfiedertse, met inbegrip van regulas, uitgebrand of gesmelt word.

28. *Asbeswerke*: Dit wil sê, prosesse waarby asbes gemaal en gebruik word.

BILL

To amend the Unemployment Insurance Act, 1946.

(To be introduced by the MINISTER OF LABOUR.)

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:—

Definitions.

Amendment of section 38 of Act 53 of 1946.

Amendment of section 39 of Act 53 of 1946, as amended by section 9 of Act 41 of 1949, section 1 of Act 57 of 1951, section 8 of Act 48 of 1952. Proclamation 155 of 1952, section 5 of Act 10 of 1954, section 6 of Act 9 of 1957 and section 6 of Act 76 of 1959.

Amendment of section 40 of Act 53 of 1946, as amended by section 10 of Act 41 of 1949, section 10 of Act 48 of 1952, section 7 of Act 10 of 1954 and section 8 of Act 9 of 1957.

Substitution of Schedule to Act 53 of 1946, as substituted by section 12 of Act 9 of 1957.

Payment of certain amounts on the basis of a coinage system other than that on which the amount payable is or was for the time being based.

Short title and commencement.

1. In this Act "principal Act" means the Unemployment Insurance Act, 1946 (Act No. 53 of 1946), and any expression to which a meaning has been assigned in the principal Act shall, when used in this Act, have the same meaning unless the context otherwise indicates.

2. Section *thirty-eight* of the principal Act is hereby amended by the addition thereto of the following sub-section:

"(5) When any person applies for benefits the claims officer may require him to submit proof to the satisfaction of the claims officer that he is, or has been, actively seeking work."

3. Section *thirty-nine* of the principal Act is hereby amended by the substitution for the rates specified in sub-section (1) of the following rates:

"Group I	R2.45 per calendar week or three-quarters of his weekly earnings, whichever is the less;
Group II	R3.50 per calendar week or three-quarters of his weekly earnings, whichever is the less;
Group III	R4.55 per calendar week;
Group IV	R5.60 per calendar week;
Group V	R6.65 per calendar week;
Group VI	R7.70 per calendar week;
Group VII	R8.75 per calendar week;
Group VIII	R9.80 per calendar week;
Group IX	R10.85 per calendar week;
Group X	R11.90 per calendar week;
Group XI	R13.30 per calendar week;
Group XII	R14.00 per calendar week.".

4. Section *forty* of the principal Act is hereby amended—

(a) by the substitution in paragraph (i) of sub-section (1) for the word "six" of the word "thirteen"; and
 (b) by the insertion in paragraph (b) of sub-section (2), after the word "which", where it occurs for the third time, of the words "unless, in the opinion of the claims officer, the contributor is not capable of undertaking the work in which he has been ordinarily employed".

5. The Schedule to this Act is hereby substituted for the Schedule to the principal Act.

6. (1) Where any amount which is payable to the Secretary in terms of sub-section (4) of section *thirty-two* of the principal Act is paid on the basis of a coinage system other than that on which the amount so payable is or was for the time being based the amount so paid shall, if it is considered by the Secretary to be substantially the equivalent of the amount payable in terms of that sub-section, be deemed to be the amount so payable.

(2) Sub-section (1) shall be deemed to have come into operation on the fourteenth day of February, 1961.

7. (1) This Act shall be called the Unemployment Insurance Amendment Act, 1961, and shall, subject to the provisions of sub-section (2) of section *six* and of sub-section (2) of this section, come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) Different dates may in terms of sub-section (1) be fixed in respect of the several provisions of this Act.

WETSONTWERP

Tot wysiging van die Werkloosheidversekeringswet, 1946.

(Ingedien te word deur die MINISTER VAN ARBEID.)

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

1. In hierdie Wet beteken „Hoofwet” die Werkloosheid-versekeringswet, 1946 (Wet No. 53 van 1946), en het enige uitdrukking waaraan 'n betekenis in die Hoofwet toegeskryf is, dieselfde betekenis wanneer dit in hierdie Wet gesig word, tensy uit die samehang anders blyk.

2. Artikel *agt-en-dertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg:

„(5) Wanneer iemand om voordele aansoek doen kan die eisebeampte eis dat hy bewys tot bevrediging van die eisebeampte lewer dat hy daadwerklik werk soek of gesoek het.”.

3. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig deur die skale in sub-artikel (1) bepaal deur die volgende skale te vervang:

„Groep I R2.45 per kalenderweek of drie-kwart van sy weeklikse verdienste, na gelang van watter bedrag die minste is;

Groep II R3.50 per kalenderweek of drie-kwart van sy weeklikse verdienste na gelang van watter bedrag die minste is;

Groep III R4.55 per kalenderweek;

Groep IV R5.60 per kalenderweek;

Groep V R6.65 per kalenderweek;

Groep VI R7.70 per kalenderweek;

Groep VII R8.75 per kalenderweek;

Groep VIII R9.80 per kalenderweek;

Groep IX R10.85 per kalenderweek;

Groep X R11.90 per kalenderweek;

Groep XI R13.30 per kalenderweek;

Groep XII R14.00 per kalenderweek.”.

Wysiging van artikel 38 van Wet 53 van 1946.

Wysiging van artikel 39 van Wet 53 van 1946, soos gewysig deur artikel 9 van Wet 41 van 1949, artikel 1 van Wet 57 van 1951, artikel 8 van Wet 48 van 1952, Proklamasie 155 van 1952, artikel 5 van Wet 10 van 1954, artikel 6 van Wet 9 van 1957 en artikel 6 van Wet 76 van 1959.

4. Artikel *veertig* van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (i) van sub-artikel (1) die woord „ses” deur die woord „dertien” te vervang; en

(b) deur in paragraaf (b) van sub-artikel (2), na die woord „wat”, waar dit die tweede keer voorkom, die woorde „tensy, na die oordeel van die eisebeampte, die bydraer nie geskik is om die werk wat gewoonlik deur hom verrig word te doen nie,” in te voeg.

Wysiging van artikel 40 van Wet 53 van 1946, soos gewysig deur artikel 10 van Wet 41 van 1949, artikel 10 van Wet 48 van 1952, artikel 7 van Wet 10 van 1954 en artikel 8 van Wet 9 van 1957.

5. Die Bylae by die Hoofwet word hierby deur die Bylae by hierdie Wet vervang.

Vervanging van Bylae by Wet 53 van 1946, soos vervang deur artikel 12 van Wet 9 van 1957.

6. (1) Waar 'n bedrag wat aan die Sekretaris betaalbaar is ingevolge sub-artikel (4) van artikel *twee-en-dertig* van die Hoofwet betaal word op die basis van 'n ander munstelsel as dié waarop die bedrag aldus betaalbaar op die betrokke tydstip gebaseer is of was, word die bedrag aldus betaal, indien die Sekretaris dit as wesentlik gelyk aan die bedrag ag wat ingevolge daardie sub-artikel betaalbaar is, geag die bedrag te wees wat aldus betaalbaar is.

Betaling van sekere bedrade op die basis van 'n ander munstelsel as die waarop die bedrag betaalbaar op die betrokke tydstip gebaseer is of was.

(2) Sub-artikel (1) word geag op die veertiende dag van Februarie 1961, in werking te getree het.

Kort titel en inwerkingtreding.

7. (1) Hierdie Wet heet die Wysigingswet op Werkloosheid-versekeringswet, 1961, en tree, behoudens die bepalings van sub-artikel (2) van artikel *ses* en van sub-artikel (2) van hierdie artikel, in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasstel.

(2) Verskillende datums kan ingevolge sub-artikel (1) ten opsigte van die verskeie bepalings van hierdie Wet vasgestel word.

"Schedule.**RATES OF CONTRIBUTIONS BY EMPLOYERS AND CONTRIBUTORS.**

Group According to Rate of Contributor's Annual Earnings	CONTRIBUTIONS PER WEEK	
	By the Employer in respect of every Contributor in his employ	By every Contributor
I Up to R234 per annum	One cent	One cent
II Exceeding R234 but not exceeding R390 per annum	Two cents	Two cents
III Exceeding R390 but not exceeding R546 per annum	Three cents	Three cents
IV Exceeding R546 but not exceeding R702 per annum	Four cents	Four cents
V Exceeding R702 but not exceeding R858 per annum	Five cents	Five cents
VI Exceeding R858 but not exceeding R1014 per annum	Six cents	Six cents
VII Exceeding R1014 but not exceeding R1170 per annum	Seven cents	Seven cents
VIII Exceeding R1170 but not exceeding R1326 per annum	Eight cents	Eight cents
IX Exceeding R1326 but not exceeding R1482 per annum	Eight cents	Nine cents
X Exceeding R1482 but not exceeding R1638 per annum	Eight cents	Ten cents
XI Exceeding R1638 but not exceeding R1794 per annum	Eight cents	Eleven cents
XII Exceeding R1794 but not exceeding R2500 per annum	Eight cents	Twelve cents."

„Bylae.

SKALE VAN BYDRAES DEUR WERKGEWERS EN BYDRAERS.

Groep volgens die skaal van Bydraer se Jaarlikse Verdienste	BYDRAES PER WEEK	
	Deur die Werk-gewer ten opsigte van elke By-draer in sy diens	Deur elke Bydraer
I Tot en met R234 per jaar	Een sent	Een sent
II Meer as R234 maar nie meer as R390 per jaar nie	Twee sent	Twee sent
III Meer as R390 maar nie meer as R546 per jaar nie	Drie sent	Drie sent
IV Meer as R546 maar nie meer as R702 per jaar nie	Vier sent	Vier sent
V Meer as R702 maar nie meer as R858 per jaar nie	Vyf sent	Vyf sent
VI Meer as R858 maar nie meer as R1014 per jaar	Ses sent	Ses sent
VII Meer as R1014 maar nie meer as R1170 per jaar nie	Sewe sent	Sewe sent
VIII Meer as R1170 maar nie meer as R1326 per jaar nie	Agt sent	Agt sent
IX Meer as R1326 maar nie meer as R1482 per jaar nie	Agt sent	Nege sent
X Meer as R1482 maar nie meer as R1638 per jaar nie	Agt sent	Tien sent
XI Meer as R1638 maar nie meer as R1794 per jaar nie	Agt sent	Elf sent
XII Meer as R1794 maar nie meer as R2500 per jaar nie	Agt sent	Twaalf sent.”

BILL

To amend the Workmen's Compensation Act, 1941.

(To be introduced by the MINISTER OF LABOUR.)

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:—

Amendment of section 3 of Act 30 of 1941, as amended by section 2 of Act 27 of 1945, section 28 of Act 48 of 1947, section 2 of Act 36 of 1949 and section 2 of Act 51 of 1956.

Amendment of section 9 of Act 30 of 1941.

Amendment of section 38 of Act 30 of 1941, as amended by section 18 of Act 27 of 1945, section 14 of Act 36 of 1949 and section 13 of Act 51 of 1956.

Amendment of section 39 of Act 30 of 1941, as amended by section 19 of Act 27 of 1945, section 15 of Act 36 of 1949 and section 14 of Act 51 of 1956.

Amendment of section 40 of Act 30 of 1941, as amended by section 20 of Act 27 of 1945, section 16 of Act 36 of 1949 and section 15 of Act 51 of 1956.

1. Section *three* of the Workmen's Compensation Act, 1941 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in sub-paragraph (i) of paragraph (c) of sub-section (1) for the words "one thousand pounds" of the words "two thousand rand";
- (b) by the substitution in paragraph (b) of sub-section (2) for the words "one thousand five hundred and sixty pounds" of the words "three thousand one hundred and twenty rand".

2. Section *nine* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "for the current year".

3. Section *thirty-eight* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of sub-section (1) for the words "twenty pounds of such earnings together with sixty per cent. of his monthly earnings in excess of twenty pounds up to fifty pounds" of the words "one hundred and twenty rand of such earnings" and for the words "six pounds ten shillings" of the words "thirteen rand";
- (b) by the substitution in sub-section (4) for the words "fifty pounds" of the words "one hundred and twenty rand".

4. Section *thirty-nine* of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of sub-section (1) of the following paragraph:
 - "(a) Where the degree of disablement is thirty per cent., a lump sum equal to twelve times the monthly earnings of the workman up to forty rand of such earnings, together with ten times his monthly earnings in excess of forty rand up to one hundred and twenty rand.;"
- (b) by the substitution in paragraph (b) of the said sub-section for the word "twenty-five", wherever it occurs, of the word "thirty";
- (c) by the substitution in paragraph (c) of the said sub-section for the words "twenty pounds" where they occur for the first time, of the words "one hundred and twenty rand", by the deletion in the said paragraph of the words "together with sixty per cent. of his monthly earnings in excess of twenty pounds up to fifty pounds", and by the substitution in the said paragraph for the words "six pounds ten shillings" of the words "thirteen rand";
- (d) by the substitution in paragraph (d) of the said sub-section for the word "twenty-five", where it occurs for the first time, of the word "thirty", and by the deletion of the proviso to the said paragraph;
- (e) by the substitution in sub-section (2) for the words "fifty pounds" of the words "one hundred and twenty rand".

5. Section *forty* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of sub-section (1) for the words "seventy five pounds" of the words "two hundred rand";
- (b) by the substitution in paragraph (iv) of the proviso to paragraph (c) of the said sub-section for the words "seven hundred and fifty pounds" wherever they occur, of the words "one thousand five hundred rand";

WETSONTWERP

Tot wysiging van die Ongevallewet, 1941.

(Deur die MINISTER VAN ARBEID ingedien te word.)

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

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| <p>1. Artikel drie van die Ongevallewet, 1941 (hieronder die Hoofwet genoem), word hierby gewysig—</p> <ul style="list-style-type: none"> (a) deur in sub-paragraaf (i) van paragraaf (c) van sub-artikel (1) die woorde „duisend pond” deur die woorde „tweeduisend rand” te vervang; (b) deur in paragraaf (b) van sub-artikel (2) die woorde „duisend vyfhonderd-en-sestig pond” deur die woorde „drieduisend eenhonderd-en-twintig rand” te vervang. <p>2. Artikel nege van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „vir die lopende jaar” te skrap.</p> <p>3. Artikel agt-en-dertig van die Hoofwet word hierby gewysig—</p> <ul style="list-style-type: none"> (a) deur in paragraaf (a) van sub-artikel (1) die woorde „twintig pond van daardie verdienste benewens ses-tig persent van sy maandelikse verdienste bo twintig pond tot vyftig pond” deur die woorde „honderd-en-twintig rand van daardie verdienste” en die woorde „ses pond tien sjielings” deur die woorde „dertien rand” te vervang; (b) deur in sub-artikel (4) die woorde „vyftig pond” deur die woorde „honderd-en-twintig rand” te vervang. <p>4. Artikel nege-en-dertig van die Hoofwet word hierby gewysig—</p> <ul style="list-style-type: none"> (a) deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang: <ul style="list-style-type: none"> „(a) Wanneer die graad van arbeidsongeskiktheid dertig persent is, 'n enkele geldsom gelyk aan twaalf maal die maandelikse verdienste van die werksman tot veertig rand van daardie verdienste, benewens tien maal sy maandelikse verdienste, bo veertig rand tot honderd-en-twintig rand.”; (b) deur in paragraaf (b) van genoemde sub-artikel die woorde „vyf-en-twintig”, oral waar dit voorkom, deur die woorde „dertig” te vervang; (c) deur in paragraaf (c) van genoemde sub-artikel die woorde „twintig pond”, waar hulle die eerste keer voorkom, deur die woorde „honderd-en-twintig rand” te vervang, die woorde „benewens sestig persent van sy maandelikse verdienste bo twintig pond tot vyftig pond” te skrap, en die woorde „ses pond tien sjielings” deur die woorde „dertien rand” te vervang; (d) deur in paragraaf (d) van genoemde sub-artikel die woorde „vyf-en-twintig”, waar dit die eerste keer voorkom, deur die woorde „dertig” te vervang, en die voorbehoudsbepaling te skrap; (e) deur in sub-artikel (2) die woorde „vyftig pond” deur die woorde „honderd-en-twintig rand” te vervang. <p>5. Artikel veertig van die Hoofwet word hierby gewysig—</p> <ul style="list-style-type: none"> (a) deur in paragraaf (a) van sub-artikel (1) die woorde „vyf-en-sewentig pond” deur die woorde „tweehonderd rand” te vervang; (b) deur in paragraaf (iv) van die voorbehoudsbepaling by paragraaf (c) van genoemde sub-artikel die woorde „sewehonderd-en-vyftig pond”, oral waar hulle voorkom, deur die woorde „duisend vyf-honderd rand” te vervang; | <p>Wysiging van artikel 3 van Wet 30 van 1941, soos gewysig by artikel 2 van Wet 27 van 1945, artikel 28 van Wet 48 van 1947, artikel 2 van Wet 36 van 1949 en artikel 2 van Wet 51 van 1956.</p> <p>Wysiging van artikel 9 van Wet 30 van 1941.</p> <p>Wysiging van artikel 38 van Wet 30 van 1941, soos gewysig by artikel 18 van Wet 27 van 1945, artikel 14 van Wet 36 van 1949 en artikel 13 van Wet 51 van 1956.</p> <p>Wysiging van artikel 39 van Wet 30 van 1941, soos gewysig by artikel 19 van Wet 27 van 1945, artikel 15 van Wet 36 van 1949 en artikel 14 van Wet 51 van 1956.</p> <p>Wysiging van artikel 40 van Wet 30 van 1941, soos gewysig by artikel 20 van Wet 27 van 1945, artikel 16 van Wet 36 van 1949 en artikel 15 van Wet 51 van 1956.</p> |
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Amendment of section 45 of Act 30 of 1941, as substituted by section 20 of Act 36 of 1949 and amended by section 18 of Act 51 of 1956.

Amendment of section 47 of Act 30 of 1941, as amended by section 19 of Act 51 of 1956.

Amendment of section 49 of Act 30 of 1941, as amended by section 23 of Act 27 of 1945 and section 23 of Act 36 of 1949.

Repeal of section 61 of Act 30 of 1941.

Amendment of section 68 of Act 30 of 1941.

Amendment of section 69 of Act 30 of 1941, as amended by section 26 of Act 27 of 1945.

Amendment of section 70 of Act 30 of 1941.

Amendment of section 84 of Act 30 of 1941, as amended by section 31 of Act 27 of 1945 and section 23 of Act 51 of 1956.

Amendment of section 85 of Act 30 of 1941, as amended by section 32 of Act 36 of 1949 and section 24 of Act 51 of 1956.

- (c) by the substitution in paragraph (e) of the said subsection for the words "seven hundred and fifty pounds" of the words "one thousand five hundred rand";
- (d) by the substitution in sub-section (2) for the words "forty pounds" of the words "one hundred rand";
- (e) by the substitution in sub-section (6) for the words "six pounds ten shillings" of the words "thirteen rand".

6. Section *forty-five* of the principal Act is hereby amended by the substitution in the proviso thereto for the words "one thousand pounds" of the words "two thousand rand".

7. Section *forty-seven* of the principal Act is hereby amended by the substitution for the words "seventy-five pounds" of the words "two hundred rand".

8. Section *forty-nine* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "one pound" of the words "two rand".

9. Section *sixty-one* of the principal Act is hereby repealed.

10. Section *sixty-eight* of the principal Act is hereby amended by the deletion of paragraph (b) of sub-section (1).

11. Section *sixty-nine* of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (7) for the words "ten shillings" of the words "one rand".

12. Section *seventy* of the principal Act is hereby amended by the substitution in sub-paragraph (i) of paragraph (a) of sub-section (1) for the words "United Transkeian Territories General Council" of the words "Transkeian Territorial Authority".

13. Section *eighty-four* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "twenty pounds of such earnings together with sixty per cent. of his monthly earnings in excess of twenty pounds up to fifty pounds" of the words "one hundred and twenty rand of such earnings";
- (b) by the insertion after paragraph (a) of the proviso to the said sub-section of the following paragraph:
"(b) in determining the compensation under this section any excess of the monthly earnings of a workman above one hundred and twenty rand shall not be taken into consideration;".

14. Section *eighty-five* of the principal Act is hereby amended—

- (a) by the substitution for paragraphs (a) and (b) of sub-section (1) of the following paragraphs:
"(a) where the degree of disablement is thirty per cent., a lump sum equal to twelve times the monthly earnings of the workman up to forty rand of such earnings together with ten times his monthly earnings in excess of forty rand up to one hundred and twenty rand;
- (b) where the degree of disablement is under thirty per cent., a lump sum bearing the same proportion to a lump sum calculated in accordance with paragraph (a) as the degree of disablement bears to thirty per cent.;
- (c) where the degree of disablement is one hundred per cent., a lump sum equal to forty-eight times the monthly earnings of the workman up to forty rand of such earnings together with thirty

- (c) deur in paragraaf (e) van genoemde sub-artikel die woorde „sewehonderd-en-vyftig pond” deur die woorde „duisend vyf honderd rand” te vervang;
- (d) deur in sub-artikel (2) die woorde „veertig pond” deur die woorde „honderd rand” te vervang;
- (e) deur in sub-artikel (6) die woorde „ses pond tien sjielings” deur die woorde „dertien rand” te vervang.

6. Artikel *vyf-en-veertig* van die Hoofwet word hierby gewysig deur in die voorbehoudsbepaling daarby die woorde „duisend pond” deur die woorde „tweeduisend rand” te vervang.

Wysiging van artikel 45 van Wet 30 van 1941, soos vervang by artikel 20 van Wet 36 van 1949 en gewysig by artikel 18 van Wet 51 van 1956.

7. Artikel *sewe-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „vyf-en-sewentig pond” deur die woorde „tweehonderd rand” te vervang.

Wysiging van artikel 47 van Wet 30 van 1941, soos gewysig by artikel 19 van Wet 51 van 1956.

8. Artikel *nege-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „een pond” deur die woorde „twee rand” te vervang.

Wysiging van artikel 49 van Wet 30 van 1941, soos gewysig by artikel 23 van Wet 27 van 1945 en artikel 23 van Wet 36 van 1949.

9. Artikel *een-en-sesig* van die Hoofwet word hierby herroep.

Herroeping van artikel 61 van Wet 30 van 1941.

10. Artikel *agt-en-sestig* van die Hoofwet word hierby gewysig deur paragraaf (b) van sub-artikel (1) te skrap.

Wysiging van artikel 68 van Wet 30 van 1941.

11. Artikel *nege-en-sestig* van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (7) die woorde „tien sjielings” deur die woorde „een rand” te vervang.

Wysiging van artikel 69 van Wet 30 van 1941, soos gewysig by artikel 26 van Wet 27 van 1945.

12. Artikel *sewentig* van die Hoofwet word hierby gewysig deur in sub-paragraaf (i) van paragraaf (a) van sub-artikel (1) die woorde „Verenigde Algemene Raad van die Transkeise Gebied” deur die woorde „Transkeise Gebiedsowerheid” te vervang.

Wysiging van artikel 70 van Wet 30 van 1941.

13. Artikel *vier-en-tigtig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 84 van Wet 30 van 1941, soos gewysig by artikel 31 van Wet 27 van 1945 en artikel 23 van Wet 51 van 1956.

(a) deur in sub-artikel (1) die woorde „twintig pond van daardie verdienste, benewens sestig persent van sy maandelikse verdienste bo twintig pond tot vyftig pond” deur die woorde „honderd-en-twintig rand van daardie verdienste” te vervang;

(b) deur na paragraaf (a) van die voorbehoudsbepaling by genoemde sub-artikel die volgende paragraaf in te voeg:

„(b) by die bepaling van die skadeloosstelling kragtens hierdie artikel, die bedrag van die maandelikse verdienste van 'n werksman bo honderd-en-twintig rand buite rekening gelaat word;”.

14. Artikel *vyf-en-tigtig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 85 van Wet 30 van 1941, soos gewysig by artikel 32 van Wet 36 van 1949 en artikel 24 van Wet 51 van 1956.

(a) deur paragrawe (a) en (b) van sub-artikel (1) deur die volgende paragrawe te vervang:

„(a) waar die graad van arbeidsongeskiktheid dertig persent is, 'n enkele geldsom gelyk aan twaalfmaal die maandelikse verdienste van die werksman tot veertig rand van daardie verdienste, benewens tien maal sy maandelikse verdienste bo veertig rand tot honderd-en-twintig rand;

(b) waar die graad van arbeidsongeskiktheid minder as dertig persent is, 'n enkele geldsom wat tot 'n enkele geldsom volgens paragraaf (a) bereken in dieselfde verhouding staan as die graad van arbeidsongeskiktheid tot dertig persent;

(c) waar die graad van arbeidsongeskiktheid honderd persent is, 'n enkele geldsom gelyk aan agt-en-veertig maal die maandelikse verdienste van die werksman tot veertig rand van daardie ver-

times his monthly earnings in excess of forty rand up to one hundred and twenty rand with a minimum compensation of four hundred and eighty rand;

(d) where the degree of disablement is under one hundred per cent. but more than thirty per cent., a lump sum bearing the same proportion to a lump sum calculated in accordance with paragraph (c) as the degree of disablement bears to one hundred per cent.”;

(b) by the insertion after sub-section (2) of the following sub-section:

“(3) In determining the compensation under this section any excess of the monthly earnings of a workman above one hundred and twenty rand shall not be taken into consideration.”.

Amendment of section 86 of Act 30 of 1941, as amended by section 32 of Act 27 of 1945, section 33 of Act 36 of 1949, section 3 of Act 5 of 1951 and section 25 of Act 51 of 1956.

15. Section eighty-six of the principal Act is hereby amended by the substitution in sub-section (2) for the words “fifteen pounds” of the words “forty rand”.

Amendment of section 89 of Act 30 of 1941, as amended by section 4 of Act 5 of 1951.

16. Section eighty-nine of the principal Act is hereby amended—

- (a) by the substitution in sub-paragraph (i) of paragraph (b) for the word “silicosis” of the words “fibrosis of the lungs caused by mineral dust”;
- (b) by the substitution in sub-paragraph (iii) of the said paragraph for the word “silicosis”, where it occurs for the first time, of the words “fibrosis of the lungs caused by mineral dust”, and for the word “silicosis”, where it occurs for the second time, of the words “such fibrosis”.

Amendment of section 92 of Act 30 of 1941.

17. Section ninety-two of the principal Act is hereby amended—

- (a) by the substitution for the word “silicosis” of the words “fibrosis of the lungs caused by mineral dust” and the insertion before the word “Schedule” of the word “Second”;
 - (b) by the addition of the following sub-section at the end thereof, the existing section becoming sub-section (1):
- “(2) If a workman who becomes disabled by or dies of any fibrosis of the lungs caused by mineral dust, was employed in any occupation mentioned in the Second Schedule in respect of such fibrosis, it shall be presumed, unless the contrary is proved, that the fibrosis was due to such occupation.”.

Amendment of section 94 of Act 30 of 1941.

18. Section ninety-four of the principal Act is hereby amended by the addition at the end of sub-section (1) of the following proviso:

“Provided that the commissioner may recommend that any such addition be of retrospective effect from a specified date.”.

Amendment of section 98 of Act 30 of 1941.

19. Section ninety-eight of the principal Act is hereby amended by the substitution for the words “one hundred pounds” of the words “two hundred rand” and the deletion of the words “with or without hard labour”.

Amendment of section 105 of Act 30 of 1941.

20. Section one hundred and five of the principal Act is hereby amended by the substitution for the words “fifty pounds” of the words “one hundred rand” and the deletion of the words “with or without hard labour”.

Amendment of section 107 of Act 30 of 1941, as amended by section 29 of Act 51 of 1956.

21. Section one hundred and seven of the principal Act is hereby amended by the substitution in sub-section (3) for the words “fifty pounds” of the words “one hundred rand” and the deletion of the words “with or without hard labour”.

Substitution of First Schedule to Act 30 of 1941.

22. The following schedule is hereby substituted for the First Schedule to the principal Act:

diense, benewens dertig maal sy maandelikse verdienste bo veertig rand tot honderd-en-twintig rand, met 'n minimum skadeloosstelling van vierhonderd-en-tagtig rand;

- (d) waar die graad van arbeidsongeskiktheid minder as honderd persent maar meer as dertig persent is, 'n enkele geldsom wat tot 'n enkele geldsom volgens paragraaf (c) bereken in dieselfde verhouding staan as die graad van arbeidsongeskiktheid tot honderd persent.”;

- (b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(3) By die bepaling van die skadeloosstelling kragtens hierdie artikel, word die bedrag van die maandelikse verdienste van 'n werksman bo honderd-en-twintig rand buite rekening gelaat.”.

15. Artikel ses-en-tagtig van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „vyftien pond” deur die woorde „veertig rand” te vervang.

Wysiging van artikel 86 van Wet 30 van 1941, soos gewysig by artikel 32 van Wet 27 van 1945, artikel 33 van Wet 36 van 1949, artikel 3 van Wet 5 van 1951 en artikel 25 van Wet 51 van 1956.

16. Artikel nege-en-tagtig van die Hoofwet word hierby gewysig—

- (a) deur in sub-paragraaf (i) van paragraaf (b) die woorde „silikose” deur die woorde „fibrose van die longe deur minerale stowwe veroorsaak” te vervang;
- (b) deur in sub-paragraaf (iii) van genoemde paragraaf die woorde „silikose”, waar dit die eerste keer voorkom, deur die woorde „fibrose van die longe deur minerale stowwe veroorsaak” en die woorde „silikose”, waar dit die tweede keer voorkom, deur die woorde „sodanige fibrose” te vervang.

Wysiging van artikel 89 van Wet 30 van 1941, soos gewysig by artikel 4 van Wet 5 van 1951.

17. Artikel twee-en-negentig van die Hoofwet word hierby gewysig—

- (a) deur die woorde „silikose” deur die woorde „fibrose van die longe deur minerale stowwe veroorsaak” te vervang en voor die woorde „Bylae” die woorde „Tweede” in te voeg;
- (b) deur die volgende sub-artikel aan die end daarvan by te voeg, terwyl die bestaande artikel sub-artikel (1) word:
„(2) Ingeval 'n werksman wat deur fibrose van die longe deur minerale stowwe veroorsaak, arbeidsongeskik word of daaraan beswyk, in diens was in 'n werkzaamheid wat in die Tweede Bylae ten opsigte van sodanige fibrose genoem word, dan word vermoed tensy die teendeel bewys word, dat die fibrose aan bedoelde werkzaamheid te wyte was.”.

Wysiging van artikel 92 van Wet 30 van 1941.

18. Artikel vier-en-negentig van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (1) die volgende voorbehoudsbepaling by te voeg:

„Met dien verstande dat die kommissaris kan aanbeveel dat so 'n byvoeging terugwerkend vanaf 'n bepaalde datum van krag moet wees.”.

Wysiging van artikel 94 van Wet 30 van 1941.

19. Artikel agt-en-negentig van die Hoofwet word hierby gewysig deur die woorde „honderd pond” deur die woorde „tweehonderd rand” te vervang en die woorde „met of sonder harde-arbeid” te skrap.

Wysiging van artikel 98 van Wet 30 van 1941.

20. Artikel honderd-en-vyf van die Hoofwet word hierby gewysig deur die woorde „vyftig pond” deur die woorde „honderd rand” te vervang en die woorde „met of sonder harde-arbeid” te skrap.

Wysiging van artikel 105 van Wet 30 van 1941.

21. Artikel honderd-en-sewe van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woorde „vyftig pond” deur die woorde „honderd rand” te vervang en die woorde „met of sonder harde-arbeid” te skrap.

Wysiging van artikel 107 van Wet 30 van 1941, soos gewysig by artikel 29 van Wet 51 van 1956.

22. Die Eerste Bylae by die Hoofwet word hierby deur die volgende bylae vervang:

Vervanging van Eerste Bylae by Wet 30 van 1941.

"First Schedule.

Injury.	Percentage of Disablement.
Loss of two limbs	100
Loss of both hands, or of all fingers and both thumbs	100
Total loss of sight	100
Total paralysis	100
Injuries resulting in being permanently bed-ridden	100
Any other injury causing permanent total disablement	100
Loss of arm—	
at shoulder	65
between elbow and shoulder	55
at elbow	55
between wrist and elbow	55
Loss of hand at wrist	50
Loss of four fingers and thumb of one hand	40
Loss of four fingers	25
Loss of thumb—both phalanges	25
one phalanx	15
Loss of index finger—three phalanges	10
two phalanges	8
one phalanx	5
Loss of middle finger—three phalanges	8
two phalanges	6
one phalanx	4
Loss of ring finger—three phalanges	6
two phalanges	5
one phalanx	3
Loss of little finger—three phalanges	4
two phalanges	3
one phalanx	2
Loss of metacarpals—first, second or third (additional)	4
fourth or fifth (additional)	2
Loss of leg—	
at hip	70
between knee and hip	45 to 70
below knee	35 to 45
Loss of toes—	
all	15
great—both phalanges	7
one phalanx	3
other than great—four toes	7
three toes	5
two toes	3
one toe	1
Eye: Loss of — whole eye	30
sight of	30
sight of, except perception of light	30
Loss of hearing — both ears	50
one ear	7
Total permanent loss of use of member shall be treated as loss of member.	
An injury to the left arm or hand and, in the case of a left-handed workman, to the right arm or hand, may in the discretion of the commissioner be rated at ninety per cent. of the above percentage.	
Where there are two or more injuries the sum of the percentages for such injuries may be increased, in the discretion of the commissioner.”.	

Short title and
date of
commencement.

23. This Act shall be called the Workmen's Compensation Amendment Act, 1961, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*: Provided that the provisions of sections three and four, paragraphs (a) and (d) of section five, and sections thirteen, fourteen, fifteen and twenty-two shall not apply in respect of accidents which occurred prior to the date so fixed.

„Eerste Bylae.

Besering.

Persentasie van arbeidsongeskiktheid.

Verlies van twee ledemate		
Verlies van albei hande, of al die vingers en albei duime		
Algehele blindheid		
Algehele verlamming		
Beserings as gevolg waarvan die werksman blywend bedleend word		
Enige ander besering wat blywende algemene arbeidsongeskiktheid veroorsaak		
Verlies van arm—		
by skouer	65	
tussen elmboog en skouer		
by elmboog	55	
tussen pols en elmboog		
Verlies van hand by pols	50	
Verlies van vier vingers en duim van een hand	40	
Verlies van vier vingers	25	
Verlies van duim—albei litte		
een lit	15	
Verlies van voorvinger—drie litte	10	
twee litte	8	
een lit	5	
Verlies van middelvinger—drie litte	8	
twee litte	6	
een lit	4	
Verlies van ringvinger—drie litte	6	
twee litte	5	
een lit	3	
Verlies van pinkie—drie litte	4	
twee litte	3	
een lit	2	
Verlies van handwortelbene—eerste, tweede of derde (addisioneel)	4	
vierde of vyfde (addisioneel)	2	
Verlies van been—by heup	70	
tussen knie en heup	45 tot 70	
onder knie	35 tot 45	
Verlies van tone—almal	15	
groottoon—albei litte	7	
een lit	3	
ander tone as groottoon—		
vier tone	7	
drie tone	5	
twee tone	3	
een toon	1	
Oog: Verlies van—hele oog		
gesig		
gesig behalwe waarneming	30	
van lig		
Verlies van gehoor—albei ore	50	
een oor	7	
Algehele blywende verlies van die gebruik van 'n ledemaat word beskou as verlies van die ledemaat.		
Besering aan die linkerarm of -hand en, in die geval van 'n werksman wat links is, aan die regterarm of -hand, kan na goeddunke van die kommissaris op negentig persent van bestaande persentasie bereken word.		
Wanneer daar twee of meer beserings is, kan die totaal van die persentasies vir daardie beserings na goeddunke van die kommissaris verhoog word.”		

23. Hierdie Wet heet die Ongevalle-wysigingswet, 1961, en Kort titel en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die Staatskoerant bepaal: Met dien verstande dat die bepalings van artikels *drie* en *vier*, paragrawe (*a*) en (*d*) van artikel *vyf*, en artikels *dertien*, *veertien*, *vyftien* en *twee-en-twintig* nie ten opsigte van ongevalle wat voor die aldus bepaalde datum plaasgevind het, van toepassing is nie.