



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 350. 4 Maart 1970.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 8 van 1970: Wysigingswet op Pneumokoniosevergoeding, 1970.

No. 350. 4th March, 1970.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 8 of 1970: Pneumoconiosis Compensation Amendment Act, 1970.

WET

Om voorsiening te maak vir die betaling van bykomende voordele ten opsigte van pneumokoniose en tuberkulose en sekere bykomende gratifikasies; tot wysiging van die Pneumokoniosevergoedingswet, 1962, ten einde die betaling van uitgawes aangegaan in verband met die mediese ondersoek van sekere persone, en die pligte van Bantoesake-owerhede verder te reël; om voorsiening te maak vir die beheer van sekere bedrywe en die mediese ondersoek van persone wat in diens is by sodanige bedrywe en in sekere werk by sekere myne; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Februarie 1970.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woord-
omskrywing.

1. (1) In hierdie Wet beteken „die Hoofwet” die Pneumokoniosevergoedingswet, 1962 (Wet No. 64 van 1962), en ook artikel 6 van die Finansiewet, 1962 (Wet No. 77 van 1962), die Wysigingswet op Pneumokoniosevergoeding, 1965 (Wet No. 92 van 1965), en die Wysigingswet op Pneumokoniosevergoeding, 1968 (Wet No. 83 van 1968), en, tensy uit die samehang anders blyk, het ’n woord of uitdrukking waaraan in die Hoofwet ’n betekenis toegeskryf is, die betekenis aldus daaraan toegeskryf.

(2) By die toepassing van artikel 3 van die Wysigingswet op Pneumokoniosevergoeding, 1965, beteken „mynwerker” en „kleurlingarbeider” ook iemand wat ingevolge artikel 73 (1) van die Pneumokoniosevergoedingswet, 1962, geag word onderskeidelik ’n mynwerker of kleurlingarbeider te wees.

Verhoging van
voordele.

2. (1) Behoudens die bepalings van subartikel (2) van hierdie artikel en van artikel 131 van die Pneumokoniosevergoedingswet, 1962 (Wet No. 64 van 1962), word ’n voordeel wat kragtens ’n bepaling van die Hoofwet betaalbaar is, hetsy dit voor of na die inwerkingtreding van hierdie Wet betaalbaar geword het of word, verhoog—

(a) in die geval van ’n pensioen betaalbaar ooreenkomstig die bepalings van artikel 71 (1) en artikel 72 (1) van die Pneumokoniosevergoedingswet, 1962, met tien persent; en

(b) in die geval van ’n ander voordeel as ’n pensioen bedoel in paragraaf (a), met twintig persent:

Met dien verstande dat ’n pensioen wat aldus verhoog is tot die naaste volle rand bereken word.

(2) Die bepalings van hierdie artikel is nie van toepassing nie met betrekking tot ’n enkelbedragvoordeel waarop iemand voor die inwerkingtreding van hierdie Wet geregtig geword het.

ACT

To provide for the payment of additional benefits in respect of pneumoconiosis and tuberculosis and certain additional gratuities; to amend the Pneumoconiosis Compensation Act, 1962, so as to regulate further the payment of costs incurred in connection with the medical examination of certain persons, and the duties of Bantu affairs authorities; to provide for the control of certain works and the medical examination of persons employed thereat and on certain work at certain mines; and to provide for matters incidental thereto.

*(English text signed by the State President.)
(Assented to 24th February, 1970.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. (1) In this Act “the principal Act” means the Pneumoconiosis Compensation Act, 1962 (Act No. 64 of 1962), and includes section 6 of the Finance Act, 1962 (Act No. 77 of 1962), the Pneumoconiosis Compensation Amendment Act, 1965 (Act No. 92 of 1965), and the Pneumoconiosis Compensation Amendment Act, 1968 (Act No. 83 of 1968), and any word or expression to which a meaning has been assigned in the principal Act, bears, unless the context otherwise indicates, the meaning so assigned thereto. Definitions.

(2) For the purpose of section 3 of the Pneumoconiosis Compensation Amendment Act, 1965, “miner” and “coloured labourer” include a person deemed in terms of section 73 (1) of the Pneumoconiosis Compensation Act, 1962, to be respectively a miner or coloured labourer.

2. (1) Subject to the provisions of subsection (2) of this section and of section 131 of the Pneumoconiosis Compensation Act, 1962 (Act No. 64 of 1962), a benefit payable under any provision of the principal Act, whether it became or becomes payable before or after the commencement of this Act, shall be increased— Increase of benefits.

(a) in the case of a pension payable in accordance with the provisions of section 71 (1) and section 72 (1) of the Pneumoconiosis Compensation Act, 1962, by ten per cent; and

(b) in the case of a benefit other than a pension referred to in paragraph (a), by twenty per cent:

Provided that any pension so increased shall be calculated to the nearest complete rand.

(2) The provisions of this section shall not apply with reference to any one-sum benefit to which a person became entitled before the commencement of this Act.

Wet No. 8, 1970

WYSIGINGSWET OP PNEUMOKONIOSEVERGOEDING, 1970.

Wysiging van
artikel 42 van
Wet 64 van 1962.

3. Artikel 42 van die Pneumokoniosevergoedingswet, 1962, word hierby gewysig deur die volgende woorde by subartikel (8) te voeg:

„Met dien verstande dat indien so 'n ondersoek onderneem word by 'n hospitaal wat deur die Departement van Gesondheid in stand gehou word, die koste wat in verband daarmee aangegaan word, deur die Minister van Gesondheid betaal word uit geld wat insgelyks bewillig is.”.

Wysiging van
artikel 82 van
Wet 64 van 1962,
soos gewysig deur
artikel 12 van
Wet 50 van 1964.

4. Artikel 82 van die Pneumokoniosevergoedingswet, 1962, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Afsonderlike aantekeninge moet gehou word van 'n voordeel of bedrag of deel van 'n voordeel of bedrag wat nie kragtens subartikel (1) aangewend is nie.”.

Wysiging van
artikel 83 van
Wet 64 van 1962,
soos gewysig
deur artikel 13
van Wet 50 van
1964.

5. Artikel 83 van die Pneumokoniosevergoedingswet, 1962, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Wanneer die Bantoesake-owerheid te wete kom van 'n Bantoe persoon wat geregtig is op 'n voordeel of bedrag vermeld in artikel 82 (2) of op 'n gedeelte daarvan, moet dié owerheid ooreenkomstig die bepalings van artikel 81 (1) handel.”.

Vervanging van
artikel 84 van
Wet 64 van 1962,
soos vervang deur
artikel 14 van
Wet 50 van 1964.

6. Artikel 84 van die Pneumokoniosevergoedingswet, 1962, word hierby deur die volgende artikel vervang:

„Aantekeninge en rekenings wat deur Bantoesake-owerheid gehou moet word.

84. (1) Die Bantoesake-owerheid moet volledige en juiste aantekeninge en rekenings hou van al die geld wat van die raad ten opsigte van Bantoe arbeiders ontvang is, en van al die betalings wat ooreenkomstig die bepalings van hierdie Wet uit sodanige geld gedoen word.

(2) Die Bantoesake-owerheid moet 'n balans van die aantekeninge en rekenings bedoel in subartikel (1) laat opmaak soos dit op een-en-dertig Maart van iedere jaar is, en moet daarna rekeningstate wat deur die Kontroleur en Ouditeur-generaal gesertifiseer is, aan die raad voorlê.”.

Vervanging van
artikel 85 van
Wet 64 van
1962.

7. Artikel 85 van die Pneumokoniosevergoedingswet, 1962, word hierby deur die volgende artikel vervang:

„Bystand in verband met mediese koste en begrafniskoste.

85. Indien 'n mynwerker of kleurlingarbeider wat op 'n voordeel ten opsigte van pneumokoniose of tuberkulose geregtig geword het, oorlede is, of die komitee na die dood van 'n mynwerker, 'n kleurlingarbeider of iemand beoog in artikel 73 (1) wat nie op 'n voordeel geregtig geword het nie, bevind het dat hy ten tyde van sy dood gelyk het aan tuberkulose ten opsigte waarvan hy op 'n voordeel geregtig sou gewees het indien die komitee voor dié mynwerker, kleurlingarbeider of persoon se dood tot die betrokke bevinding geraak het, of aan pneumokoniose, kan die raad ten opsigte van die begrafniskoste van daardie mynwerker, kleurlingarbeider of persoon of ten opsigte van uitgawes redelikerwys aangegaan om geneeskundige of verplegingsdienste en medisyne of geneeskundige toerusting aan hom te verskaf—

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3. Section 42 of the Pneumoconiosis Compensation Act, 1962, is hereby amended by the addition to subsection (8) of the following words:

Amendment of section 42 of Act 64 of 1962.

"Provided that if such examination is undertaken at a hospital maintained by the Department of Health, the costs incurred in connection therewith shall be paid by the Minister of Health out of moneys so appropriated."

4. Section 82 of the Pneumoconiosis Compensation Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 82 of Act 64 of 1962, as amended by section 12 of Act 50 of 1964.

"(2) A separate record shall be kept of any benefit or amount or part of any benefit or amount which has not been disposed of under subsection (1)."

5. Section 83 of the Pneumoconiosis Compensation Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 83 of Act 64 of 1962, as amended by section 13 of Act 50 of 1964.

"(2) Whenever the Bantu affairs authority discovers a Bantu person who is entitled to any benefit or amount mentioned in section 82 (2) or to any part thereof, such authority shall act in accordance with the provisions of section 81 (1)."

6. The following section is hereby substituted for section 84 of the Pneumoconiosis Compensation Act, 1962:

Substitution of section 84 of Act 64 of 1962, as substituted by section 14 of Act 50 of 1964.

"Records and accounts to be kept by Bantu affairs authority.

84. (1) The Bantu affairs authority shall keep full and true records and accounts of all moneys received from the council in respect of Bantu labourers and of all payments made out of such moneys in accordance with the provisions of this Act.

(2) The Bantu affairs authority shall cause the records and accounts referred to in subsection (1) to be balanced as at the thirty-first of March of every year and shall thereafter submit to the council statements of account certified by the Controller and Auditor-General."

7. The following section is hereby substituted for section 85 of the Pneumoconiosis Compensation Act, 1962:

Substitution of section 85 of Act 64 of 1962.

"Assistance in connection with medical and funeral expenses.

85. If a miner or coloured labourer who has become entitled to any benefit in respect of pneumoconiosis or tuberculosis has died, or if after the death of a miner, a coloured labourer or a person contemplated in section 73 (1) who did not become entitled to any benefit, the committee has found that he was at the time of his death suffering from tuberculosis which would have entitled him to a benefit if the committee had arrived at the finding in question before the death of such miner, coloured labourer or person, or from pneumoconiosis, the council may pay, in respect of the funeral expenses of such miner, coloured labourer or person or in respect of expenses reasonably incurred in providing medical or nursing attendance and medicines or medical appliances for him—

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- (a) in die geval van so 'n mynwerker of so 'n persoon wat van blanke afkoms is, 'n bedrag van hoogstens honderd-en-vyftig rand betaal;
- (b) in die geval van so 'n kleurlingarbeider of so 'n persoon wat nie 'n persoon van blanke afkoms is nie, 'n bedrag van hoogstens vyf-en-sewentig rand betaal."

Verhoging van diensgratifikasie.

8. 'n Gratifikasie wat kragtens artikel 135 (3) van die Pneumokoniosevergoedingswet, 1962 (Wet No. 64 van 1962), betaalbaar is, word met twintig persent verhoog.

Raming deur raad van bedrag van verpligtings van groep A- en groep B-myne kragtens artikel 2, en betaling van sodanige bedrae deur Minister aan A-rekening en B-rekening.

9. (1) Die raad moet so spoedig doenlik na die inwerking-treding van hierdie Wet ten opsigte van myne wat op die datum van sodanige inwerkingtreding myne van groep A was en ten opsigte van myne wat op daardie datum myne van groep B was, die bedrae raam wat, volgens die oordeel van die raad, nodig is om die verhoging, kragtens artikel 2, van die voordele waarop persone geregtig geword het na die inwerkingtreding van die Pneumokoniosevergoedingswet, 1962 (Wet No. 64 van 1962), maar voor die inwerkingtreding van hierdie Wet, te betaal.

(2) Die Minister moet uit geld wat die Parlement vir die doel bewillig het, aan die raad tot kredit van die A-rekening of B-rekening, na gelang van die geval, die bedrae betaal wat kragtens subartikel (1) geraam is, tesame met rente, teen die koers bedoel in artikel 11, op daardie bedrae, van die inwerking-treding van hierdie Wet tot die datum van sodanige betaling.

Raming deur raad van bedrag van bykomende verpligtings kragtens artikel 2 ten opsigte van geslote myne, en betaling van sodanige bedrae deur Minister.

10. (1) Die raad moet so spoedig doenlik na die inwerking-treding van hierdie Wet die bedrae raam wat, volgens die oordeel van die raad, nodig is om die verhoging, kragtens artikel 2, van die voordele te betaal waarop persone geregtig word na sodanige inwerkingtreding, ten opsigte van myne wat voor sodanige inwerkingtreding opgehou het om myne van groep A of ingelyste myne kragtens 'n herroepe Wet te wees, en ten opsigte van myne wat voor sodanige inwerkingtreding opgehou het om myne van Groep B of geregistreerde myne kragtens 'n herroepe Wet te wees.

(2) Die Minister moet uit geld wat die Parlement vir die doel bewillig het, aan die raad tot kredit van die A-rekening of B-rekening, na gelang van die geval, die bedrae betaal wat kragtens subartikel (1) geraam is, tesame met rente, teen die koers bedoel in artikel 11, op daardie bedrae, van die inwerking-treding van hierdie Wet tot die datum van sodanige betaling.

Bepaling deur raad van rentekoerse vir doeleindes van artikels 9 en 10.

11. Wanneer die raad 'n raming ingevolge artikel 9 (1) of 10 (1) doen, moet hy die gemiddelde opbrengs, tot die datum van delging, vasstel van die beleggings van onderskeidelik die A-rekening en die B-rekening op die onmiddellik voorafgaande een-en-dertigste Maart, en sodanige opbrengs, uitgedruk as 'n persentasie per jaar in elke geval, is die rentekoerse vir die doeleindes van onderskeidelik artikels 9 (2) en 10 (2).

Rekenings wat met verhoging van voordele belas moet word.

12. (1) Die raad moet die C-rekening belas met—

- (a) die verhoging kragtens artikel 2 betreffende 'n voordeel waarop iemand voor die inwerkingtreding van die Pneumokoniosevergoedingswet, 1962 (Wet No. 64 van 1962), geregtig geword het; en
- (b) die verhoging van 'n gratifikasie kragtens artikel 8.

(2) Die raad moet die A-rekening of die B-rekening of gedeeltelik die A-rekening en gedeeltelik die B-rekening, na gelang van die geval, met inagneming van die toepaslike bepalinge van die Hoofwet, belas met—

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- (a) in the case of such miner or such a person who is of European descent, a sum not exceeding one hundred and fifty rand;
- (b) in the case of such coloured labourer or such a person who is not a person of European descent, a sum not exceeding seventy-five rand."

8. A gratuity payable under section 135 (3) of the Pneumoconiosis Compensation Act, 1962 (Act No. 64 of 1962), shall be increased by twenty per cent.

Increase of service gratuity.

9. (1) The council shall, as soon as possible after the commencement of this Act, in respect of mines which on the date of such commencement were mines of group A and in respect of mines which on that date were mines of group B, estimate the amounts which shall, in the opinion of the council, be necessary to pay the increase, under section 2, of the benefits to which persons became entitled after the commencement of the Pneumoconiosis Compensation Act, 1962 (Act No. 64 of 1962), but before the commencement of this Act.

Estimate by council of amount of liabilities under section 2 of group A and group B mines, and payment by Minister of such amounts to A-account and B-account.

(2) The Minister shall, out of moneys appropriated by Parliament for the purpose, pay to the council for the credit of the A-account or B-account, as the case may be, the amounts estimated under subsection (1), together with interest, at the rate referred to in section 11, on those amounts from the commencement of this Act to the date of such payment.

10. (1) The council shall, as soon as possible after the commencement of this Act, estimate the amounts which shall, in the opinion of the council, be necessary to pay the increase, under section 2, of the benefits to which persons become entitled after such commencement, in respect of mines which prior to such commencement ceased to be mines of group A or scheduled mines under a repealed Act, and in respect of mines which prior to such commencement ceased to be mines of group B or registered mines under a repealed Act.

Estimate by council of amount of additional liabilities under section 2 in respect of defunct mines, and payment of such amounts by Minister.

(2) The Minister shall, out of moneys appropriated by Parliament for the purpose, pay to the council, for the credit of the A-account or B-account, as the case may be, the amounts estimated under subsection (1), together with interest, at the rate referred to in section 11, on those amounts from the commencement of this Act to the date of such payment.

11. When the council makes any estimate in terms of section 9 (1) or 10 (1) it shall determine the average yield, to the date of redemption, of the investments of the A-account and the B-account, respectively, as at the immediately preceding thirty-first March, and such yield, expressed as a percentage per year in each case, shall be the rates of interest for the purposes of sections 9 (2) and 10 (2), respectively.

Determination by council of rates of interest for purposes of sections 9 and 10.

12. (1) The council shall charge the C-account with—

- (a) the increase under section 2 relating to any benefit to which any person became entitled before the commencement of the Pneumoconiosis Compensation Act, 1962 (Act No. 64 of 1962); and
- (b) the increase of any gratuity under section 8.

Accounts to be charged with increase in benefits.

(2) The council shall charge the A-account or B-account or the A-account partly and the B-account partly, as the case may be, having regard to the applicable provisions of the principal Act, with—

Wet No. 8, 1970

WYSIGINGSWET OP PNEUMOKONIOSEVERGOEDING, 1970.

- (a) die uitgawe wat ontstaan uit die verhoging, kragtens artikel 2, van 'n voordeel waarop iemand na die inwerkingtreding van die Pneumokoniosevergoedingswet, 1962, geregtig geword het; en
- (b) die bedrag van 'n voordeel waarop iemand uit hoofde van artikel 1 (2) van hierdie Wet geregtig geword het na die inwerkingtreding van die Wysigingswet op Pneumokoniosevergoeding, 1965 (Wet No. 92 van 1965).

Verhoogde en bykomende voordele moet by raming van uitstaande verpligtings van fonds ingesluit word.

13. Wanneer die raad die bedrae beoog in artikel 120 (1) en artikel 121 (1) van die Pneumokoniosevergoedingswet, 1962 (Wet No. 64 van 1962), raam, moet hy die verhoogde en bykomende voordele waarvoor hierdie Wet voorsiening maak, by die raming insluit.

Bepalings van artikel 8 van Wet 83 van 1968 van toepassing met betrekking tot verhogings kragtens hierdie Wet.

14. Die bepalinge van artikel 8 van die Wysigingswet op Pneumokoniosevergoeding, 1968, is *mutatis mutandis* van toepassing met betrekking tot die verhoging, kragtens hierdie Wet, van 'n voordeel of bedrag wat kragtens die Hoofwet betaalbaar is.

Persone wat na suidelike Afrika teruggekeer het, geregtig op voordele betaalbaar kragtens Wet 64 van 1962.

15. (1) Indien iemand wat uit hoofde van die bepalinge van artikel 131 van die Pneumokoniosevergoedingswet, 1962, uitgesluit is van voordele wat kragtens die Hoofwet betaalbaar is, by die inwerkingtreding van hierdie Wet in suidelike Afrika gedomisileer was of op 'n datum na sodanige inwerkingtreding aldus gedomisileer geraak het, is so iemand van sodanige inwerkingtreding of, indien hy op so 'n datum aldus gedomisileer geraak het, van dié datum geregtig op die voordele wat, indien dit nie vir die bepalinge van genoemde artikel 131 was nie, aan hom betaalbaar sou gewees het kragtens die toepaslike bepalinge van die Hoofwet, en op die verhoging waarvoor artikel 2 (1) van hierdie Wet voorsiening maak.

(2) Indien 'n voordeel kragtens subartikel (1) verhoog word, word sodanige verhoging betaal uit die rekening vermeld in artikel 108 (2) van die Pneumokoniosevergoedingswet, 1962, waaruit sodanige voordeel kragtens die bepalinge van artikel 127 van dié Wet betaalbaar is.

(3) Die bepalinge van artikel 131 (2) van die Pneumokoniosevergoedingswet, 1962, is *mutatis mutandis* van toepassing met betrekking tot die betaling van 'n voordeel uit hoofde van subartikel (1) van hierdie artikel.

Beheer van bedrywe, en mediese ondersoek van persone in diens by beheerde bedrywe.

16. (1) In hierdie artikel beteken „bedryf” 'n bedryf soos omskryf in artikel 1 van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), en beteken „beheerde bedryf” 'n bedryf wat ingevolge subartikel (2) tot 'n beheerde bedryf verklaar is.

(2) Die Minister kan, op aanbeveling van die Staatsmyningengineur en die direkteur, 'n bedryf tot 'n beheerde bedryf verklaar van 'n datum deur hom bepaal, indien hy rede het om te dink dat die verrigting van werk by of in verband met sodanige bedryf benadeling van die gesondheid van persone wat sodanige werk verrig, veroorsaak het of waarskynlik sal veroorsaak, en die Minister kan verklaar dat van 'n datum aldus bepaal 'n beheerde bedryf ophou om 'n beheerde bedryf te wees.

(3) Die Minister moet skriftelike kennis van stappe wat hy kragtens subartikel (2) gedoen het, laat gee aan die eienaar van die betrokke bedryf, en sodanige kennis moet gegee word minstens dertig dae voor die datum waarop sodanige bedryf 'n beheerde bedryf word of ophou om 'n beheerde bedryf te wees.

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- (a) the expenditure due to the increase, under section 2, of any benefit to which a person became entitled after the commencement of the Pneumoconiosis Compensation Act, 1962; and
- (b) the amount of any benefit to which a person became entitled, by virtue of section 1 (2) of this Act, after the commencement of the Pneumoconiosis Compensation Amendment Act, 1965 (Act No. 92 of 1965).

13. The council shall, when estimating the amounts contemplated in section 120 (1) and section 121 (1) of the Pneumoconiosis Compensation Act, 1962 (Act No. 64 of 1962), include in the estimate the increased and additional benefits provided for by this Act.

Increased and additional benefits to be included in estimate of outstanding liabilities of fund.

14. The provisions of section 8 of the Pneumoconiosis Compensation Amendment Act, 1968, shall *mutatis mutandis* apply with reference to the increase, under this Act, of any benefit or amount which is payable under the principal Act.

Provisions of section 8 of Act 83 of 1968 to apply with reference to increases under this Act.

15. (1) If a person who is excluded from any benefits payable under the principal Act by virtue of the provisions of section 131 of the Pneumoconiosis Compensation Act, 1962, was at the commencement of this Act domiciled in southern Africa or became so domiciled on a date after such commencement, such person shall be entitled from such commencement or, if he became so domiciled on such a date, from that date to the benefits which, but for the provisions of the said section 131, would have been payable to him under the appropriate provisions of the principal Act, and to the increase provided for in section 2 (1) of this Act.

Persons who returned to southern Africa to be entitled to benefits payable under Act 64 of 1962.

(2) If a benefit is increased under subsection (1) such increase shall be paid from the account mentioned in section 108 (2) of the Pneumoconiosis Compensation Act, 1962, from which such benefit is payable under the provisions of section 127 of that Act.

(3) The provisions of section 131 (2) of the Pneumoconiosis Compensation Act, 1962, shall *mutatis mutandis* apply with reference to the payment of any benefit by virtue of subsection (1) of this section.

16. (1) In this section "works" means a works as defined in section 1 of the Mines and Works Act, 1956 (Act No. 27 of 1956), and "controlled works" means a works declared in terms of subsection (2) to be a controlled works.

Control of works, and medical examination of persons employed at controlled works.

(2) The Minister may, on the recommendation of the Government Mining Engineer and the director, declare any works to be a controlled works from a date determined by him, if he has reason to believe that the performance of work at or in connection with such works has caused or is likely to cause injury to the health of persons performing such work, and the Minister may declare that from a date so determined any controlled works shall cease to be a controlled works.

(3) The Minister shall cause written notice to be given to the owner of the works concerned of any action taken by him under subsection (2), and such notice shall be given at least thirty days prior to the date on which such works becomes a controlled works or ceases to be a controlled works.

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(4) Die Staatsmyningenieur moet 'n register hou waarin die naam en soort van iedere beheerde bedryf ingeskryf word.

(5) Vir die doeleindes van 'n aanbeveling by die Minister kragtens subartikel (2) kan die Staatsmyningenieur en die direkteur die ondersoeke, toetse, opnames en mediese ondersoeke by 'n bedryf of op of van persone in diens by of in verband met 'n bedryf uitvoer wat hul goedvind, en die uitgawes aangegaan in verband met sodanige ondersoeke, toetse, opnames en mediese ondersoeke word deur die Minister betaal uit geld wat die Parlement vir dié doel bewillig het.

(6) Die Minister kan regulasies uitvaardig—

(a) om voorsiening te maak vir die mediese ondersoek van persone in diens by of in verband met 'n beheerde bedryf;

(b) om die aard van sodanige ondersoek en die tussenpose waarby en die persone deur wie sodanige ondersoeke uitgevoer moet word, te bepaal;

(c) om die verantwoordelikheid van die eienaar van 'n beheerde bedryf in verband met die mediese ondersoek van persone in diens by of in verband met sy bedryf te bepaal;

(d) om die indiensmeming van persone by of in verband met 'n beheerde bedryf of 'n gedeelte van so 'n bedryf of in 'n ambag in so 'n bedryf te verbied of te beperk;

(e) om voorsiening te maak vir die uitreiking, deur die direkteur, van mediese sertifikate aan persone in diens by of in verband met 'n beheerde bedryf, en om die aard van sodanige sertifikate te bepaal;

(f) om die kennis wat die direkteur van die uitslag van so 'n mediese ondersoek moet gee, en die persoon aan wie sodanige kennis gegee moet word, te bepaal;

(g) na oorlegpleging met die Minister van Finansies, om voorsiening te maak vir die betaling van uitgawes aangegaan in verband met die mediese ondersoek van persone in diens by beheerde bedrywe.

(7) Verskillende regulasies kan uitgevaardig word ten opsigte van die verskillende provinsies of verskillende gebiede of distrikte, of ten opsigte van verskillende bedrywe of klasse bedrywe of ten opsigte van verskillende persone of klasse persone of ten opsigte van verskillende ambagte of plekke by bedrywe.

(8) Die regulasies kan vir 'n oortreding daarvan of versuim om daaraan te voldoen strawwe voorskryf wat, in die geval van 'n eienaar van 'n beheerde bedryf, nie 'n boete van vyfhonderd rand, en, in die geval van iemand anders, nie 'n boete van tweehonderd-en-vyftig rand oorskry nie.

Mediese ondersoek van persone in diens by beheerde myne in ander werk as werk in stowwige lug.

17. (1) Die Minister kan by kennisgewing in die *Staatskoerant* vereis dat alle persone, uitgesonderd Bantoeperone, wat ander werk as werk in stowwige lug by beheerde myne verrig, hulle op die plekke en by die tussenpose in die kennisgewing vermeld, aanmeld om mediese ondersoek te ondergaan.

(2) So 'n kennisgewing kan—

(a) onderskeid maak tussen verskillende groepe of klasse myne of plekke op myne of ambagte of persone of groepe persone; en

(b) kan van die eienaar van 'n beheerde myn vereis dat hy aan die direkteur ten opsigte van 'n persoon of groep persone die inligting verstrek en die aantekenings hou wat in die kennisgewing vermeld word.

(3) Die eienaar van 'n beheerde myn moet redelike stappe doen om die vereistes van 'n kennisgewing kragtens subartikel (1) onder die aandag van die persone in diens by sy myn te bring, en moet iemand in sy diens op wie so 'n kennisgewing van toepassing is, redelike geleentheid bied om hom in staat te stel om hom op die plek in die kennisgewing vermeld en op die gepaste tye aan te meld om 'n mediese ondersoek te ondergaan.

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(4) The Government Mining Engineer shall keep a register in which the name and description of every controlled works shall be entered.

(5) For the purpose of a recommendation to the Minister under subsection (2) the Government Mining Engineer and the director may carry out such investigations, tests, surveys and medical examinations at a works or on or of persons employed at or in connection with a works as they deem fit, and the costs incurred in connection with such investigations, tests, surveys and medical examinations shall be paid by the Minister out of moneys appropriated by Parliament for the purpose.

(6) The Minister may make regulations—

- (a) to provide for the medical examination of persons employed at or in connection with a controlled works;
- (b) to determine the nature of such examination and the intervals at which and the persons by whom such examinations shall be carried out;
- (c) to determine the responsibility of the owner of a controlled works in connection with the medical examination of persons employed at or in connection with his works;
- (d) to prohibit or restrict the employment of persons at or in connection with a controlled works or any part of such a works or in any occupation at such a works;
- (e) to provide for the issue of medical certificates by the director to persons employed at or in connection with a controlled works and to determine the nature of such certificates;
- (f) to determine the notice to be given by the director of the results of any such medical examination and the person to whom such notice shall be given;
- (g) after consultation with the Minister of Finance, to provide for the payment of expenses incurred in connection with the medical examination of persons employed at controlled works.

(7) Different regulations may be made in respect of the different provinces or different areas or districts, or in respect of different works or classes of works or in respect of different persons or classes of persons or in respect of different occupations or localities at works.

(8) The regulations may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding, in the case of an owner of a controlled works, a fine of five hundred rand and, in the case of any other person, a fine of two hundred and fifty rand.

17. (1) The Minister may by notice in the *Gazette* require all persons, other than Bantu persons, who perform work at controlled mines, other than work in a dusty atmosphere, to present themselves at such places and at such intervals as may be specified in the notice, for the purpose of undergoing medical examinations.

Medical examination of persons employed at controlled mines on work other than work in a dusty atmosphere.

(2) Any such notice may—

- (a) differentiate between different groups or classes of mines or localities at mines or occupations or persons or groups of persons; and
- (b) require the owner of a controlled mine to furnish to the director in respect of any person or group of persons such information, and to keep such records, as may be specified in the notice.

(3) The owner of a controlled mine shall take reasonable steps to bring to the notice of persons employed at his mine the requirements of a notice under subsection (1), and shall afford any person in his employ to whom such notice applies reasonable facilities to enable that person to present himself at the place specified in the notice and at the appropriate times for the purpose of undergoing a medical examination.

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(4) Iemand wat versuim om te voldoen aan die vereistes van 'n kennisgewing kragtens subartikel (1), en 'n eienaar van 'n beheerde myn wat versuim om te voldoen aan die vereistes van 'n kennisgewing kragtens subartikel (2) (b) of die bepalinge van subartikel (3), is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(a) in die geval van so iemand, met 'n boete van hoogstens tweehonderd rand; en

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

Kort titel en
inwerkingtreding.

18. Hierdie Wet heet die Wysigingswet op Pneumokoniose-vergoeding, 1970, en tree, behalwe wat betref artikel 1 (2) wat geag word op die eerste Oktober 1965 in werking te getree het, op die eerste April 1970 in werking.

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(4) Any person who fails to comply with the requirements of a notice under subsection (1) and any owner of a controlled mine who fails to comply with the requirements of a notice under subsection (2) (b) or the provisions of subsection (3), shall be guilty of an offence and liable on conviction—

- (a) in the case of such person, to a fine not exceeding two hundred rand; and
- (b) in the case of such owner, to a fine not exceeding four hundred rand.

18. This Act shall be called the Pneumoconiosis Compensation Amendment Act, 1970, and, except as to section 1 (2) which shall be deemed to have come into operation on the first October, 1965, shall come into operation on the first April, 1970.

Short title
and commence-
ment.

