



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

TDA

of en deel van die Republiek van Suid-Afrika, en is uitgevaardig deur die Minister van Finansies in die naam van die President van die Republiek van Suid-Afrika.

(Engels en Afrikaans) (Gescrewe in Engels op 26 Mei 1971.)

STAATSKOERANT

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[No. 3117.

DEPARTMENT OF THE PRIME MINISTER.

No. 886.

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

No. 40 of 1971: Mines and Works Amendment Act, 1971.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 886.

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

No. 40 van 1971: Wysigingswet op Myne en Bedrywe, 1971.

26 Mei 1971.

Act No. 40, 1971

MINES AND WORKS AMENDMENT ACT, 1971.

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE
ACT

To amend the provisions of the Mines and Works Act, 1956, as to the definitions, the penalties, minimum rates of remuneration and other conditions of employment and the power to make regulations; and to provide for incidental matters.

(*English text signed by the State President.*)
(Assented to 14th May, 1971.)

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

Amendment of section 1 of Act 27 of 1956, as amended by section 1 of Act 51 of 1959, section 1 of Act 46 of 1964, section 1 of Act 91 of 1965 and section 1 of Act 42 of 1968.

Amendment of section 4 of Act 27 of 1956, as amended by section 5 of Act 46 of 1964.

Amendment of section 6 of Act 27 of 1956, as amended by section 7 of Act 46 of 1964.

Substitution of section 10 of Act 27 of 1956, as substituted by section 4 of Act 42 of 1968.

1. Section 1 of the Mines and Works Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (f) of the definition of "works" of the following paragraph:

"(f) the drying or calcining of any source material as defined in the Atomic Energy Act, 1967 (Act No. 90 of 1967);".

2. Section 4 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) When an inspector who tries a person under subsection (1) finds such person guilty, he may impose upon him a fine not exceeding thirty rand and, in default of payment of the fine, shall inform the employer of the person convicted of the amount of the fine so imposed.".

3. Section 6 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Any person summoned as is contemplated in subsection (1) or (2) who fails, without reasonable excuse, to comply with the terms of the summons, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months.".

4. The following section is hereby substituted for section 10 of the principal Act:

10. (1) If, after consultation with the Minister of Labour, and after giving thirty days' notice in writing of his intention to do so to the owner of any mine or works and after considering the representations, if any, by any such owner, the Minister is of the opinion that in respect of employees in any occupation at that mine or works, minimum rates of remuneration and other conditions of employ-

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WYSIGINGSWET OP MYNE EN BEDRYWE, 1971.
 Wet No. 40, 1971
 (Engelse teks deur die Staatspresident geteken.)
 (Goedgekeur op 14 Mei 1971)

WET

Tot wysiging van die bepalings van die Wet op Myne en Bedrywe, 1956, betreffende woordbepalings, die strawwe, minimumskale van besoldiging en ander diensvoorwaardes en die bevoegdheid om regulasies uit te vaardig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
 (Goedgekeur op 14 Mei 1971)

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

1. Artikel 1 van die Wet op Myne en Bedrywe, 1956 (onder die Hoofwet genoem), word hierby gewysig deur paraagraaf (f) van die omskrywing van „bedryf” deur die volgende paragraaf te vervang:

„(f) die droog of kalsinering van 'n bronmateriaal soos in die Wet op Atoomkrag, 1967 (Wet No. 90 van 1967), omskryf;”.

Wysiging van artikel 1 van Wet 27 van 1956, soos gewysig deur artikel 1 van Wet 51 van 1959, artikel 1 van Wet 46 van 1964, artikel 1 van Wet 91 van 1965 en artikel 1 van Wet 42 van 1968.

2. Artikel 4 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) Wanneer 'n inspekteur wat iemand ingevolge subartikel (1) verhoor, hom skuldig bevind, kan hy hom 'n boete van hoogstens dertig rand oplê en, by wanbetaling van die boete, moet hy die werkewer van die veroordeelde van die bedrag van die aldus opgelegde boete in kennis stel.”.

Wysiging van artikel 4 van Wet 27 van 1956, soos gewysig deur artikel 5 van Wet 46 van 1964.

3. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Iemand wat nadat hy soos in subartikel (1) of (2) bedoel gedagvaar is, sonder redelike verskoning in gebreke bly om die voorskrifte van die dagvaarding na te kom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevengenisstraf vir 'n tydperk van hoogstens drie maande.”.

Wysiging van artikel 6 van Wet 27 van 1956, soos gewysig deur artikel 7 van Wet 46 van 1964.

4. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

„**Toepassing 10.** (1) Indien, na oorlegpleging met die Minister van Arbeid, en nadat hy dertig dae skriftelik kennis van sy voorname om dit te doen aan die eienaars van 'n myn of bedryf gegee het en nadat hy die vertoe, as daar is, van so 'n eienaar oorweeg het, die Minister van oordeel is dat ten opsigte van werknemers in die een of ander beroep by daardie myn of en minimum bedryf, minimum skale van besoldiging en ander

Vervanging van artikel 10 van Wet 27 van 1956, soos vervang deur artikel 4 van Wet 42 van 1968.

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and to minimum number of days of paid leave and sick leave.

ment are not usually regulated by means of an agreement between the employer and one or more trade unions, or are less favourable than the minimum rates of remuneration and other conditions of employment prescribed in terms of regulations made under section 12 (1) (u) or (v), he may by notice in writing to such owner, apply any or all of the said regulations in respect of the employees in such occupations at such mine or works with effect from a date to be specified in such notice.

(2) The Minister may at any time amend, vary or revoke any notice served under subsection (1).".

Amendment of section 12 of Act 27 of 1956, as amended by section 11 of Act 46 of 1964, section 3 of Act 91 of 1965 and section 6 of Act 42 of 1968.

5. Section 12 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the word "Governor-General" of the words "State President";

(b) by the insertion in the said subsection after paragraph (r) of the following paragraphs:

"(s) the number of hours and the number of shifts during any specified period which employees may work or be permitted to work in and at mines or works and the travelling time taken up in getting employees from the shaftheads or other entrances to mines to their working places at the commencement of their shift and back again to the shaftheads or other entrances to mines at the conclusion of their shift;

(t) the keeping of records relating to employees in and at mines or works;

(u) the minimum rates of remuneration in relation to ordinary rates of remuneration to be paid to employees in and at mines or works in respect of overtime or work on any of the days referred to in section 9 (1);

(v) the minimum number of days of paid leave and sick leave to which employees in and at mines or works shall be entitled and the conditions and circumstances under which such leave shall be granted;";

(c) by the substitution for subsection (3) of the following subsection:

"(3) Different regulations may be made in respect of different Provinces, areas or mining districts of the Republic or in respect of different mines or classes of mines or different works or classes of works or for different working places or localities in or at mines or works or for different classes or groups of employees or for employees of different ages or in different occupations."; and

(d) by the addition of the following subsection:

"(5) No regulation made under subsection (1) (u) or (v) shall apply in respect of employees in any occupation at any mine or works unless so applied by the Minister in terms of section 10.".

Amendment of section 13 of Act 27 of 1956.

6. Section 13 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) When and so long as such rules are so posted up they shall, so long as they are legible and until they are so disallowed, and save in so far as they are so altered, have

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getal dae diensvoorraades nie gewoonlik deur middel van 'n van betaalde ooreenkoms tussen die werkewer en een of meer verlof en vakverenigings gereel word nie, of minder gunstig siekteverlof. is as die minimum skale van besoldiging en ander diensvoorraades wat voorgeskryf word ingevolge regulasies kragtens artikel 12 (1) (u) of (v) uitgevaardig, kan hy by skriftelike kennisgewing aan daardie eienaar enige van of al die bedoelde regulasies toepas ten opsigte van die werknemers in sodanige beroepe in daardie myn of bedryf met ingang van 'n datum wat in bedoelde kennisgewing vermeld word.

(2) Die Minister kan 'n kragtens subartikel (1) bestelde kennisgewing te eniger tyd wysig, verander of intrek.”.

5. Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woord „Goewerneur-generaal” deur die woord „Staatspresident” te vervang;

(b) deur die volgende paragrawe in genoemde subartikel na paragraaf (r) in te voeg:

,,(s) die getal ure en die getal skofte gedurende 'n bepaalde tydperk wat werknemers mag werk of toegelaat mag word om te werk in of by myne of bedrywe en die reistyd wat in beslag geneem word om werknemers aan die begin van hul skof van die skaghoofde of ander ingange tot myne na hul werkplekke te bring en weer aan die end van hul skof by die skaghoofde of ander ingange tot myne terug te bring;

(t) die hou van aantekeninge met betrekking tot werknemers in en by myne of bedrywe;

(u) die minimum skale van besoldiging in verhouding tot gewone skale van besoldiging wat aan werknemers in en by myne of bedrywe ten opsigte van oortyd of werk op enige van die dae genoem in artikel 9 (1) betaal moet word;

(v) die minimum getal dae van betaalde verlof en siekteverlof waarop werknemers in en by myne of bedrywe geregtig is en die voorwaarde waarop en omstandighede waaronder sodanige verlof toegestaan word;”;

(c) deur subartikel (3) deur die volgende subartikel te vervang:

,,(3) Verskillende regulasies kan met betrekking tot die verskillende provinsies, gebiede of myndistrikte van die Republiek, of met betrekking tot verskillende myne of klasse myne of verskillende bedrywe of klasse bedrywe of vir verskillende werkplekke of lokaliteite in of by myne of bedrywe of vir verskillende klasse of groepe werknemers of vir werknemers van verskillende ouderdomme of in verskillende beroepe uitgevaardig word.”; en

(d) deur die volgende subartikel by te voeg:

,,(5) 'n Kragtens subartikel (1) (u) of (v) uitgevaardigde regulasie geld nie ten opsigte van werknemers in 'n beroep by 'n myn of bedryf tensy dit deur die Minister ingevolge artikel 10 aldus toegepas is nie.”.

6. Artikel 13 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

,,(4) Wanneer en solank bedoelde reëls aldus aangeplak is, het dit, solank dit leesbaar is en totdat dit aldus verwerp word, en behoudens vir sover dit aldus gewysig word,

Wysiging van artikel 12 van Wet 27 van 1956, soos gewysig deur artikel 11 van Wet 46 van 1964, artikel 3 van Wet 91 van 1965 en artikel 6 van Wet 42 van 1968.

Wysiging van artikel 13 van Wet 27 van 1956.

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Substitution of
section 14 of
Act 27 of 1956.

the same force and effect as the regulations, and any person who contravenes or fails to comply with any such rule, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months.”.

Substitution of
section 15 of
Act 27 of 1956.

7. The following section is hereby substituted for section 14 of the principal Act:

“Obtaining 14. Any person who obtains or attempts to obtain any certificate of competency under the regulations by means of fraud, false pretences or any fraudulently, false document shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred and fifty rand or, in default of payment, to imprisonment for a period not exceeding six months, and any certificate so obtained shall on such conviction *ipso facto* lapse.”.

Substitution of
section 17 of
Act 27 of 1956.

8. The following section is hereby substituted for section 15 of the principal Act:

“Endanger- 15. If any person is guilty of any act or omission whereby in or at any mine, works or machinery—
ing safety or causing (a) the safety of any other person is endangered or serious bodily injury.
serious injury. (b) serious bodily injury is caused to any other person,
he shall be guilty of an offence and liable on conviction, in the case of an offence referred to in paragraph (a), to a fine not exceeding five hundred rand or, in default of payment, to imprisonment for a period not exceeding twelve months, and in the case of an offence referred to in paragraph (b), to a fine not exceeding one thousand rand or, in default of payment, to imprisonment for a period not exceeding twenty-four months.”.

Short title and
commencement.

9. The following section is hereby substituted for section 17 of the principal Act:

“Penalties 17. If any person is convicted of any offence against this Act for which no penalty is expressly provided, he shall be liable on such conviction to a fine not exceeding three hundred rand or, in default of payment, to imprisonment for a period not exceeding twelve months.”.

10. This Act shall be called the Mines and Works Amendment Act, 1971, and shall come into operation upon a date to be fixed by the State President by proclamation in the *Gazette*.

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dieselbde regskrag en gevolge as die regulasies, en iemand wat so 'n reël oortree of versium om daarvan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.”.

7. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 14 van Wet 27 van 1956.

„Verkryging van bevoegdheidsertifikaat op bedrieglike wyse. **14.** Iemand wat 'n bevoegdheidsertifikaat kragtens die regulasies verkry of poog te verkry deur middel van bedrog, valse voorwendsels of 'n valse dokument, is aan 'n misdryf skuldig en by skuldig bevinding strafbaar met 'n boete van hoogstens honderd-en-vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande, en 'n sertifikaat aldus verkry verval *ipso facto* by so 'n skuldigbevinding.”.

8. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 15 van Wet 27 van 1956.

„In gevaar bring van veiligheid of veroorsaking van ernstige liggaamlike letsel.

15. Indien iemand aan 'n daad of versuim skuldig is waardeur in of by 'n myn, bedryf of masjinerie—
(a) die veiligheid van iemand in gevaar gebring of waarskynlik in gevaar gebring kan word; of
(b) ernstige liggaamlike letsel aan iemand veroorsaak word,
is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar, in die geval van 'n misdryf in paragraaf (a) bedoel, met 'n boete van hoogstens vyfhonderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, en, in die geval van 'n misdryf in paragraaf (b) bedoel, met 'n boete van hoogstens eenduisend rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens vier-en-twintig maande.”.

9. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

e Vervanging van artikel 17 van Wet 27 van 1956.

„Strawwe, wanneer nie uitdruklik bepaal. 17. Indien iemand kragtens die bepalings van hierdie Wet skuldig bevind word aan 'n misdryf waarvoor geen uitdruklike straf bepaal word nie, is hy by so 'n skuldigbevinding strafbaar met 'n boete van hoogstens driehonderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.”.

10. Hierdie Wet heet die Wysigingswet op Myne en Bedrywe, Kort titel en 1971, en tree in werking op 'n datum wat die Staatspresident inwerkingtreding by proklamasie in die *Staatskoerant* bepaal.

