



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 10c Price
Oorsee 15c Overseas
POSVRY—POST FREE

ISBN 0 621 00234 8

Vol. 85.]

KAAPSTAD, 5 JULIE 1972.

[No. 3603.

CAPE TOWN, 5TH JULY, 1972.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1181.

5 Julie 1972.

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

No. 95 van 1972: Wysigingswet op die Pneumokoniose-vergoedingswette, 1972.

No. 1181.

5th July, 1972.

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

No. 95 of 1972: Pneumoconiosis Compensation Laws Amendment Act, 1972.

Wet No. 95, 1972

WYSIGINGSWET OP DIE PNEUMOKONIOSE-
VERGOEDINGSWETTE, 1972.

WET

Tot wysiging van die bepalings van die Pneumokoniosevergoedingswet, 1962, met betrekking tot woordoms krywings; om voorsiening te maak vir die toekenning van diensgratifikasies aan sekere werknemers; tot wysiging van die bepalings van die Wysigingswet op Pneumokoniosevergoeding, 1970, met betrekking tot die omskrywing van bedryf; om die Pneumokoniosevergoedingswet, 1962, en ander wette wat betrekking het op Pneumokoniosevergoeding, op Suidwes-Afrika van toepassing te maak; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Junie 1972.)

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

Wysiging van
artikel 1 van
Wet 64 van 1962,
soos gewysig deur
artikel 1 van
Wet 50 van 1964.

1. Subartikel (1) van artikel 1 van die Pneumokoniosevergoedingswet, 1962 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die woordoms krywing van „Bantoe persoon” deur die volgende woordoms krywing, te vervang:

„Bantoe persoon’ iemand wat tot die een of die ander van die volgende groepe behoort, te wete—

(a) inboorlingstamme of -rasse van Afrika, met inbegrip van Boesmans, Hottentotte, Koranas en Naturelle; en

(b) persone op wie ’n algemene of plaaslike belasting ooreenkomstig die Bantoe Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925), of ’n belasting wat daardie belasting vervang, gehef word,

maar nie ook Amerikaanse Negers, Eurafrikane, Eurasiëte of persone algemeen as Kaapse Maleiers, Griekwas, Mauritiëse of St. Helenas bekend nie;”;

(b) deur na die woordoms krywing van „regulasie” die volgende woordoms krywing in te voeg:

„Republiek’ ook die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel;”.

Wysiging van
artikel 93 van
Wet 64 van 1962.

2. Artikel 93 van die Hoofwet word hierby gewysig deur subartikel (5) te skrap.

Wysiging van
artikel 134 van
Wet 64 van 1962.

3. Artikel 134 van die Hoofwet word hierby gewysig—

(a) deur die woord „gratifikasie” oral waar dit in daardie artikel voorkom deur die woord „diensgratifikasie” te vervang;

(b) deur die uitdrukking „sub-artikel (3) van” te skrap waar dit in subartikel (1) voorkom.

PNEUMOCONIOSIS COMPENSATION LAWS
AMENDMENT ACT, 1972.

Act No. 95, 1972

ACT

To amend the provisions of the Pneumoconiosis Compensation Act, 1962, relating to definitions; to provide for the awarding of service gratuities to certain employees; to amend the provisions of the Pneumoconiosis Compensation Amendment Act, 1970, relating to the definition of works; to apply the Pneumoconiosis Compensation Act, 1962, and other laws relating to Pneumoconiosis Compensation, to South-West Africa; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 16th June, 1972.)

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

1. Subsection (1) of section 1 of the Pneumoconiosis Compensation Act, 1962 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 1 of Act 64 of 1962, as amended by section 1 of Act 50 of 1964.

(a) by the substitution for the definition of "Bantu person" of the following definition:

"'Bantu person' means any person belonging to one or other of the following groups, namely—

(a) aboriginal tribes or races of Africa, including Bushmen, Hottentots, Korannas and Natives; and

(b) persons upon whom is levied general or local tax in terms of the Bantu Taxation and Development Act, 1925 (Act No. 41 of 1925), or any tax substituted for any such tax,

but does not include American Negroes, Eur-africans, Eurasians or persons commonly known as Cape Malays, Griquas, Mauritians or St. Helenians;"

(b) by the insertion after the definition of "repealed Act" of the following definition:

"'Republic' includes the territory of South-West Africa, including the Eastern Caprivi Zipfel;"

2. Section 93 of the principal Act is hereby amended by the deletion of subsection (5).

Amendment of section 93 of Act 64 of 1962.

3. Section 134 of the principal Act is hereby amended—

Amendment of section 134 of Act 64 of 1962.

(a) by the substitution for the word "gratuity", wherever it occurs in that section, of the expression "service gratuity";

(b) by the deletion of the expression "subsection (3) of", where it occurs in subsection (1).

Wet No. 95, 1972

WYSIGINGSWET OP DIE PNEUMOKONIOSE-
VERGOEDINGSWETTE, 1972.Wysiging van
artikel 135 van
Wet 64 van 1962.

4. Artikel 135 van die Hoofwet word hierby gewysig—

- (a) deur die uitdrukking „sub-artikels (2) en (3)”, waar dit voorkom in subartikel (1), deur die uitdrukking „hierdie artikel” te vervang;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) 'n Persoon—

- (a) wat vanaf 'n datum na 1 Augustus 1946 ononderbroke in die voltydse diens van die buro of die raad of die Staat gebly het en wat ten opsigte van bedoelde diens nie tot die Staatsdienspensioenfonds soos bedoel in artikel 2 (1) van die Regeringsdienspensioenwet, 1965 (Wet No. 64 van 1965), bygedra het nie; en
- (b) wat onmiddellik voor die datum van die inwerkingtreding van die Wysigingswet op die Pneumokoniosevergoedingswette, 1972, vir 'n in artikel 116 (4) van die Wet van 1956 bedoelde gratifikasie in aanmerking kon gekom het, maar aan wie so 'n gratifikasie voor bedoelde datum nie toegeken is nie,

kom, in plaas van vir so 'n gratifikasie, in aanmerking vir 'n diensgratifikasie wat gelyk is aan een agtste van sy salaris (wat nie 'n tydelike of persoonlike toelaag is nie) wat hy vir die twaalf maande wat die beëindiging van sy diens onmiddellik voorafgegaan het, ontvang het, vermenigvuldig met die getal jare, met inbegrip van 'n gedeelte van 'n jaar, wat sy diens beloop het.”;

- (c) deur die volgende subartikels by te voeg:

„(4) 'n Persoon—

- (a) wat in aanmerking vir 'n in subartikel (3) bedoelde gratifikasie sou gekom het indien hy nie op 'n datum na 1 Augustus 1946 uit die in subartikel (3) bedoelde diens bedank het nie; en
- (b) wat voordat hy aldus bedank het vir 'n tydperk van minstens tien jaar in bedoelde diens gewees het en nie tot die in subartikel (3) bedoelde Staatsdienspensioenfonds bygedra het nie; en
- (c) wat na bedoelde diens teruggekeer het.

kom in aanmerking vir 'n diensgratifikasie wat gelyk is aan een agtste van sy salaris (wat nie 'n tydelike of persoonlike toelaag is nie) wat hy na sy terugkeer ontvang het vir die twaalf maande wat die beëindiging van sy diens onmiddellik voorafgegaan het, vermenigvuldig met die aantal jare, met inbegrip van 'n gedeelte van 'n jaar, van diens voordat hy bedank het soos beoog in paragraaf (a).

(5) Indien die diens van 'n persoon wat vir 'n in subartikel (3) of (4) bedoelde diensgratifikasie in aanmerking kom, deur sy dood beëindig word, word so 'n diensgratifikasie, ondanks die bepaling van subartikel (6), toegeken—

- (a) aan sy weduwee; of
- (b) indien hy nie 'n weduwee het nie, aan sy afhanklike kinders; of
- (c) indien hy nie afhanklike kinders het nie, aan 'n persoon vir wie se onderhoud hy onmiddellik voor sy dood verantwoordelik was; of
- (d) indien daar nie so 'n persoon is nie, aan sy boedel.

(6) Indien die diens van 'n persoon wat in aanmerking kom vir 'n in subartikel (3) of (4) bedoelde diensgratifikasie, beëindig is voordat hy die ouderdom van sestig jaar bereik het, word so 'n diensgratifikasie nie aan hom toegeken nie, tensy sy diens deur aftrede

PNEUMOCONIOSIS COMPENSATION LAWS
AMENDMENT ACT, 1972.

Act No. 95, 1972

4. Section 135 of the principal Act is hereby amended—

Amendment of
section 135 of
Act 64 of 1962.

- (a) by the substitution for the expression "subsections (2) and (3)", where it occurs in subsection (1), of the expression "this section";
- (b) by the substitution for subsection (3) of the following subsection:

"(3) Any person—

- (a) who from any date after 1st August, 1946, continuously remained in the full-time service of the bureau or the council or the State and who has not contributed to the Public Service Pension Fund referred to in section 2 (1) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965), in respect of such service; and
- (b) who immediately before the date of commencement of the Pneumoconiosis Compensation Laws Amendment Act, 1972, was eligible for a gratuity referred to in section 116 (4) of the 1956 Act, but to whom such gratuity had not been awarded before such date,

shall be eligible, in lieu of such gratuity, for a service gratuity which shall be equal to one-eighth of his salary (other than any temporary or personal allowance) which he has received for the twelve months immediately preceding the date of termination of his service, multiplied by the number of years, including any fraction of a year, of his service."

- (c) by the addition of the following subsections:

"(4) Any person—

- (a) who would have been eligible for a gratuity referred to in subsection (3) had he not at any date after 1st August, 1946, resigned from the service referred to in subsection (3); and
- (b) who before he so resigned, had been in such service for a period of not less than ten years and had not contributed to the Public Service Pension Fund referred to in subsection (3); and
- (c) who has returned to such service,

shall be eligible for a service gratuity which shall be equal to one-eighth of his salary (other than any temporary or personal allowance) which he after his return has received for the twelve months immediately preceding the date of termination of his service, multiplied by the number of years, including any fraction of a year, of service before he resigned as contemplated in paragraph (a).

(5) If the service of a person who is eligible for a service gratuity referred to in subsection (3) or (4), is terminated by death, such service gratuity shall, notwithstanding the provisions of subsection (6), be awarded—

- (a) to his widow; or
- (b) if he has no widow, to his dependent children; or
- (c) if he has no dependent children, to any person for whose maintenance he was responsible immediately before his death; or
- (d) if there is no such person, to his estate.

(6) If the service of a person, who is eligible for a service gratuity referred to in subsection (3) or (4), is terminated before he has attained the age of sixty years, he shall not be awarded such service gratuity unless his service is terminated by retirement on

**PNEUMOCONIOSIS COMPENSATION LAWS
AMENDMENT ACT, 1972.**

Act No. 95, 1972

account of permanent poor health or any permanent physical or mental defect, on the recommendation of two or more medical practitioners, and with the approval of the Minister.

(7) A service gratuity referred to in subsection (3) or (4) which has been awarded to any person whose service has been terminated by his retirement, may, in the discretion of the council, be paid in a single payment or in instalments, and if paid in instalments the council shall add to the balance of such service gratuity interest calculated at a rate determined by the council and approved by the Minister.

(8) If any person to whom a service gratuity referred to in subsection (3) or (4) is being paid in instalments dies before such service gratuity has been paid in full, the council shall pay the balance thereof—

- (a) to his widow; or
- (b) if he has no widow, to his dependent children; or
- (c) if he has no dependent children, to any person for whose maintenance he was responsible immediately before his death; or
- (d) if there is no such person, to his estate.

(9) Any service gratuity awarded in terms of this section shall be paid out of the fund and any payment by way of such gratuity shall be debited in equal proportions to the accounts referred to in section 108 (2).

(10) In subsections (3) and (4), unless the context otherwise indicates—

‘bureau’ includes a former bureau as defined in this Act, the 1956 Act, and the 1946 Act;

‘council’ includes a former board as defined in this Act, the 1956 Act, and the 1946 Act.”.

5. Section 8 of the Pneumoconiosis Compensation Amendment Act, 1970, is hereby repealed. Repeal of
section 8 of
Act 8 of 1970.

6. Section 12 (1) of the Pneumoconiosis Compensation Amendment Act, 1970, is hereby amended— Amendment of
section 12 of
Act 8 of 1970.

- (a) by the deletion of the word “and” immediately preceding paragraph (b); and
- (b) by the deletion of paragraph (b).

7. Section 16 of the Pneumoconiosis Compensation Amendment Act, 1970, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of
section 16 of
Act 8 of 1970.

“(1) In this section ‘works’ means works as defined in section 1 of the Mines and Works Act, 1956 (Act No. 27 of 1956), and with regard to the territory of South-West Africa, including the Eastern Caprivi Zipfel, ‘works’ means works as defined in section 1 of the Mines, Works and Mineral Ordinance, 1968 (Ordinance No. 20 of 1968), of South-West Africa, and ‘controlled works’ means a works declared in terms of subsection (2) to be a controlled works.”.

8. This Act and the laws specified in the Schedule to this Act, and any amendment thereof, shall apply also to the territory of South-West Africa, including the Eastern Caprivi Zipfel, to the extent specified in the third column of the said Schedule. Application of
laws to
South-West Africa.

9. This Act shall be called the Pneumoconiosis Compensation Laws Amendment Act, 1972, and shall come into operation on 1st July, 1972. Short title and
commencement.

Wet No. 95, 1972

WYSIGINGSWET OP DIE PNEUMOKONIOSE-
VERGOEDINGSWETTE, 1972.

Bylae.

No. en Jaar van Wet.	Titel.	Mate waarin van toepassing.
Wet No. 64 van 1962	Pneumokoniosevergoedingswet, 1962	Die geheel.
Wet No. 50 van 1964	Wysigingswet op Pneumokoniosevergoeding, 1964	Die geheel.
Wet No. 92 van 1965	Wysigingswet op Pneumokoniosevergoeding, 1965	Die geheel.
Wet No. 103 van 1967	Finansiewet, 1967	Artikel 8.
Wet No. 83 van 1968	Wysigingswet op Pneumokoniosevergoeding, 1968	Die geheel.
Wet No. 8 van 1970	Wysigingswet op Pneumokoniosevergoeding, 1970	Die geheel.
Wet No. 91 van 1971	Finansiewet, 1971	Artikel 8.

PNEUMOCONIOSIS COMPENSATION LAWS
AMENDMENT ACT, 1972.

Act No. 95, 1972

Schedule.

No. and Year of Law.	Title.	Extent of application.
Act No. 64 of 1962	Pneumoconiosis Compensation Act, 1962	The whole.
Act No. 50 of 1964	Pneumoconiosis Compensation Amendment Act, 1964	The whole.
Act No. 92 of 1965	Pneumoconiosis Compensation Amendment Act, 1965	The whole.
Act No. 103 of 1967	Finance Act, 1967	Section 8.
Act No. 83 of 1968	Pneumoconiosis Compensation Amendment Act, 1968	The whole.
Act No. 8 of 1970	Pneumoconiosis Compensation Amendment Act, 1970	The whole.
Act No. 91 of 1971	Finance Act, 1971	Section 8.

