



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 1821.

9 September 1981.

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

No. 56 van 1981: Wet op Mannekragopleiding, 1981.

OFFICE OF THE PRIME MINISTER

No. 1821.

9 September 1981.

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

No. 56 of 1981: Manpower Training Act, 1981.

ACT

To provide for the promotion and regulation of the training of manpower and for that purpose to provide for the establishment of a board, to be known as the National Training Board, and a fund, to be known as the Manpower Development Fund; to provide for the recognition of skilled persons as artisans; the registration of contracts of apprenticeship, group training centres, private training centres and training schemes; and the imposition on certain employers of a levy in aid of training; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 18 August 1981.)*

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

ARRANGEMENT OF SECTIONS

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Definitions.

1. In this Act, unless the context otherwise indicates— 15
 - (i) "apprentice" means any person employed in terms of a contract of apprenticeship registered or deemed to be registered in terms of the provisions of section 16 (3) (d) or section 18 (1) (c) or (3) and, for the purposes of sections 42, 50, 51, 54 and 56, includes any minor employed in terms of the provisions of section 15; (xxxiv) 20
 - (ii) "area" includes any number of areas, whether contiguous or not; (x)
 - (iii) "area of jurisdiction", in relation to any committee, means the area in respect of which that committee has been established and, in relation to any sub-committee 25

WET

Om voorsiening te maak vir die bevordering en reëling van die opleiding van mannekrag en om vir daardie doel voorsiening te maak vir die instelling van 'n raad met die naam die Nasionale Opleidingsraad en 'n fonds met die naam die Mannekragontwikkelingsfonds; om voorsiening te maak vir die erkenning van geskoolde persone as ambagsmanne; die registrasie van kontrakte van vakleerlingskap, groepopleidingsentrums, private opleidingsentrums en opleidingskemas; en die oplegging op sekere werkgewers van 'n heffing ten bate van opleiding; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Augustus 1981.)

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

INDELING VAN ARTIKELS

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15 1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—	Woordomskrywing.
(i) „aangewese ambag” ’n ambag wat ingevolge die bepalinge van artikel 13 (1) aangewys is of wat geag word ingevolge daarvan aangewys te wees of, indien die Minister ’n ambag ingevolge die bepalinge van artikel 13 (1) (b) omskryf het, daardie ambag soos aldus omskryf, en ook enige vertakking van ’n aangewese ambag; (ix)	
20 (ii) „ambag” ook ’n vertakking van ’n ambag, of enige groep ambagte of vertakkings van ambagte; (xxxiv)	
25 (iii) „arbeidsverhoudinge” alle aspekte van en aangeleenthede wat in verband staan met die verhouding tussen werkgewer en werknemer, met inbegrip van aangeleenthede betreffende onderhandelinge ten opsigte van die besoldiging en ander diensvoorwaardes van die werknemer, die voorkoming en beslegting van geskille tussen werkgewer en werknemer, die toepassing, uitleg en uitwerking van wette wat deur die	
30	

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- established under section 7, means the area designated in terms of subsection (2) (a) of the said section as the area in respect of which the sub-committee has been established; (xxxiii)
- (iv) "authorized person" means any person authorized in terms of the provisions of section 45 (2) to perform any of the functions or to exercise any of the powers of a training adviser; (xi) 5
- (v) "board" means the National Training Board established by section 3; (xxxi) 10
- (vi) "committee" means a committee established or deemed to have been established in terms of the provisions of section 5 (1), and includes the officer or officers to whom the powers and functions of a committee have been assigned or are deemed to have been assigned in terms of the provisions of section 9; (xiv) 15
- (vii) "condition of apprenticeship" means any condition of apprenticeship applicable or deemed to be applicable in terms of the provisions of section 13 (2), (3), (8), (10) or (11), 22 (1) or 25 and, for the purposes of sections 42, 50, 54 and 56, includes, in relation to a minor employed in terms of the provisions of section 15, any condition of employment applicable in respect of that minor in terms of the last-mentioned section; 25 (xvi)
- (viii) "Department" means the Department of Manpower; (vi)
- (ix) "designated trade" means any trade designated or deemed to have been designated in terms of the provisions of section 13 (1) or, if the Minister has defined any trade in terms of the provisions of section 13 (1) (b), that trade as so defined, and includes any branch of a designated trade; (i) 30
- (x) "Director-General" means the Director-General: Manpower; (viii)
- (xi) "educational institution" means any institution where education, which may include training, is provided and which is maintained, managed, controlled or subsidized by a Department of State or a provincial administration; (xxviii) 40
- (xii) "employee" means any person employed by or who performs work for any employer in any industry and who receives or is entitled to receive remuneration from such employer; (xl) 45
- (xiii) "employer" means any person (including, except for the purposes of sections 31 to 35, inclusive, and sections 37 and 38, the State)—
- (a) who employs or provides work for any other person and who remunerates or expressly or tacitly undertakes to remunerate that other person; 50
- (b) who permits any other person in any manner to assist him in the carrying on or conducting of his business; or 55
- (c) who, otherwise than in an educational institution, trains any minor in a designated trade, and "employ" and "employment" shall have corresponding meanings; (xxxviii)
- (xiv) "employers' organization" means an employers' organization registered or deemed to be registered in terms of the Labour Relations Act, 1956 (Act No. 28 of 1956); (xxxix) 60
- (xv) "federation" means a federation registered or deemed to be registered in terms of the provisions of section 80 of the Labour Relations Act, 1956; (ix) 65
- (xvi) "group training centre" means a centre registered or deemed to be registered in terms of the provisions of section 31 (2) as a group training centre; (xii)

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Departement geadministreer word en die bestuur van die sake van vakverenigings, werkgewersorganisasies, federasies en nywerheidsrade; (xxi)

- 5 (iv) „beampte” ’n beampte soos omskryf in artikel 1 (1) van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (xxiv)
- (v) „besoldiging” enige betaling in kontant of *in natura*, of sowel in kontant as *in natura*, gedoen of verskuldig aan enige persoon uit hoofde van sy diens; en het
- 10 (vi) „besoldig” ’n ooreenstemmende betekenis; (xxx)
- (vii) „Departement” die Departement van Mannekrag; (viii)
- (viii) „die betrokke komitee” die komitee wat ten opsigte van die betrokke nywerheid in die betrokke gebied ingestel is of geag word ingestel te gewees het of, by ontstentenis van so ’n komitee, die raad, en, behalwe by die toepassing van artikel 13 (1), (2) en (3), ook ’n onderkomitee wat deur ’n komitee ten opsigte van die betrokke gebied ingestel is of geag word ingestel te gewees het; (xxxii)
- 15 (ix) „Direkteur-generaal” die Direkteur-generaal: Mannekrag; (x)
- (x) „federasie” ’n federasie wat ingevolge die bepalings van artikel 80 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), geregistreer is of wat geag word ingevolge daarvan geregistreer te wees; (xv)
- 20 (xi) „gebied” ook ’n aantal gebiede, hetsy aangrensend al dan nie; (ii)
- (xii) „gemagtigde persoon” iemand wat ingevolge die bepalings van artikel 45 (2) gemagtig is om enige werksaamhede of bevoegdhede van ’n opleidingsadviseur te verrig of uit te oefen; (iv)
- 25 (xiii) „groepopleidingsentrum” ’n sentrum wat ingevolge die bepalings van artikel 31 (2) as ’n groepopleidingsentrum geregistreer is of wat geag word ingevolge daarvan as sodanig geregistreer te wees; (xvi)
- (xiv) „hierdie Wet” ook ’n regulasie wat daarkragtens uitgevaardig is; (xxxiii)
- 30 (xv) „komitee” ’n komitee wat ingevolge die bepalings van artikel 5 (1) ingestel is of wat geag word ingevolge daarvan ingestel te gewees het, en ook die beampte of beamptes aan wie die bevoegdhede en werksaamhede van ’n komitee ingevolge die bepalings van artikel 9 opgedra is of geag word opgedra te gewees het; (vi)
- 35 (xvi) „kwekeling” enige persoon aan wie ingevolge die bepalings van artikel 30 opleiding verskaf word; (xxxvi)
- (xvii) „leervoorwaarde” ’n leervoorwaarde wat ingevolge die bepalings van artikel 13 (2), (3), (8), (10) of (11), 22 (1) of 25 van toepassing is of wat geag word ingevolge daarvan van toepassing te wees en, by die toepassing van artikels 42, 50, 54 en 56, ook, met betrekking tot ’n minderjarige wat ingevolge die bepalings van artikel 15 in diens is, ’n diensvoorwaarde wat ingevolge laasgenoemde artikel ten opsigte van daardie minderjarige van toepassing is; (vii)
- 40 (xviii) „loonreëlende maatregel”—
- (a) ’n ooreenkoms, kennisgewing, order, vasstelling of toekenning wat gepubliseer of gemaak is of wat geag word gepubliseer of gemaak te gewees het ingevolge die bepalings van die Wet op Arbeidsverhoudinge, 1956;
- 45 (b) ’n vasstelling wat gemaak is of wat geag word gemaak te gewees het ingevolge die bepalings van die Loonwet, 1957 (Wet No. 5 van 1957); of
- 50 (c) ’n kennisgewing wat ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) bestel is of wat geag word ingevolge daarvan bestel te gewees het; (xi)
- 55 (xix) „Minister” die Minister van Mannekrag; (xxii)

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- (xvii) "guardian" includes, in the case of a minor who has no guardian or who has no guardian who is available to assist or capable of assisting him, a person who, with the approval of the registrar, acts as or in the place of the guardian of the minor; (xxxvi) 5
- (xviii) "industrial council" means an industrial council registered or deemed to be registered in terms of the provisions of the Labour Relations Act, 1956; (xxii)
- (xix) "industrial court" means the industrial court referred to in section 17 of the Labour Relations Act, 1956; 10 (xxi)
- (xx) "industry" includes any class of undertaking or activity, any division or part of an industry or any group of industries, as well as work in private households; (xx)
- (xxi) "labour relations" means all aspects of and matters 15 connected with the relationship between employer and employee, including matters relating to negotiations in respect of the remuneration and other conditions of employment of the employee, the prevention and settlement of disputes between employer and employee, the application, interpretation and effect of laws administered by the Department and the management of the affairs of trade unions, employers' organizations, federations and industrial councils; (iii) 20
- (xxii) "Minister" means the Minister of Manpower; (xviii) 25
- (xxiii) "National Manpower Commission" means the National Manpower Commission established by section 2A of the Labour Relations Act, 1956; (xix)
- (xxiv) "officer" means an officer as defined in section 1 (1) of the Public Service Act, 1957 (Act No. 54 of 1957); (iv) 30
- (xxv) "overtime" means that portion of any period during which an employee works for his employer during any week or on any day, as the case may be, which exceeds the ordinary working hours which that employee can in terms of— 35
 - (a) any condition of apprenticeship;
 - (b) any provision of the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941), of the Shops and Offices Act, 1964 (Act No. 75 of 1964), or of a notice in terms of any of those Acts; 40 or
 - (c) any wage regulating measure, which is applicable in respect of that employee, be required to work during that week or on that day, as the case may be, but shall not include any period 45 during which that employee works for his employer on a Sunday; (xxiv)
- (xxvi) "premises" includes land, any building or structure, or any vehicle, conveyance, ship, boat or aircraft; (xxix)
- (xxvii) "prescribed" means prescribed by regulation made in 50 terms of this Act; (xxxvii)
- (xxviii) "private training centre" means a training centre registered or deemed to be registered in terms of the provisions of section 32 as a private training centre; 55 (xxx)
- (xxix) "registrar" means the registrar of manpower training appointed under section 12; (xxxii)
- (xxx) "remuneration" means any payment in money or in kind, or both in money and in kind, made or owing to any person by virtue of his employment, and "re- 60 munerate" shall have a corresponding meaning; (v)
- (xxxi) "sub-committee" means a sub-committee established or deemed to have been established in terms of the provisions of section 7 (2) (a); (xxiii)
- (xxxii) "the committee in question" means the committee 65 established or deemed to have been established in respect of the industry in question in the area in question or, in the absence of such a committee, the board, and includes, except for the purposes of section

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- (xix) „Nasionale Mannekragkommissie” die Nasionale Mannekragkommissie ingestel by artikel 2A van die Wet op Arbeidsverhoudinge, 1956; (xxiii)
- 5 (xx) „nywerheid” ook enige kategorie onderneming of bedryf, enige afdeling of deel van ’n nywerheid of enige groep nywerhede, asook werksaamhede in private huishoudings; (xx)
- (xxi) „nywerheidshof” die nywerheidshof bedoel in artikel 17 van die Wet op Arbeidsverhoudinge, 1956; (xix)
- 10 (xxii) „nywerheidsraad” ’n nywerheidsraad wat geregistreer is of geag word geregistreer te wees ingevolge die bepalings van die Wet op Arbeidsverhoudinge, 1956; (xviii)
- 15 (xxiii) „onderkomitee” ’n onderkomitee wat ingevolge die bepalings van artikel 7 (2) (a) ingestel is of wat geag word ingevolge daarvan ingestel te gewees het; (xxxi)
- (xxiv) „oortyd” daardie gedeelte van enige tydperk waartydens ’n werknemer gedurende ’n week of op ’n dag, na gelang van die geval, vir sy werkgewer werk, wat die gewone werkure oorskry wat daardie werknemer ingevolge—
- 20 (a) ’n leervooraarde;
- (b) ’n bepaling van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), van die Wet op Winkels en Kantore, 1964 (Wet No. 75 van 1964), of van ’n kennisgewing ingevolge enige van daardie Wette; of
- 25 (c) ’n loonreëlende maatreël, wat ten opsigte van daardie werknemer van toepassing is, verplig kan word om gedurende daardie week of op daardie dag, na gelang van die geval, te werk, maar nie ook enige tydperk waartydens daardie werknemer op ’n Sondag vir sy werkgewer werk nie; (xxv)
- 30 (xxv) „opleiding” enige opleiding waarvan die besondere oogmerk is om enige persoon beter te bekwaam vir werk wat in of in verband met ’n nywerheid verrig word, en ook opleiding in arbeidsverhoudinge; (xxxvii)
- 35 (xxvi) „opleidingsadviseur” ’n beampte wat ingevolge artikel 45 as ’n opleidingsadviseur aangestel is; (xxxviii)
- 40 (xxvii) „opleidingskema” ’n skema wat ingevolge die bepalings van artikel 34 as ’n opleidingskema geregistreer is of wat geag word ingevolge daarvan as sodanig geregistreer te wees; (xxxix)
- 45 (xxviii) „opvoedkundige inrigting” ’n inrigting waar onderwys, wat opleiding kan insluit, verskaf word en wat deur ’n Staatsdepartement of ’n provinsiale administrasie in stand gehou, bestuur, beheer of gesubsidieer word; (xi)
- 50 (xxix) „perseel” ook grond, ’n gebou of bouwerk, of ’n voertuig, vervoermiddel, skip, boot of lugvaartuig; (xxvi)
- (xxx) „private opleidingsentrum” ’n opleidingsentrum wat ingevolge die bepalings van artikel 32 as ’n private opleidingsentrum geregistreer is of wat geag word ingevolge daarvan as sodanig geregistreer te wees; (xxviii)
- 55 (xxxi) „raad” die Nasionale Opleidingsraad by artikel 3 ingestel; (v)
- (xxxii) „registrateur” die registrateur van mannekragopleiding kragtens artikel 12 aangestel; (xxix)
- 60 (xxxiii) „regsgebied”, met betrekking tot ’n komitee, die gebied ten opsigte waarvan daardie komitee ingestel is en, met betrekking tot ’n onderkomitee ingestel kragtens artikel 7, die gebied wat ingevolge subartikel (2) (a) van genoemde artikel aangewys is as die gebied ten opsigte waarvan die onderkomitee ingestel is; (iii)
- 65 (xxxiv) „vakleerling” iemand wat in diens is ingevolge ’n kontrak van vakleerlingskap wat ingevolge die bepalings van artikel 16 (3) (d) of artikel 18 (1) (c) of (3) geregistreer is of wat geag word ingevolge daarvan

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- 13 (1), (2) and (3), a sub-committee established or deemed to have been established in respect of the area in question by a committee; (vii)
- (xxxiii) "this Act" includes any regulation made thereunder; (xiii) 5
- (xxxiv) "trade" includes any branch of a trade, or any group of trades or branches of trades; (ii)
- (xxxv) "trade union" means a trade union registered or deemed to be registered in terms of the Labour Relations Act, 1956; (xxxv) 10
- (xxxvi) "trainee" means any person to whom training is provided in terms of the provisions of section 30; (xv)
- (xxxvii) "training" means any training which has as its special aim the improvement of the proficiency of any person for any work performed in or in connection with any industry, and includes training in labour relations; (xxv) 15
- (xxxviii) "training adviser" means an officer appointed in terms of section 45 as a training adviser; (xxvi)
- (xxxix) "training scheme" means a scheme registered or deemed to be registered in terms of the provisions of section 34 as a training scheme; (xxvii) 20
- (xl) "wage regulating measure" means—
- (a) any agreement, notice, order, determination or award published or made or deemed to have been published or made in terms of the provisions of the Labour Relations Act, 1956; 25
- (b) a determination made or deemed to have been made in terms of the provisions of the Wage Act, 1957 (Act No. 5 of 1957); or 30
- (c) a notice served or deemed to have been served in terms of section 30 (3) or 30 (3) read with 30 (4); (xvii)
- (xli) "workseeker" means a person over the age of fifteen years who is unemployed, is not required by law to attend school, is not a pupil or a student at an educational institution, is not awaiting admission to an educational institution and who is seeking work. (xli) 35

Application of Act.

2. (1) The provisions of this Act shall not apply in respect of—

- (a) any person who is a registered student or a pupil at any educational institution and who is not— 40
- (i) an apprentice;
- (ii) a trainee; or
- (iii) a person who is receiving training which has been approved for the purposes of any provision of this Act or which is provided in terms of such a provision; 45
- (b) any work performed in or in connection with any educational institution as part of the education or training of the persons performing it; 50
- (c) any person who, after having obtained a degree, diploma or certificate at any educational institution, performs work in a designated trade in order to gain practical experience; or
- (d) service or training in the South African Defence Force. 55

(2) The provisions of sections 31 to 35, inclusive, and of section 37, shall not apply in respect of any mining undertaking or the training of employees in or other persons engaged in any mining undertaking: Provided that the Minister may with the concurrence of the Minister of Finance and the Minister of Mineral and Energy Affairs by notice in the *Gazette* declare any of or all those provisions to be applicable, with effect from a date specified in the notice, in respect of a mining undertaking or any division of a mining undertaking specified in the notice or 60

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- geregistreer te wees en, by die toepassing van artikels 42, 50, 51, 54 en 56, ook 'n minderjarige wat ingevolge die bepalings van artikel 15 in diens is; (i)
- 5 (xxxv) „vakvereniging” 'n vakvereniging wat geregistreer is of geag word geregistreer te wees ingevolge die Wet op Arbeidsverhoudinge, 1956; (xxxv)
- (xxxvi) „voog”, in die geval van 'n minderjarige wat geen voog het nie of geen voog het wat beskikbaar of in staat is om hom by te staan nie, ook iemand wat met
- 10 die goedkeuring van die registrateur optree as, of in die plek van, die voog van die minderjarige; (xvii)
- (xxxvii) „voorgeskrewe” of „voorgeskryf”, voorgeskryf by regulasie uitgevaardig ingevolge hierdie Wet; (xxvii)
- (xxxviii) „werkgewer” enige persoon (met inbegrip, behalwe by
- 15 die toepassing van artikels 31 tot en met 35, en artikels 37 en 38, van die Staat)—
- (a) wat enige ander persoon in diens het of aan hom werk verskaf en wat daardie ander persoon besoldig of uitdruklik of stilswyend onderneem
- 20 om hom te besoldig;
- (b) wat enige ander persoon toelaat om hom op enige wyse by te staan om sy besigheid voort te sit of te dryf; of
- (c) wat anders as in 'n opvoedkundige inrigting 'n
- 25 minderjarige in 'n aangewese ambag oplei, en het „in diens hê” en „diens” ooreenstemmende betekenisse; (xiii)
- (xxxix) „werkgewersorganisasie” 'n werkgewersorganisasie wat geregistreer is of geag word geregistreer te wees ingevolge die Wet op Arbeidsverhoudinge, 1956; (xiv)
- 30 (xl) „werknemer” iemand wat in diens is by of werk verrig vir 'n werkgewer in 'n nywerheid en wat van sodanige werkgewer besoldiging ontvang of geregtig is om dit van sodanige werkgewer te ontvang; (xii)
- 35 (xli) „werksoeker” iemand bo die ouderdom van vyftien jaar wat nie in diens is nie, nie volgens wet verplig is om 'n skool by te woon nie, nie 'n leerling by of student aan 'n opvoedkundige inrigting is nie, nie wag op toelating tot 'n opvoedkundige inrigting nie en wat werk soek. (xli)
- 40
2. (1) Die bepalings van hierdie Wet is nie van toepassing nie ten opsigte van—
- (a) iemand wat 'n geregistreerde student of 'n leerling aan enige opvoedkundige inrigting is en wat nie—
- 45 (i) 'n vakleerling;
- (ii) 'n kwekeling; of
- (iii) 'n persoon wat opleiding ontvang wat vir die doeleindes van enige bepaling van hierdie Wet goedgekeur is of ingevolge so 'n bepaling voorsien word,
- 50 is nie;
- (b) enige werk wat verrig word in of in verband met enige opvoedkundige inrigting as deel van die onderwys of opleiding van die persone wat dit verrig;
- 55 (c) iemand wat, nadat hy 'n graad, diploma of sertifikaat aan enige opvoedkundige inrigting verwerf het, in 'n aangewese ambag werk verrig ten einde praktiese ondervinding op te doen; of
- (d) diens of opleiding in die Suid-Afrikaanse Weermag.
- 60 (2) Die bepalings van artikels 31 tot en met 35, en van artikel 37, is nie ten opsigte van enige mynbou-onderneming of die opleiding van werknemers in of ander persone betrokke by enige mynbou-onderneming van toepassing nie: Met dien verstande dat die Minister met die instemming van die Minister
- 65 van Finansies en die Minister van Mineraal- en Energiesake by kennisgewing in die *Staatskoerant* enige van of al daardie bepalings ten opsigte van 'n in die kennisgewing vermelde mynbou-onderneming of 'n aldus vermelde afdeling daarvan of ten opsigte van 'n aldus vermelde kategorie of groep werkne-

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in respect of any category or group, so specified, of employees in or persons engaged in any mining undertaking.

CHAPTER 1

NATIONAL TRAINING BOARD, COMMITTEES AND RELATED MATTERS

Establishment and
constitution of
National Training
Board.

3. (1) There is hereby established a board to be known as the 5
National Training Board.

(2) The board shall consist of—

(a) two members, appointed by the Minister, who shall be the chairman and the vice-chairman, respectively, of the board and who shall hold office as such on a 10 full-time basis; and

(b) such number of other members, appointed, subject to the provisions of subsection (3), by the Minister, as the Minister may deem necessary with a view to the proper representation of the interests of the State, employers 15 and employees, respectively, relating to manpower training and of whom such number as the Minister may determine shall be persons who, in the opinion of the Minister, possess expert or special knowledge or experience of manpower training or development. 20

(3) The Minister may, prior to the appointment by him of members of the board in terms of the provisions of subsection (2) (b), consult with such organizations or other bodies as in his opinion adequately represent the interests of the State, employers or employees referred to in that subsection. 25

(4) A member of the board shall hold office—

(a) subject to the provisions of subsection (10), on such conditions as the Minister may with the concurrence of the Minister of Finance determine;

(b) for such period as the Minister may determine at the 30 time of the appointment of such member, but may be reappointed at the expiration of that period: Provided that the Minister may at any time terminate the membership of a member of the board if in his opinion there exist good and sufficient reasons for doing so. 35

(5) The Minister may, if he deems it expedient, for a particular purpose and on such conditions and for such period as he may determine, appoint any person as an additional member of the board.

(6) If a member of the board dies or by virtue of any provision 40 of this section vacates his office before the expiration of his period of office, the vacancy shall be filled by the appointment by the Minister, subject to the provisions of subsections (2) and (3), of another person as a member of the board, and every member so appointed shall hold office for the unexpired portion 45 of the period for which the vacating member was appointed.

(7) (a) The Minister may for every member of the board appointed in terms of subsection (2) (b) appoint an alternate member in the same manner as such member, and an alternate member so appointed shall act in 50 the place of the member for whom he has been appointed as alternate member during such member's absence or inability to act as a member of the board.

(b) The provisions of subsections (4) and (6) shall apply *mutatis mutandis* in respect of an alternate member of 55 the board.

(8) The chairman, or in his absence the vice-chairman, of the board shall preside at all meetings thereof at which he is present, and if both the chairman and the vice-chairman are absent from any meeting the members present thereat shall elect one of their 60 number to preside at such meeting.

(9) (a) A decision of the majority of the members of the board present at any meeting shall constitute a decision of the board.

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mers in of persone betrokke by 'n mynbou-onderneming, met ingang van 'n datum in die kennisgewing vermeld van toepassing kan verklaar.

HOOFSTUK 1

5 NASIONALE OPLEIDINGSRAAD, KOMITEES EN VERWANTE AANGELEENTHEDE

3. (1) Daar word hierby 'n raad met die naam die Nasionale Opleidingsraad ingestel.

(2) Die raad bestaan uit—

10 (a) twee lede, deur die Minister aangestel, wat onderskeidelik die voorsitter en die ondervoorsitter van die raad is en hul ampte as sodanig op 'n heeltydse grondslag beklee; en

15 (b) die getal ander lede, behoudens die bepalings van subartikel (3) deur die Minister aangestel, wat die Minister nodig ag met die oog op die behoorlike verteenwoordiging van die belange van onderskeidelik die Staat, werkgewers en werknemers met betrekking tot mannekragopleiding, en van wie 'n getal deur die

20 Minister bepaal persone moet wees wat volgens die oordeel van die Minister oor deskundige of besondere kennis of ondervinding van mannekragopleiding of -ontwikkeling beskik.

(3) Die Minister kan, voordat hy ingevolge die bepalings van subartikel (2) (b) lede van die raad aanstel, daardie organisasies of ander liggame raadpleeg wat volgens sy oordeel die in daardie subartikel bedoelde belange van die Staat, werkgewers of werknemers toereikend verteenwoordig.

(4) 'n Lid van die raad beklee sy amp—

30 (a) behoudens die bepalings van subartikel (10), op die voorwaardes wat die Minister met die instemming van die Minister van Finansies bepaal;

35 (b) vir die tydperk wat die Minister ten tyde van die aanstelling van daardie lid bepaal, maar kan by verstryking van daardie tydperk weer aangestel word: Met dien verstande dat indien daar na sy oordeel gegronde en voldoende redes daarvoor bestaan om dit te doen, die Minister te eniger tyd die lidmaatskap van 'n lid van die raad kan beëindig.

40 (5) Die Minister kan, indien hy dit dienstig ag, vir 'n bepaalde doel en op die voorwaardes en vir die tydperk wat hy bepaal, iemand as 'n bykomende lid van die raad aanstel.

(6) Indien 'n lid van die raad sterf of voor die verstryking van sy ampstermyn sy amp uit hoofde van 'n bepaling van hierdie artikel ontruim, word die vakature gevul deur die aanstelling deur die Minister, behoudens die bepalings van subartikels (2) en (3), van iemand anders as 'n lid van die raad, en elke lid wat aldus aangestel word, beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor die uitgetrede lid aangestel was.

50 (7) (a) Die Minister kan vir elke lid van die raad wat ingevolge subartikel (2) (b) aangestel is, 'n plaasvervangende lid op dieselfde wyse as sodanige lid aanstel, en 'n aldus aangestelde plaasvervangende lid tree in die plek op van die lid vir wie hy as plaasvervangende lid aangestel is gedurende daardie lid se afwesigheid of onvermoë om as lid van die raad op te tree.

55 (b) Die bepalings van subartikels (4) en (6) is *mutatis mutandis* ten opsigte van 'n plaasvervangende lid van die raad van toepassing.

60 (8) Die voorsitter, of in sy afwesigheid die ondervoorsitter, van die raad moet op alle vergaderings daarvan waarop hy teenwoordig is, voorsit, en indien sowel die voorsitter as die ondervoorsitter van 'n vergadering afwesig is, moet die aanwesige lede een uit hul midde kies om op dié vergadering voor te sit.

65 (9) (a) 'n Besluit van die meerderheid van die lede van die raad wat op 'n vergadering aanwesig is, maak 'n besluit van die raad uit.

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- (b) No decision taken by the board or act performed under authority of the board shall be invalid by reason only of an interim vacancy on the board, or of the fact that a person who is not entitled to sit as a member of the board sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the board who were present at the time and entitled to sit as members.

(10) There shall be paid to a member, including any member referred to in subsection (5), and an alternate member of the board, who are not in the full-time service of the State, the remuneration determined from time to time by the Minister with the concurrence of the Minister of Finance, as well as the allowances, if any, so determined.

(11) The secretarial work incidental to the performance by the board of its functions shall be performed, subject to the directions of the chairman of the board or any other member or members of the board designated by the board for this purpose, by officers in the Department designated for this purpose by the Minister, and the Minister may designate any such officer as the secretary of the board.

Functions and powers of board.

4. (1) The board shall—
- (a) advise the Minister with regard to—
- (i) matters of policy arising out of or connected with the application of the provisions of this Act;
 - (ii) any matter relating to training;
- (b) perform the other functions assigned to it by this Act or the Minister.
- (2) The board shall perform its functions with a view to the co-ordination, encouragement and facilitation, or the promotion in any other manner, of training and may—
- (a) by itself or in collaboration with the National Manpower Commission do research work in connection with training and the needs in the field of training;
 - (b) take steps for the establishment of uniform standards of training with a view to the control of and the promotion of the effectiveness of training;
 - (c) investigate the desirability and feasibility of a system according to which different grades of training are provided and persons are subjected to testing at different stages of their training;
 - (d) collaborate with the Department and other Departments of State and statutory bodies in connection with matters pertaining to manpower training;
 - (e) make rules relating to the calling of, the fixing of a quorum for and the procedure at a meeting of the board, and generally relating to all matters which may be necessary for the effective performance of the functions or the exercising of the powers of the board;
 - (f) in writing under the hand of the chairman or the vice-chairman or of an officer authorized thereto by the chairman, direct any person who in its opinion will be able to furnish any information which the board desires to obtain for the purposes of or in connection with any investigation or research work being conducted or done by it under this Act, and which such person could have been compelled to furnish if he had appeared before the board in terms of a subpoena issued under section 10, to furnish the board with such information within such period and in such form as it may require.
- (3) The board may for the purposes of the performance of any function referred to in subsection (1) or the attainment of any

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- (b) Geen besluit deur die raad geneem of handeling op gesag van die raad verrig, is bloot vanweë 'n tydelike vakature in die raad of vanweë die feit dat iemand wat nie geregtig is om as 'n lid van die raad sitting te neem nie, as 'n lid sitting geneem het op die tydstip waarop die besluit geneem of die handeling gemagtig is, ongeldig nie indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.
- (10) Aan 'n lid, met inbegrip van 'n lid bedoel in subartikel (5), en 'n plaasvervangende lid van die raad, wat nie in die heeltydse diens van die Staat is nie, word die besoldiging betaal wat die Minister van tyd tot tyd met die instemming van die Minister van Finansies bepaal, asook die toelaes, as daar is, aldus bepaal.
- (11) Die sekretariële werk verbonde aan die verrigting van sy werksaamhede deur die raad word, onderworpe aan die opdragte van die voorsitter van die raad of enige ander lid of lede van die raad wat vir dié doel deur die raad aangewys is, verrig deur beamptes in die Departement wat vir dié doel deur die Minister aangewys is, en die Minister kan so 'n beampte as sekretaris van die raad aanwys.

4. (1) Die raad moet—

25 (a) die Minister van advies dien oor—

(i) beleidsaangeleenthede wat voortspruit uit of in verband staan met die toepassing van die bepalinge van hierdie Wet;

(ii) enige aangeleentheid betreffende opleiding;

30 (b) die ander werksaamhede verrig wat by hierdie Wet of deur die Minister aan hom opgedra word.

(2) Die raad verrig sy werksaamhede met die oog op die koördinering, aanmoediging en vergemakliking, of die bevordering op enige ander wyse, van opleiding en kan—

35 (a) op sy eie of in samewerking met die Nasionale Mannekragkommissie navorsing doen in verband met opleiding en die behoeftes op die gebied van opleiding;

40 (b) stappe doen vir die totstandbrenging van eenvormige standaarde van opleiding met die oog op die beheer van en die bevordering van die doeltreffendheid van opleiding;

45 (c) ondersoek instel na die wenslikheid en uitvoerbaarheid van 'n stelsel waarvolgens verskillende grade van opleiding verskaf word en persone op verskillende stadiums van hul opleiding aan toetsing onderwerp word;

50 (d) saamwerk met die Departement, ander Staatsdepartemente en statutêre liggame in verband met aangeleenthede wat met mannekragopleiding verband hou;

55 (e) reëls maak betreffende die byeenroeping van, die bepaling van 'n kworum vir en die prosedure by 'n vergadering van die raad, en oor die algemeen betreffende alle aangeleenthede wat nodig is vir die doeltreffende verrigting van die werksaamhede of die uitoefening van die bevoegdhede van die raad;

60 (f) skriftelik, onder die handtekening van die voorsitter of die ondervoorsitter of van 'n beampte wat deur die voorsitter daartoe gemagtig is, enige persoon wat na sy mening in staat is om enige inligting te verstrek wat die raad verlang om te verkry vir die doeleindes van of in verband met enige ondersoek of navorsing wat hy kragtens hierdie Wet doen, en wat sodanige persoon verplig kon geword het om te verstrek indien hy voor die raad verskyn het ingevolge 'n dagvaarding uitgereik kragtens artikel 10, gelas om sodanige inligting aan die raad te verstrek binne die tydperk en in die vorm wat hy vereis.

(3) Die raad kan met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, vir

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object referred to in subsection (2), with the approval of the Minister, granted with the concurrence of the Minister of Finance, enter into any agreement for the performance of a particular act or of particular work or for the rendering of particular services, on such conditions and at such remuneration as may be agreed upon, with any person who or organization which is in the opinion of the board fit to perform such act or work or to render such services. 5

Establishment of committees.

5. (1) The board may establish committees, including an executive committee of the board. 10

(2) A committee referred to in subsection (1), excluding an executive committee of the board, may be established in respect of a particular industry in a particular area or upon such other basis as may be necessary for the effective performance of the functions or exercising of the powers assigned to such a committee by the board in terms of section 7 (1) (a) or assigned to or conferred upon it by this Act. 15

(3) The board may at any time alter the area of jurisdiction or the scope of the powers of a committee referred to in subsection (2). 20

(4) Before establishing any committee in respect of a particular industry in a particular area in terms of subsection (2), or altering the area of jurisdiction or the scope of the powers of such a committee in terms of subsection (3), the board shall consult any employers' organization, trade union or other body which in its opinion has a material interest in such establishment or alteration. 25

(5) The secretary of the board shall notify the registrar of—

- (a) every establishment of a committee in terms of this section and every establishment of a sub-committee in terms of section 7 (2) (a), as well as of the area of jurisdiction and scope of the powers of such committee or sub-committee; 30
- (b) any alteration under subsection (3) of the area of jurisdiction or the scope of the powers of any committee or of any alteration of the area of jurisdiction or the scope of the powers of any sub-committee. 35

Constitution of committees.

6. (1) An executive committee of the board shall consist of such number of members of the board as the board may determine. 40

(2) A committee established in terms of the provisions of section 5 (2) in respect of a particular industry in a particular area, shall consist of such number of members as the board may determine, of whom—

- (a) one shall be appointed by the board and shall be the chairman of the committee; 45
- (b) the others shall be appointed in equal numbers by the employers' organization and the trade union, respectively, which is in the opinion of the board representative of the employers and employees, respectively, in the industry in the area in respect of which the committee is being established: Provided that— 50
 - (i) if in the opinion of the board any substantial group of employers or employees is not represented by any such organization or union, the board shall appoint such a number of members as it may determine to represent the interests of those employers or employees, and the number of members to be appointed by the employers' organization or the trade union, as the case may be, may be reduced accordingly; 55
 - (ii) if in the opinion of the board there is no employers' organization or trade union representative of the employers or employees concerned, as the case may be, or of any substantial group of those employers or employees, the board 65

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die doeleindes van die verrigting van 'n werksaamheid bedoel in subartikel (1) of die bereiking van 'n oogmerk bedoel in subartikel (2), 'n ooreenkoms vir die verrigting van 'n besondere handeling of besondere werk of die lewering van besondere dienste, op die voorwaardes en teen die vergoeding waartoe ooreengekom word, aangaan met enige persoon of organisasie wat na die oordeel van die raad geskik is om sodanige handeling of werk te verrig of sodanige dienste te lewer.

5. (1) Die raad kan komitees instel, met inbegrip van 'n uitvoerende komitee van die raad. Instelling van komitees.

(2) 'n Komitee bedoel in subartikel (1), uitgesonderd 'n uitvoerende komitee van die raad, kan ingestel word ten opsigte van 'n bepaalde nywerheid in 'n bepaalde gebied of op die ander grondslag wat nodig is vir die doeltreffende verrigting van die werksaamhede of uitoefening van die bevoegdhede wat ingevolge artikel 7 (1) (a) deur die raad aan so 'n komitee opgedra word of by hierdie Wet aan hom opgedra of verleen word.

(3) Die raad kan te eniger tyd die regsgebied of die omvang van die bevoegdhede van 'n komitee bedoel in subartikel (2) wysig.

(4) Voordat die raad ingevolge subartikel (2) 'n komitee ten opsigte van 'n bepaalde nywerheid in 'n bepaalde gebied instel of ingevolge subartikel (3) die regsgebied of die omvang van die bevoegdhede van so 'n komitee wysig, moet hy enige werk-gewersorganisasie, vakvereniging of ander liggaam wat na sy oordeel 'n wesenlike belang by sodanige instelling of wysiging het, raadpleeg.

(5) Die sekretaris van die raad moet die registrateur in kennis stel van—

- (a) elke instelling van 'n komitee ingevolge hierdie artikel en elke instelling van 'n onderkomitee ingevolge artikel 7 (2) (a), asook van die regsgebied en omvang van die bevoegdhede van sodanige komitee of onderkomitee;
- (b) enige wysiging kragtens subartikel (3) van die regsgebied of die omvang van die bevoegdhede van 'n komitee of van enige wysiging van die regsgebied of die omvang van die bevoegdhede van 'n onderkomitee.

6. (1) 'n Uitvoerende komitee van die raad bestaan uit die getal lede van die raad wat die raad bepaal. Samestelling van komitees.

(2) 'n Komitee wat ingevolge die bepalings van artikel 5 (2) ten opsigte van 'n bepaalde nywerheid in 'n bepaalde gebied ingestel word, bestaan uit die getal lede wat die raad bepaal, van wie—

- (a) een deur die raad aangestel word en die voorsitter van die komitee is;
- (b) die ander in gelyke getalle aangestel word onderskeidelik deur die werkgewersorganisasie en die vakvereniging wat na die oordeel van die raad verteenwoordigend is van onderskeidelik die werkgewers en werknemers in die nywerheid in die gebied ten opsigte waarvan die komitee ingestel word: Met dien verstande dat—
 - (i) indien, na die oordeel van die raad, 'n aansienlike groep werkgewers of werknemers nie deur so 'n organisasie of vereniging verteenwoordig word nie, die raad die getal lede wat hy bepaal, aanstel om die belange van daardie werkgewers of werknemers te verteenwoordig, en die getal lede wat deur die werkgewersorganisasie of vakvereniging, na gelang van die geval, aangestel moet word, dienooreenkomstig verminder kan word;
 - (ii) indien daar, na die oordeel van die raad, geen werkgewersorganisasie of vakvereniging is wat verteenwoordigend van die betrokke werkgewers of werknemers, na gelang van die geval, of van 'n aansienlike groep van daardie werkgewers of

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shall appoint the members of the committee to represent the employers or employees, as the case may be;

- (iii) if there exists more than one such organization or union, the members to be appointed by those organizations or unions, as the case may be, shall be appointed in such manner and on such basis (including the appointment of one or more members by one or more groups of such organizations or unions and of other members by another such group or other such groups) as the board may from time to time determine. 5 10

(3) Before making a decision on any matter referred to in the proviso to subsection (2) (b), the board shall consult any employers' organization or trade union which in its opinion has a material interest in the decision. 15

(4) A committee other than a committee referred to in subsection (1) or (2) shall consist of such number of members, one of whom shall be designated by the board as chairman of the committee, as the board may determine, who shall be appointed by the board from among members of the board or from among persons other than members of the board or from among members of the board as well as such other persons. 20

(5) There shall be appointed for the members of a committee *mutatis mutandis* in the manner prescribed in respect of the appointment of members of such committee, such number of alternate members, but not exceeding the number of members determined by the board in terms of subsection (1), (2), or (4) in respect of the committee in question, as the board may determine. 25 30

(6) No apprentice or trainee shall be appointed as a member or an alternate member of a committee.

(7) (a) Members and alternate members of a committee shall, subject to the provisions of subsection (12), hold office for such period as the board may determine, and upon the expiration of the said period new members and alternate members shall be appointed in accordance with the provisions of this section. 35

(b) Members and alternate members whose period of office has expired shall be eligible for reappointment. 40

(8) The board may, after consultation with a committee—

(a) subject to the provisions of subsection (2), increase or reduce, as the circumstances may in its opinion require, the number of members or alternate members of that committee; and 45

(b) in the case of a committee referred to in subsection (2), withdraw the appointment of any member or alternate member of the committee if at any time after the appointment—

(i) there has, in its opinion, taken place any change in the representative character of any employers' organization or trade union which made or took part in the appointment; or

(ii) any employers' organization or trade union has, in its opinion, become representative of the employers or employees concerned or of any group of those employers or employees, and the appointment should, in its opinion, be made or participated in by that organization or union. 55

(9) Any member or alternate member who as a result of— 60

(a) any increase or withdrawal in terms of subsection (8) has to be appointed, shall be appointed in accordance with the provisions of this section which are applicable in respect of the appointment of members of the committee in question; 65

(b) any reduction in terms of the said subsection has to vacate his office, shall be designated by the board or by the employers' organization or trade union which has appointed him, as the case may be, and shall

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- werknemers is nie, die raad die lede van die komitee aanstel om die werkgewers of werknemers, na gelang van die geval, te verteenwoordig;
- (iii) indien daar meer as een sodanige organisasie of vereniging bestaan, die lede wat deur daardie organisasies of verenigings, na gelang van die geval, aangestel moet word, aangestel word op die wyse en grondslag (waarby inbegrepe is die aanstelling van een of meer lede deur een of meer groepe van sodanige organisasies of verenigings en van ander lede deur 'n ander sodanige groep of ander sodanige groepe) wat die raad van tyd tot tyd bepaal.
- (3) Voordat hy 'n besluit neem aangaande enige aangeleentheid bedoel in die voorbehoudsbepaling by subartikel (2) (b) moet die raad enige werkgewersorganisasie of vakvereniging wat na sy oordeel 'n wesenlike belang by die besluit het, raadpleeg.
- (4) 'n Ander komitee as 'n komitee bedoel in subartikel (1) of (2) bestaan uit die getal lede, van wie een deur die raad as voorsitter van die komitee aangewys word, wat die raad bepaal, wat deur die raad aangestel word uit lede van die raad of uit ander persone as lede van die raad of uit sowel lede van die raad as sodanige ander persone.
- (5) Daar word vir die lede van 'n komitee die getal plaasvervangende lede wat die raad bepaal, maar wat nie die getal lede ingevolge subartikel (1), (2) of (4) ten opsigte van die betrokke komitee deur die raad bepaal, oorskry nie, *mutatis mutandis* op die wyse ten opsigte van die aanstelling van lede van die betrokke komitee voorgeskryf, aangestel.
- (6) Geen vakleerling of kwekeling word as 'n lid of 'n plaasvervangende lid van 'n komitee aangestel nie.
- (7) (a) Lede en plaasvervangende lede van 'n komitee beklee hul amp, behoudens die bepalings van subartikel (12), vir die tydperk wat die raad bepaal, en by die verstryking van genoemde tydperk word nuwe lede en plaasvervangende lede ooreenkomstig die bepalings van hierdie artikel aangestel.
- (b) Lede en plaasvervangende lede wie se ampstermyn verstryk het, kan weer aangestel word.
- (8) Die raad kan na oorleg met 'n komitee—
- (a) behoudens die bepalings van subartikel (2), die getal lede of plaasvervangende lede van daardie komitee vermeerder of verminder, na gelang die omstandighede volgens sy oordeel dit vereis; en
- (b) in die geval van 'n komitee bedoel in subartikel (2), die aanstelling van enige lid of plaasvervangende lid van die komitee intrek indien te eniger tyd na die aanstelling—
- (i) daar volgens sy oordeel 'n verandering ingetree het in die verteenwoordigende aard van enige werkgewersorganisasie of vakvereniging wat die aanstelling gedoen het of daaraan deelgeneem het; of
- (ii) enige werkgewersorganisasie of vakvereniging volgens sy oordeel verteenwoordigend geword het van die betrokke werkgewers of werknemers of van enige groep van daardie werkgewers of werknemers, en daardie organisasie of vereniging, volgens sy oordeel, die aanstelling behoort te doen of daaraan behoort deel te neem.
- (9) 'n Lid of plaasvervangende lid wat as gevolg van—
- (a) 'n vermeerdering of intrekking ingevolge subartikel (8) aangestel moet word, word ooreenkomstig die bepalings van hierdie artikel wat ten opsigte van die aanstelling van lede van die betrokke komitee van toepassing is, aangestel;
- (b) 'n vermindering ingevolge bedoelde subartikel sy amp moet ontruim, word deur die raad of deur die werkgewersorganisasie of vakvereniging wat hom aangestel het, na gelang van die geval, aangewys en

vacate his office with effect from the date upon which he is so designated.

(10) If any employers' organization or trade union or any group of such organizations or unions fails to appoint or designate a member or alternate member in terms of this section within thirty days as from the date on which it has been requested by the board to do so, the board may appoint or designate, as the case may be, that member or alternate member. 5

(11) A committee, other than an executive committee, may with the consent of the chairman of the board co-opt one or more persons as a member or as members of the committee for a specific period or a particular purpose, but any member or members who have been so co-opted shall not be entitled to vote at any meeting of the committee in question. 10 15

(12) (a) If in the opinion of the board there are good and sufficient reasons for doing so, it may at any time terminate the membership of any member or alternate member of a committee.

(b) Any employers' organization or trade union may at any time withdraw any appointment of any member or alternate member of a committee made, respectively, by the organization or the union: Provided that in the case of an appointment made by more than one organization or union, the withdrawal thereof shall be effected by those organizations or unions, as the case may be, in the manner in which and on the basis on which the appointment was made. 20 25

(13) If a member or alternate member of a committee dies or for any reason other than a reduction or withdrawal referred to in subsection (8) vacates his office before the expiration of his term of office, the vacancy shall be filled by the appointment, in the manner in which the vacating member was appointed, of another member or alternate member, and the member or alternate member who is so appointed shall hold office for the unexpired portion of the period for which the vacating member was appointed. 30 35

(14) (a) If the chairman of a committee is absent from any meeting thereof, the members present may elect one of their number to act as chairman at that meeting: Provided that if there is any reason to believe that the chairman will be unable to be present at any meeting or meetings of the committee, the board may appoint a person to act in his stead at such meeting or meetings if he is absent therefrom. 40 45

(b) Any person elected or appointed in terms of the provisions of paragraph (a) to act as chairman of a committee, shall, while so acting, have all the powers and discharge all the duties of the chairman.

(c) The chairman of a committee and any person appointed by the board under the proviso to paragraph (a) to act as chairman of a committee, shall have no deliberative vote at any meeting of the committee but shall, except in the case of a person elected in terms of paragraph (a) to act as chairman, in the event of an equality of votes have a casting vote. 50 55

(15) The provisions of section 3 (9) (b) shall *mutatis mutandis* apply in respect of any decision taken by a committee or any act performed under the authority of a committee.

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ontruim sy amp met ingang van die datum waarop hy aldus aangewys word.

(10) Indien enige werkgewersorganisasie of vakvereniging of enige groep sodanige organisasies of verenigings versuim om 'n lid of plaasvervangende lid ingevolge hierdie artikel aan te stel of aan te wys binne dertig dae vanaf die datum waarop hy deur die raad versoek is om dit te doen, kan die raad daardie lid of plaasvervangende lid, na gelang van die geval, aanstel of aanwys.

10 (11) 'n Komitee, behalwe 'n uitvoerende komitee, kan met die toestemming van die voorsitter van die raad een of meer persone vir 'n bepaalde tydperk of 'n bepaalde doel as 'n lid of as lede van die komitee koöpteer, maar enige lid of lede wat aldus gekoöpteer is, het nie die reg om op 'n vergadering van die 15 betrokke komitee te stem nie.

(12) (a) Indien daar na die oordeel van die raad gegronde en voldoende redes daarvoor bestaan om dit te doen, kan hy te eniger tyd die lidmaatskap van 'n lid of 'n plaasvervangende lid van 'n komitee beëindig.

20 (b) 'n Werkgewersorganisasie of 'n vakvereniging kan te eniger tyd die aanstelling van 'n lid of 'n plaasvervangende lid van 'n komitee wat onderskeidelik deur die organisasie of die vereniging gedoen is, intrek: Met dien verstande dat in die geval van 'n aanstelling wat 25 deur meer as een organisasie of vereniging gedoen is, die intrekking daarvan deur daardie organisasies of verenigings, na gelang van die geval, teweeggebring word op die wyse en op die grondslag waarop die aanstelling geskied het.

30 (13) Indien 'n lid of 'n plaasvervangende lid van 'n komitee sterf of voor die verstryking van sy ampstermyn sy amp ontruim om 'n ander rede as 'n vermindering of intrekking bedoel in subartikel (8), word die vakature gevul deur die aanstelling, op die wyse waarop die uitgetrede lid aangestel was, van 'n ander 35 lid of plaasvervangende lid, en die lid of plaasvervangende lid wat aldus aangestel word, beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor die uitgetrede lid aangestel was

40 (14) (a) Indien die voorsitter van 'n komitee van 'n vergadering daarvan afwesig is, kan die aanwesige lede iemand uit hul midde kies om by daardie vergadering as voorsitter op te tree: Met dien verstande dat indien daar rede is om te glo dat die voorsitter nie in staat sal 45 wees om op 'n vergadering of vergaderings van die komitee teenwoordig te wees nie, die raad iemand kan aanstel om in sy plek op dié vergadering of vergaderings op te tree indien hy daarvan afwesig is.

(b) Iemand wat ingevolge die bepalings van paragraaf (a) gekies of aangestel is om as voorsitter van 'n komitee 50 op te tree, het, terwyl hy aldus optree, al die bevoegdhede en vervul, terwyl hy aldus optree, al die pligte van die voorsitter.

(c) Die voorsitter van 'n komitee en iemand wat kragtens die voorbehoudsbepaling by paragraaf (a) deur die raad aangestel is om as voorsitter van 'n komitee op te 55 tree, het op 'n vergadering van die komitee geen beraadslagende stem nie, maar het, behalwe in die geval van iemand wat ingevolge paragraaf (a) gekies is om as voorsitter op te tree, in die geval van 'n staking van stemme 'n beslissende stem.

60 (15) Die bepalings van artikel 3 (9) (b) is *mutatis mutandis* van toepassing met betrekking tot 'n besluit deur 'n komitee geneem of 'n handeling op gesag van 'n komitee verrig.

7. (1) 'n Komitee moet—

65 (a) die werksaamhede verrig wat by hierdie Wet aan hom opgedra word en, onderworpe aan die voorskrifte en beheer van die raad, die werksaamhede en bevoegdhede van die raad verrig of uitoefen wat die raad aan hom opdra;

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- (b) in accordance with the provisions of this Act inquire into and make recommendations to the Minister or the registrar, as the case may be, with regard to any matter falling within the powers or duties of the Minister or the registrar in terms of the provisions of this Act; 5
 - (c) inquire into any dispute arising out of—
 - (i) any contract of apprenticeship;
 - (ii) the application of the proviso to section 13 (11);
 - (iii) any failure to comply with any provision of a notice served in terms of section 30 (3) or 30 (3) 10 read with 30 (4), or deemed to have been served in terms thereof, and which has been referred to it by a party to the dispute or by the registrar or a training adviser, and shall endeavour to settle the dispute amicably; and 15
 - (d) furnish the registrar with such data, returns or other information in its possession as the registrar may require.
- (2) A committee may with the approval of the board—
- (a) establish one or more sub-committees— 20
 - (i) to perform or to exercise, subject to the directions and control of the committee and in respect of a designated portion of its area of jurisdiction, such of the functions or powers of the committee as the board may determine; 25
 - (ii) to inquire into and to report to the committee with regard to any particular matter or category of matters or all matters falling within the functions and powers of the committee;
 - (b) make rules relating to— 30
 - (i) the admittance to meetings of the committee or of any sub-committee thereof, of persons other than those entitled under this Act to be present thereat;
 - (ii) the calling of, the fixing of a quorum for and the 35 procedure at a meeting of the committee or a sub-committee thereof, the procedure to be followed if there is no such quorum, the majority of votes by which a decision of the committee or a sub-committee thereof shall be taken and the 40 procedure to be followed, subject to the provisions of section 6 (14) (c), in the event of an equality of votes;
 - (iii) the circumstances under which an alternate member of the committee or a sub-committee thereof 45 may sit as a member;
 - (iv) the withdrawal from any meeting of the committee or a sub-committee thereof of any member or alternate member, during the discussion of any matter in which he has a direct interest; 50
 - (v) interests which shall constitute direct interests for the purposes of subparagraph (iv);
 - (vi) the filling of vacancies in any sub-committee of the committee and the co-option, for specific periods or purposes, of persons as members of 55 such a sub-committee, and generally, relating to all matters which may be necessary for the effective performance of the functions or the exercising of the powers of the committee or a sub-committee thereof. 60

Constitution of sub-committees.

8. (1) A sub-committee may consist wholly or partly of persons who are not members or alternate members of the committee in question.

(2) A sub-committee of a committee referred to in section 6 (2) shall consist of such number of members as the committee in question may determine, of whom—

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- (b) ooreenkomstig die bepalings van hierdie Wet ondersoek instel na en aan die Minister of die registrateur, na gelang van die geval, aanbevelings doen oor enige aangeleentheid wat ingevolge die bepalings van hierdie Wet binne die bevoegdhede of pligte van die Minister of die registrateur val;
- (c) ondersoek instel na enige geskil wat voortspruit uit—
- (i) 'n kontrak van vakleerlingskap;
 - (ii) die toepassing van die voorbehoudsbepaling by artikel 13 (11);
 - (iii) 'n versuim om te voldoen aan 'n bepaling van 'n kennisgewing wat ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) bestel is of geag word ingevolge daarvan bestel te gewees het,
- en wat deur 'n party by die geskil of deur die registrateur of 'n opleidingsadviseur na hom verwys is, en moet trag om die geskil in der minne te skik; en
- (d) die registrateur voorsien van die gegewens, opgawes of ander inligting in sy besit wat die registrateur verlang.
- (2) 'n Komitee kan met die goedkeuring van die raad—
- (a) een of meer onderkomitees instel om—
 - (i) onderworpe aan die voorskrifte en beheer van die komitee en ten opsigte van 'n aangewese gedeelte van die regsgebied van die komitee, die werksaamhede of bevoegdhede van die komitee te verrig of uit te oefen wat die raad bepaal;
 - (ii) ondersoek in te stel na en aan die komitee verslag te doen oor 'n bepaalde aangeleentheid of kategorie aangeleenthede of alle aangeleenthede wat binne die werksaamhede en bevoegdhede van die komitee val;
 - (b) reëls maak betreffende—
 - (i) die verlening van toegang tot vergaderings van die komitee of van enige onderkomitee daarvan aan ander persone as dié wat ingevolge hierdie Wet geregtig is om daarop aanwesig te wees;
 - (ii) die byeenroeping van, die bepaling van 'n kworum vir en die prosedure by 'n vergadering van die komitee of 'n onderkomitee daarvan, die prosedure wat by gebrek aan so 'n kworum gevolg moet word, die meerderheid van stemme waarmee 'n besluit van die komitee of 'n onderkomitee daarvan geneem moet word en die prosedure wat, behoudens die bepalings van artikel 6 (14) (c), by 'n staking van stemme gevolg moet word;
 - (iii) die omstandighede waaronder 'n plaasvervangende lid van die komitee of 'n onderkomitee daarvan as lid sitting kan neem;
 - (iv) die onttrekking van 'n lid of 'n plaasvervangende lid aan 'n vergadering van die komitee of 'n onderkomitee daarvan, tydens die bespreking van enige aangeleentheid waarby hy 'n direkte belang het;
 - (v) belange wat by die toepassing van subparagraaf (iv) direkte belange uitmaak;
 - (vi) die vul van vakatures in 'n onderkomitee van die komitee en die koöptering, vir bepaalde tydperke of doeleindes, van persone as lede van so 'n onderkomitee,
- en oor die algemeen, betreffende alle aangeleenthede wat nodig is vir die doeltreffende verrigting van die werksaamhede of die uitoefening van die bevoegdhede van die komitee of 'n onderkomitee daarvan.
8. (1) 'n Onderkomitee kan geheel en al of gedeeltelik bestaan uit persone wat nie lede of plaasvervangende lede van die betrokke komitee is nie. Samestelling van onderkomitees.
- (2) 'n Onderkomitee van 'n komitee bedoel in artikel 6 (2) bestaan uit die getal lede wat die betrokke komitee bepaal, van wie—

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- (a) one shall be designated by the said committee as the chairman of the sub-committee for a specific period; and
- (b) the others shall consist of an equal number of representatives of employers and employees, respectively, in the industry and area in respect of which the committee was established. 5

(3) A committee shall designate for a specific period one of the members of a sub-committee thereof to act as chairman of the sub-committee whenever the chairman thereof is unable to act as such, and a member who has been so designated shall, while acting in the stead of the chairman, have all his powers and discharge all his duties. 10

(4) A committee may appoint for the members of any sub-committee thereof such number of alternate members, but not exceeding the number of members of the sub-committee, as it may determine. 15

(5) The members and alternate members of a sub-committee shall hold office for such period as the committee in question may determine but which shall not exceed the period of office of the members of the said committee: Provided that in the event of the expiration of the period of office of the members of the committee the members and alternate members of a sub-committee thereof shall remain in office until a new committee established in terms of section 5 in respect of an area which includes the area in respect of which the sub-committee was established, has established a new sub-committee. 20 25

(6) The provisions of section 6 (6), (8) (a) and (9) and of section 9 (2) and (3) shall *mutatis mutandis* apply in respect of a sub-committee: Provided that for the purposes of this subsection 30 any reference in section 6 (9) (b) to the board, an employers' organization or a trade union shall be construed as a reference to the committee by whom the sub-committee in question was established.

Disestablishment of committees and discharge of members.

9. (1) The board may by resolution disestablish any committee. 35

(2) If any committee has failed or ceased to perform its functions or any part thereof, the board may discharge the members of the committee and the Director-General may direct that the powers and functions of such a committee shall, for such period as may be determined by him, be vested in and be exercised and performed by such officer or officers as may be designated by him. 40

(3) The period referred to in subsection (2) may from time to time be extended by the Director-General and he may at any time designate any other officer or officers for the purposes of the said subsection. 45

(4) Upon the disestablishment of any committee any reference to that committee in any condition or contract of apprenticeship which is then of force and effect or in any notice served or deemed to have been served in terms of section 30 (3) or 30 (3) read with 30 (4) and which is so of force and effect, shall be construed as a reference to the new committee to which the area of jurisdiction and the powers of the disestablished committee have been assigned by the board or, in the absence of such a new committee, as a reference to the board. 50 55

Inquiries by board, committees, sub-committees and training advisers.

10. (1) The board, a committee or any member of the board or a committee authorized thereto by the board or the committee, as the case may be, may in connection with the performance of the functions of the board or the committee enter upon any premises where an apprentice, minor or trainee is or has been employed, or where a group training centre, private training centre or training scheme is or has been conducted, and may make such investigations and inquiries on the premises as the board, the committee or the member, as the case may be, may deem necessary. 60 65

(2) The board or a committee may subpoena any person (other than an officer) who in its opinion may be able to furnish

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- (a) een deur bedoelde komitee vir 'n bepaalde tydperk as die voorsitter van die onderkomitee aangewys word; en
- (b) die ander bestaan uit 'n gelyke getal verteenwoordigers van onderskeidelik werkgewers en werknemers in die nywerheid en gebied ten opsigte waarvan die komitee ingestel is.
- (3) 'n Komitee moet een van die lede van 'n onderkomitee daarvan vir 'n bepaalde tydperk aanwys om as voorsitter van die onderkomitee op te tree wanneer die voorsitter daarvan nie as sodanig kan optree nie, en 'n lid wat aldus aangewys is, het al die bevoegdhede en vervul al die pligte van die voorsitter wanneer hy in sy plek optree.
- (4) 'n Komitee kan vir die lede van 'n onderkomitee daarvan die getal plaasvervangende lede wat hy bepaal, maar wat nie die getal lede van die onderkomitee oorskry nie, aanstel.
- (5) Die lede en plaasvervangende lede van 'n onderkomitee beklee hul amp vir die tydperk wat die betrokke komitee bepaal maar wat nie die ampstermyn van die lede van genoemde komitee oorskry nie: Met dien verstande dat in die geval van die verstryking van die ampstermyn van die lede van die komitee die lede en plaasvervangende lede van 'n onderkomitee daarvan hul amp behou totdat 'n nuwe komitee wat ingevolge artikel 5 ingestel is ten opsigte van 'n gebied wat die gebied insluit ten opsigte waarvan die onderkomitee ingestel is, 'n nuwe onderkomitee ingestel het.
- (6) Die bepalinge van artikel 6 (6), (8) (a) en (9) en van artikel 9 (2) en (3) is *mutatis mutandis* ten opsigte van 'n onderkomitee van toepassing: Met dien verstande dat by die toepassing van hierdie subartikel 'n verwysing in artikel 6 (9) (b) na die raad, 'n werkgewersorganisasie of 'n vakvereniging uitgelê word as 'n verwysing na die komitee deur wie die betrokke onderkomitee ingestel is.

9. (1) Die raad kan 'n komitee by besluit ontbind.
- (2) Indien 'n komitee versuim of opgehou het om sy werksaamhede of enige deel daarvan te verrig, kan die raad die lede van die komitee ontslaan en kan die Direkteur-generaal gelas dat die bevoegdhede en werksaamhede van sodanige komitee vir die tydperk wat hy bepaal, berus by en uitgeoefen en verrig word deur die beamppte of beamptes wat hy aanwys.
- (3) Die tydperk bedoel in subartikel (2) kan van tyd tot tyd deur die Direkteur-generaal verleng word en hy kan te eniger tyd 'n ander beamppte of ander beamptes vir die doeleindes van genoemde subartikel aanwys.
- (4) By die ontbinding van 'n komitee word enige verwysing na daardie komitee in enige leervooraarde of kontrak van vakleerlingskap wat dan van krag is of in enige kennisgewing wat ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) bestel is of geag word ingevolge daarvan bestel te gewees het en wat aldus van krag is, uitgelê as 'n verwysing na die nuwe komitee aan wie die regsgebied en bevoegdhede van die ontbinde komitee deur die raad opgedra is of, by onstentenis van so 'n nuwe komitee, as 'n verwysing na die raad.

Ontbinding van
komitees en ontslag
van lede.

10. (1) Die raad, 'n komitee of enige lid van die raad of 'n komitee wat deur die raad of die komitee, na gelang van die geval, daartoe gemagtig is, kan, in verband met die verrigting van die werksaamhede van die raad of die komitee, enige perseel betree waar 'n vakleerling, minderjarige of kwekeling in diens is of was, of waar 'n groepopleidingsentrum, private opleidingsentrum of 'n opleidingskema bedryf word of bedryf is, en kan op die perseel die ondersoeke en navrae doen wat die raad, die komitee of die lid, na gelang van die geval, nodig ag.
- (2) Die raad of 'n komitee kan enigeen (behalwe 'n beamppte) wat volgens sy oordeel in staat mag wees om ter sake dienende

Ondersoeke deur
raad, komitees,
onderkomitees en
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relevant information concerning the matter which is being investigated, or whom it suspects of having in his possession or custody or under his control any book, document or object which has any bearing on the matter which is being investigated, to appear before it or before a training adviser at a time and place specified in the subpoena, to be interrogated or to produce that book, document or object, and may retain for examination any book, document or object so produced: Provided that if the board or any committee is conducting any investigation in respect of an apprentice, minor or trainee in the service of the State, the board or such committee, as the case may be, may in connection with such investigation so subpoena any officer. 5 10

(3) A subpoena under subsection (2) shall be signed by the chairman of the board or the committee in question, as the case may be, or by an officer directed by the board or such committee, as the case may be, to do so, shall be as nearly as practicable in the prescribed form and shall be served in the prescribed manner. 15

(4) The chairman of the board or a committee, as the case may be, may call and administer an oath to or accept an affirmation from any person present at any meeting of the board or such committee, as the case may be, and who was or could have been subpoenaed in terms of subsection (2), and the chairman or any other member of the board or the said committee, as the case may be, may interrogate him and require him to produce any book, document or object in his possession or custody or under his control: Provided that the chairman may in his discretion disallow any question which in his opinion is not relevant to the investigation which is being carried out by the board or the committee. 20 25 30

(5) The interrogation of any witness by the board or a committee shall be conducted in private unless the board or the committee, with the consent of the witness, otherwise directs: Provided that the board or the committee may authorize the presence of any particular person at the interrogation of a witness. 35

(6) Any person subpoenaed to appear before the board or a committee may, if the chairman of the board or such a committee is satisfied that he has by reason of his appearance in obedience to the subpoena suffered any pecuniary loss or been put to any expense, be paid out of public moneys the prescribed allowances, or the amount of such loss and such expense, whichever is the lesser. 40

(7) (a) The board or a committee may, for any reason which it may deem sufficient, direct that any interrogation be made by, or that any book, document or thing be produced before, an officer, in this section referred to as the investigating officer, designated for the purpose by the board or the committee. 45

(b) The investigating officer may administer an oath to or accept an affirmation from any witness appearing before him, and the applicable provisions of this section shall *mutatis mutandis* apply in respect of an interrogation done by the investigating officer or the production to or retention by the investigating officer of any book, document or object, or the payment of any allowance or other moneys to such witness, and the investigating officer shall for the purposes of this subsection be deemed to be the chairman of the board or the committee, as the case may be. 50 55 60

(8) No person shall wilfully hinder, obstruct or insult the chairman of the board or a committee, or any member of the board or a committee, or the investigating officer, in the exercise of any of the powers conferred upon him by this section.

(9) If any witness contravenes the provisions of subsection (8), the chairman of the board or the committee in question, as the case may be, may direct that no payment or only a reduced payment be made to him under subsection (6). 65

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inligting te verstrek aangaande die aangeleentheid wat ondersoek word of wat na hy vermoed enige boek, stuk of voorwerp wat in verband staan met die aangeleentheid wat ondersoek word in sy besit of bewaring of onder sy beheer het, dagvaar om op 'n in die dagvaarding vermelde tyd en plek voor hom of voor 'n opleidingsadviseur te verskyn om ondervra te word, of om daardie boek, stuk of voorwerp voor te lê, en kan enige boek, stuk of voorwerp wat aldus voorgelê is, vir ondersoek in sy besit hou: Met dien verstande dat indien die raad of 'n komitee 'n ondersoek doen ten opsigte van 'n vakleerling, minderjarige of kwekeling wat in diens van die Staat is, die raad of so 'n komitee, na gelang van die geval, in verband met daardie ondersoek enige beampte aldus kan dagvaar.

(3) 'n Dagvaarding ingevolge subartikel (2) word deur die voorsitter van die raad of, na gelang van die geval, die betrokke komitee of deur 'n beampte wat deur die raad of, na gelang van die geval, daardie komitee daartoe gelas is, onderteken, moet so naby doenlik in die voorgeskrewe vorm wees en word op die voorgeskrewe wyse beteken.

(4) Die voorsitter van die raad of, na gelang van die geval, 'n komitee, kan iemand wat by 'n vergadering van die raad of daardie komitee, na gelang van die geval, teenwoordig is en wat ingevolge subartikel (2) gedagvaar is of kon geword het, oproep en hom 'n eed oplê of van hom 'n bevestiging aanneem en die voorsitter of enige ander lid van die raad of bedoelde komitee, na gelang van die geval, kan hom ondervra en van hom die voorlegging eis van enige boek, stuk of voorwerp wat in sy besit of bewaring of onder sy beheer is: Met dien verstande dat die voorsitter na goeddunke enige vraag kan afkeur wat na sy oordeel nie ter sake dienend is by die ondersoek wat deur die raad of komitee gedoen word nie.

(5) Die ondervraging van 'n getuie deur die raad of 'n komitee vind agter geslote deure plaas tensy die raad of die komitee, met toestemming van die getuie, anders gelas: Met dien verstande dat die raad of die komitee die teenwoordigheid van enige bepaalde persoon by die ondervraging van 'n getuie kan magtig.

(6) Aan iemand wat gedagvaar is om voor die raad of 'n komitee te verskyn, kan, as die voorsitter van die raad of so 'n komitee oortuig is dat hy as gevolg van sy verskyning ter voldoening aan die dagvaarding geldelike verlies gely het of onkoste moes aangaan, uit staatsgelde die voorgeskrewe toelaes, of die bedrag van sodanige verlies en sodanige onkoste, na gelang van watter die minste is, betaal word.

(7) (a) Die raad of 'n komitee kan, om enige rede wat hy voldoende ag, gelas dat 'n ondervraging gedoen word deur, of dat 'n boek, stuk of voorwerp voorgelê word aan, 'n beampte, in hierdie artikel die ondersoek-beampte genoem, wat deur die raad of die komitee vir dié doel aangewys is.

(b) Die ondersoekbeampte kan 'n getuie wat voor hom verskyn 'n eed oplê of van hom 'n bevestiging aanneem, en die toepaslike bepalinge van hierdie artikel is *mutatis mutandis* van toepassing ten opsigte van 'n ondervraging gedoen deur die ondersoekbeampte of die voorlegging aan of inbesithouding deur die ondersoekbeampte van 'n boek, stuk of voorwerp, of die betaling van 'n toelae of ander gelde aan so 'n getuie, en die ondersoekbeampte word, by die toepassing van hierdie subartikel, geag die voorsitter van die raad of die komitee, na gelang van die geval, te wees.

(8) Niemand mag die voorsitter van die raad of 'n komitee, of enige lid van die raad of 'n komitee, of die ondersoekbeampte, by die uitoefening van enige bevoegdheid aan hom by hierdie artikel verleen, opsetlik hinder, belemmer of beledig nie.

(9) Indien 'n getuie die bepalinge van subartikel (8) oortree, kan die voorsitter van die raad of die betrokke komitee, na gelang van die geval, gelas dat geen betaling nie of slegs 'n verminderde betaling aan hom ingevolge subartikel (6) gedoen word.

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(10) No person shall, if he has been duly subpoenaed under subsection (2), fail, without sufficient cause, to attend at the time and place specified in the subpoena.

(11) No person shall, if he has been duly subpoenaed under subsection (2) or called under subsection (4), fail to remain in attendance until excused from further attendance by the board, committee or investigating officer, as the case may be, or refuse to be sworn or to make an affirmation as a witness or fail to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him or to produce any book, document or object in his possession or custody or under his control when lawfully required to do so: Provided that in connection with the interrogation of any such person, or the production of any such book, document or object, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or object before a court of law, shall apply.

(12) Any witness who, after having been sworn or having made an affirmation, gives a false answer to any question put to him by the chairman of the board or of a committee or by any member of the board or of a committee or by the investigating officer, or makes a false statement on any matter, knowing that answer or statement to be false, shall be guilty of an offence and liable on conviction to the penalties which may by law be imposed in respect of perjury.

(13) In this section "committee" includes any sub-committee and for the purposes of this subsection any reference in this section to the chairman of a committee shall be construed as a reference to the chairman of a sub-committee designated under section 8 (2) or (3).

Secretarial work of committees and sub-committees.

11. The secretarial work incidental to the performance by a committee or a sub-committee of its functions shall be performed by such officers in the Department or by such other persons as may be designated for that purpose by the Director-General or by an officer in the Department authorized thereto by him, and the Director-General may designate any such officer or other person as the secretary of the committee or sub-committee.

Appointment of registrar and assistant registrar of manpower training.

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

- (a) appoint an officer, to be known as the registrar of manpower training, who shall, subject to the control and directions of the Minister, exercise the powers conferred upon and perform the functions assigned to the registrar by this Act or by any other law and perform such other functions as the Minister may from time to time assign to him; and
- (b) appoint one or more officers, to be known as the assistant registrar or assistant registrars of manpower training, who may, subject to the control and directions of the registrar, exercise any of the powers or perform any of the functions of the registrar: Provided that whenever the registrar is absent or for any other reason unable to perform his functions, the Minister may appoint such an assistant registrar as acting registrar.

(2) The registrar may authorize any officer to perform, subject to his directions, any act which the registrar is competent to perform and may at any time withdraw such authorization.

(3) Any reference in any other law, in any contract of apprenticeship in force at the commencement of this Act or in any notice issued under or document produced in the application of any law repealed by this Act, to—

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- (10) Niemand mag, indien hy behoorlik kragtens subartikel (2) gedagvaar is, sonder voldoende rede versuim om op die in die dagvaarding vermelde tyd en plek te verskyn nie.
- (11) Niemand mag, indien hy behoorlik ingevolge subartikel 5 (2) gedagvaar of ingevolge subartikel (4) opgeroep is, versuim om aanwesig te bly totdat die raad, komitee of ondersoekbeampte, na gelang van die geval, hom van verdere aanwesigheid vrystel nie, of weier om as 'n getuie ingesweer te word of 'n bevestiging te doen nie, of versuim om op alle aan hom wettiglik gestelde vrae ten volle en op bevredigende wyse na sy beste wete en oortuiging te antwoord nie, of om enige boek, stuk of voorwerp wat in sy besit of bewaring of onder sy beheer is, voor te lê wanneer dit wettiglik van hom vereis word om dit te doen nie: Met dien verstande dat die regsreëls betreffende 15 privilegie, soos toepaslik op 'n getuie wat gedagvaar is om getuie af te lê of om 'n boek, stuk of voorwerp voor te lê in 'n gereghof, van toepassing is in verband met die ondervraging van so 'n persoon of die voorlegging van so 'n boek, stuk of voorwerp.
- (12) Enige getuie wat na beëdiging of die doen van 'n bevestiging 'n valse antwoord gee op 'n vraag deur die voorsitter van die raad of van 'n komitee of deur 'n lid van die raad of van 'n komitee of deur die ondersoekbeampte aan hom gestel, of 'n valse verklaring doen aangaande enige aangeleentheid, wetende 25 dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens ten opsigte van meened opgelê kan word.
- (13) In hierdie artikel beteken „komitee” ook enige onderkomitee en by die toepassing van hierdie subartikel word 'n 30 verwysing in hierdie artikel na die voorsitter van 'n komitee uitgelê as 'n verwysing na die voorsitter van 'n onderkomitee ingevolge artikel 8 (2) of (3) aangewys.
11. Die sekretariële werk verbonde aan die verrigting van sy werksaamhede deur 'n komitee of 'n onderkomitee word verrig 35 deur beamptes van die Departement of deur ander persone wat vir daardie doel deur die Direkteur-generaal of deur 'n beampte van die Departement wat deur die Direkteur-generaal daartoe gemagtig is, aangewys word, en die Direkteur-generaal kan so 'n beampte of ander persoon as sekretaris van die komitee of 40 onderkomitee aanwys.
12. (1) Die Minister kan, behoudens die wette op die Staatsdiens—
- (a) 'n beampte met die benaming die registrateur van mannekragopleiding aanstel, wat, onderworpe aan die 45 beheer en voorskrifte van die Minister, die bevoegdhede uitoefen en die werksaamhede verrig wat by hierdie Wet of by enige ander Wet aan die registrateur verleen of opgedra word en die ander werksaamhede verrig wat die Minister van tyd tot tyd aan hom opdra; en
- (b) een of meer beamptes met die benaming assistent-registrateur van mannekragopleiding aanstel, wat, onderworpe aan die beheer en voorskrifte van die 50 registrateur, enige van die registrateur se bevoegdhede kan uitoefen of van sy werksaamhede kan verrig: Met dien verstande dat, indien die registrateur weens afwesigheid of om 'n ander rede nie in staat is om sy werksaamhede te verrig nie, die Minister so 'n assistent-registrateur as waarnemende registrateur kan aanstel. 60
- (2) Die registrateur kan enige beampte magtig om, onderworpe aan sy voorskrifte, enige handeling te verrig wat die registrateur bevoeg is om te verrig en kan sodanige magtiging te eniger tyd intrek.
- (3) 'n Verwysing in enige ander wet, in enige kontrak van vakleerlingskap wat by die inwerkingtreding van hierdie Wet 65 van krag is of in enige kennisgewing uitgereik kragtens of stuk voortgebring by die toepassing van 'n wet wat by hierdie Wet herroep word, na—

Sekretariële werk
van komitees en
onderkomitees.

Aanstelling van
registrateur en
assistent-
registrateur van
mannekragoplei-
ding.

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- (a) the registrar of apprenticeship appointed under section 4 of the Apprenticeship Act, 1944 (Act No. 37 of 1944);
 - (b) the Registrar of Training Schemes appointed under section 6 of the In-Service Training Act, 1979 (Act No. 95 of 1979); or
 - (c) in so far as it relates to the application of the Black Employees' In-Service Training Act, 1976 (Act No. 86 of 1976), the Secretary for Education and Training or the Director-General: Manpower,
- shall be deemed to be a reference to the registrar of manpower training appointed under this section. 10

CHAPTER 2

TRAINING OF APPRENTICES AND ATTAINMENT OF ARTISAN STATUS

Designation and definition of trades, and conditions of apprenticeship.

13. (1) The Minister may, subject to the provisions of subsection (4), on the recommendation of the board and after consultation with the committee in question by notice in the *Gazette*—

- (a) designate any trade in an industry as a trade in respect of which the provisions of this Act shall apply in the area specified in the notice; 20
 - (b) define such trade by reference to the work performed therein, the operations of which it is composed or the type or class of premises upon which the work or operations are performed. 25
- (2) The Minister may, in the same manner, prescribe—
- (a) the qualifications, including the minimum age (which shall not be lower than fifteen years) and educational standard, required for apprenticeship;
 - (b) the period of apprenticeship and the extent to which and the circumstances under which such period may be curtailed or extended; 30
 - (c) the rates according to which apprentices shall be remunerated, the circumstances under which those rates may be reduced or shall be increased, and the extent of the reduction or increase: Provided that no rate based upon the quantity of work performed shall be prescribed: Provided further that the Minister may, before acting in terms of this paragraph, request the wage board established under the Wage Act, 1957 (Act No. 5 of 1957), to submit to him a recommendation; 40
 - (d) the classes which apprentices shall attend during their period of apprenticeship, the number of days on which, the hours within which and the number of hours during which they shall attend such classes during any week in any year and, subject to the provisions of subsection (11), the number of hours, if any, during which and the circumstances under which apprentices shall be released from work by the employer for the purpose of attending classes on any day; 50
 - (e) the nature and number of the correspondence courses to be followed by apprentices in lieu of or in addition to any classes prescribed in terms of paragraph (d), and the conditions subject to which those courses may be followed in lieu of those classes; 55
 - (f) the full-time technical training courses or other courses which apprentices shall attend, the period or periods of the attendance, and the intervals at which those courses shall be attended; 60
 - (g) the types of work in which the employer shall provide practical training to apprentices, and the proportion of the working hours during which and the stages during the apprenticeship period at which he shall provide such training in each type of work; 65

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- (a) die registrateur van vakleerlinge aangestel kragtens artikel 4 van die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944);
- 5 (b) die Registrateur van Opleidingskemas aangestel kragtens artikel 6 van die Wet op Indiensopleiding, 1979 (Wet No. 95 van 1979); of
- (c) vir sover dit betrekking het op die toepassing van die Wet op Indiensopleiding van Swart Werknemers, 1976 (Wet No. 86 van 1976), die Sekretaris van Onderwys
- 10 en Opleiding of die Direkteur-generaal: Mannekrag, word geag 'n verwysing te wees na die registrateur van mannekragopleiding aangestel kragtens hierdie artikel.

HOOFSTUK 2

OPLEIDING VAN VAKLEERLINGE EN VERWERWING VAN AMBAGSMANSTATUS

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13. (1) Die Minister kan, met inagneming van die bepalings van subartikel (4), op aanbeveling van die raad en na oorleg met die betrokke komitee, by kennisgewing in die *Staatskoerant*—
- 20 (a) enige ambag in 'n nywerheid aanwys as 'n ambag ten opsigte waarvan die bepalings van hierdie Wet van toepassing is in die gebied wat in die kennisgewing vermeld word;
- (b) bedoelde ambag omskryf met verwysing na die werk wat daarin verrig word, die werksaamhede waaruit dit
- 25 saamgestel is of die soort of kategorie perseel waarop die werk of werksaamhede verrig word.
- (2) Die Minister kan op dieselfde wyse voorskryf—
- (a) die kwalifikasies, met inbegrip van die minimum leeftyd (wat nie minder as vyftien jaar mag wees nie) en opvoedkundige standaard, wat vir vakleerlingskap vereis word;
- 30 (b) die duur van die leertyd en die mate waarin en die omstandighede waaronder dit verkort of verleng mag word;
- 35 (c) die skale waarteen vakleerlinge besoldig moet word, die omstandighede waarin daardie skale verminder kan word of verhoog moet word, en die mate van die vermindering of verhoging: Met dien verstande dat geen skaal wat op die hoeveelheid verrigte werk
- 40 gegrond is, voorgeskryf word nie: Met dien verstande voorts dat die Minister die loonraad ingestel kragtens die Loonwet, 1957 (Wet No. 5 van 1957), kan versoek om 'n aanbeveling aan hom voor te lê voordat hy ingevolge hierdie paragraaf optree;
- 45 (d) die klasse wat vakleerlinge tydens die duur van hul leertyd moet bywoon, die getal dae waarop, die tye waartussen en die getal ure wat hulle die klasse gedurende enige week in enige jaar moet bywoon en, behoudens die bepalings van subartikel (11), die getal ure, as daar is, wat, en die omstandighede waaronder, vakleerlinge deur die werkgever van werk onthef moet word om klasse op enige dag by te woon;
- 50 (e) die aard van en die getal korrespondensiekursusse wat deur vakleerlinge gevolg moet word in plaas van of benewens enige ingevolge paragraaf (d) voorgeskrewe klasse, en die voorwaardes waarop daardie kursusse in plaas van daardie klasse gevolg mag word;
- 55 (f) die voltydse tegniese opleidingskursusse of ander kursusse wat vakleerlinge moet bywoon, die tydperk of tydperke van die bywoning en die tussenpose waarmee daardie kursusse bygewoon moet word;
- 60 (g) die soorte werk waarin die werkgever praktiese opleiding aan vakleerlinge moet verskaf, en die deel van die werkure waartydens en die stadiums gedurende die leertyd waarop hy bedoelde opleiding in elke soort werk moet verskaf;
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- (h) the tests or examinations, either practical or theoretical or both, including qualifying trade tests, which apprentices shall or may undergo, the stage or stages during the apprenticeship period at which such tests or examinations shall or may be undergone and the circumstances in which an apprentice may be exempted from any such test or examination or from any part thereof; 5
 - (i) the fees payable in respect of any test or examination prescribed in terms of paragraph (h), and the persons by whom such fees shall be paid; 10
 - (j) the circumstances under which employers shall pay the whole or any portion specified in the notice of the fees payable in respect of any classes or courses prescribed under paragraph (d), (e) or (f), or refund to their apprentices the whole or any portion so specified of any such fees paid by them; 15
 - (k) the maximum number of ordinary working hours which apprentices may be required or permitted to work during any week or on any day, and the days on which, the hours on any day before or after which and the intervals during which no apprentice may be required or permitted to work; 20
 - (l) the maximum period of overtime which apprentices may be required or permitted to work during any period specified in the notice, and the rates according to which they shall be remunerated in respect of overtime; 25
 - (m) the number of paid holidays to be allowed to apprentices during any year of apprenticeship and the rates according to which they shall be remunerated in respect of such holidays; 30
 - (n) the conditions, including the payment of extra remuneration, subject to which an employer may require or permit any apprentice to perform any work outside the area of jurisdiction of the committee in question, or outside any area or class of areas specified in the notice or at a place beyond a distance so specified, from the employer's workshop or place of business or from a given point; 35 40
 - (o) the circumstances under which an employer shall pay additional remuneration to any apprentice in his employment and the amount of the additional remuneration or the manner in which it shall be calculated; 45
 - (p) the remuneration and other conditions of apprenticeship, in respect of any period during which an apprentice is unable by reason of any condition of apprenticeship or other specified circumstances to render service to his employer during ordinary working hours; 50
 - (q) the minimum and maximum number of apprentices to be employed in the industry in question or in any designated trade or by any employer, or in lieu of a specific number, the authority by whom and the methods by which or the principles in accordance with which any such number shall be determined; 55
 - (r) the number or proportion of apprentices employed in the industry in question or in any designated trade or by any employer, to whom there shall have been issued prior to their employment as apprentices, by an authority specified in the notice, a certificate of satisfactory completion of a preparatory course of training so specified; 60
 - (s) any other condition of apprenticeship, of whatsoever nature, which he may deem expedient to prescribe. 65
- (3) The Minister may, in the same manner withdraw or amend any notice published under subsection (1) or (2).
- (4) A notice under subsection (2) or (3) relating to conditions of apprenticeship may be published simultaneously with or at

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- (h) die toetse of eksamens, hetsy prakties of teoreties of albei, met inbegrip van kwalifiserende ambagstoetse, wat vakleerlinge moet of kan aflê, die stadium of stadiums gedurende die leertyd waarop sodanige toetse of eksamens afgelê moet of kan word en die omstandighede waaronder 'n vakleerling van so 'n toets of eksamen of van 'n deel daarvan vrygestel kan word;
- (i) die gelde betaalbaar ten opsigte van enige toets of eksamen ingevolge paragraaf (h) voorgeskryf, en die persone deur wie sodanige gelde betaal moet word;
- (j) die omstandighede waarin werkgewers al die gelde of 'n in die kennisgewing vermelde deel van die gelde wat ten opsigte van klasse of kursusse wat ingevolge paragraaf (d), (e) of (f) voorgeskryf is, betaalbaar is, moet betaal, of aan hul vakleerlinge alle sodanige gelde of 'n aldus vermelde deel daarvan wat hulle betaal het, moet terugbetaal;
- (k) die maksimum getal gewone werkure wat vakleerlinge verplig of toegelaat kan word om gedurende 'n week of op 'n dag te werk, en die dae waarop, die ure van enige dag vóór of ná welke, en die tussenpose waartydens, geen vakleerling verplig of toegelaat kan word om te werk nie;
- (l) die maksimum tydperk oortyd wat vakleerlinge verplig of toegelaat kan word om gedurende enige in die kennisgewing vermelde tydperk te werk, en die skale waarvolgens hulle ten opsigte van oortyd besoldig moet word;
- (m) die getal vakansiedae met besoldiging wat aan vakleerlinge in enige jaar van hul leertyd toegestaan moet word, en die skale waarvolgens hulle ten opsigte van sulke vakansiedae besoldig moet word;
- (n) die voorwaardes, met inbegrip van die betaling van addisionele besoldiging, waarop 'n werkgewer van 'n vakleerling kan vereis dat hy enige werk moet verrig, of kan toelaat dat hy enige werk verrig, buite die regsgebied van die betrokke komitee of buite 'n in die kennisgewing vermelde gebied of kategorie gebiede of op 'n plek wat verder as 'n aldus vermelde afstand vanaf die werkgewer se werk- of besigheidsplek of vanaf 'n bepaalde punt geleë is;
- (o) die omstandighede waarin 'n werkgewer aan 'n vakleerling in sy diens addisionele besoldiging moet betaal en die bedrag van die addisionele besoldiging of die wyse waarop dit bereken moet word;
- (p) die besoldiging en ander leervooraardes, ten opsigte van enige tydperk waartydens 'n vakleerling as gevolg van 'n leervooraarde of ander vermelde omstandigheid nie in staat is om gedurende gewone werkure vir sy werkgewer diens te doen nie;
- (q) die minimum en maksimum getal vakleerlinge wat in die betrokke nywerheid of in 'n aangewese ambag of by 'n werkgewer in diens moet wees, of in plaas van 'n bepaalde getal, die gesag deur wie en die metode of beginsels waarvolgens so 'n getal bepaal moet word;
- (r) die getal vakleerlinge of die deel van hulle wat in die betrokke nywerheid of in 'n aangewese ambag of by 'n werkgewer in diens is, aan wie daar, voor hul indiensneming as vakleerlinge, deur 'n in die kennisgewing vermelde gesag 'n sertifikaat van bevredigende voltooiing van 'n aldus vermelde voorbereidende opleidingskursus uitgereik moet wees;
- (s) enige ander leervooraarde hoegenaamd wat hy raadsaam ag om voor te skryf.

(3) Die Minister kan op dieselfde wyse 'n kennisgewing ingevolge subartikel (1) of (2) gepubliseer, intrek of wysig.

(4) 'n Kennisgewing kragtens subartikel (2) of (3) betreffende leervooraardes kan gelyktydig met of te eniger tyd na die

any time after the publication of a notice under subsection (1) or (3) relating to the designation of the trade in question.

(5) (a) Different conditions of apprenticeship may be prescribed under subsection (2) or (3) in respect of different classes of employers or apprentices, different designated trades and different areas, and in prescribing such different conditions the Minister may apply any method of differentiation he may deem advisable: Provided that the Minister may not so differentiate on the basis of race, colour or sex. 5 10

(b) Notwithstanding the provisions of paragraph (a) the provisions of any notice which by virtue of the provisions of section 58 (2) is deemed to have been published in terms of this Act and which, in relation to conditions of apprenticeship, differentiate on the basis of sex, shall remain of force and effect until those provisions are amended or the notice is withdrawn. 15

(6) The Minister may, in any notice published under subsection (2) or (3), declare that the conditions of apprenticeship prescribed therein or such of the said conditions as may be specified therein shall, as from a date so specified, apply in respect of apprentices who, at the date of such publication, are employed in the area to which the notice relates in any trade which is or was a designated trade in the industry in respect of which the committee in question was established, under contracts of apprenticeship registered in terms of section 16 (3) (d) or 18 (1) (c) or (3) or, by virtue of the provisions of section 58 (3), deemed to be registered in terms thereof, and no such contract shall cease to be binding upon the parties thereto by reason of the fact that as a result of the notice the conditions of apprenticeship applicable in respect of those apprentices have changed. 20 25 30

(7) No condition of apprenticeship prescribed in terms of subsection (2) (c), (k), (l), (m), (n), (o) or (p) shall apply in respect of apprentices employed by the State. 35

(8) The registrar may, subject to such conditions as he may determine after consultation with the committee in question, approve of the training of apprentices by or on behalf of any employer in accordance with any system under which the apprentices will receive their training for a specified portion of their periods of apprenticeship under the continuous supervision of instructors. 40

(9) Any conditions of apprenticeship which are inconsistent with the conditions to which the training of apprentices under any system so approved are subject, shall not apply in respect of such apprentices. 45

(10) If an apprentice who is no longer required to attend classes or follow correspondence courses prescribed under subsection (2) (d) or (e), elects to continue his studies in relation to the trade in which he is indentured, he shall be subject to the same conditions and shall enjoy the same privileges as an apprentice who is required to attend such classes or follow such correspondence courses. 50

(11) The employer of any apprentice who is in terms of any condition prescribed under subsection (2) (e), or of any exemption under section 47, required to attend for the purposes of study at any place determined by the registrar, shall not require or permit the apprentice, if the hours during which he is so required to attend, fall on any one day of the week, to work on that day, or if the said hours fall on more than one day of the week, to work during those hours, and the employer shall pay him in respect of any such day remuneration at a rate not less than his ordinary rate of remuneration, as if he had on such day worked his average ordinary hours for that day: Provided that if an apprentice absented himself without good reason from any 60 65

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publikasie van 'n kennisgewing ingevolge subartikel (1) of (3) betreffende die aanwysing van die betrokke ambag gepubliseer word.

- (5) (a) Verskillende leervoorwaardes kan ingevolge subartikel (2) of (3) voorgeskrif word ten opsigte van verskillende kategorieë werkgewers of vakleerlinge, verskillende aangewese ambagte en verskillende gebiede, en die Minister kan, by die voorskryf van sodanige verskillende voorwaardes, op enige grond wat hy raadsaam ag, differensieer: Met dien verstande dat die Minister nie op grond van ras, kleur of geslag aldus mag differensieer nie.
- (b) Ondanks die bepalings van paragraaf (a) bly die bepalings van enige kennisgewing wat uit hoofde van die bepalings van artikel 58 (2) geag word ingevolge hierdie Wet gepubliseer te gewees het en wat met betrekking tot leervoorwaardes op grond van geslag differensieer, van krag totdat daardie bepalings gewysig of die kennisgewing ingetrek word.
- (6) Die Minister kan, in 'n kennisgewing ingevolge subartikel (2) of (3) gepubliseer, bepaal dat die daarin voorgeskrewe leervoorwaardes of sodanige van daardie voorwaardes as wat daarin vermeld word, vanaf 'n aldus vermelde datum van toepassing is ten opsigte van vakleerlinge wat, op die datum van sodanige publikasie, in die gebied waarop die kennisgewing betrekking het, in 'n ambag wat 'n aangewese ambag is of was in die nywerheid ten opsigte waarvan die betrokke komitee ingestel is in diens is ingevolge kontrakte van vakleerlingskap wat ingevolge artikel 16 (3) (d) of 18 (1) (c) of (3) geregistreer is of uit hoofde van die bepalings van artikel 58 (3) geag word ingevolge daarvan geregistreer te wees, en sodanige kontrak hou nie op om vir die partye daarby bindend te wees op grond van die feit dat, as gevolg van die kennisgewing, die leervoorwaardes wat ten opsigte van daardie vakleerlinge toepaslik is, verander het nie.
- (7) 'n Leervoorwaarde ingevolge subartikel (2) (c), (k), (l), (m), (n), (o) of (p) voorgeskrif, is nie op vakleerlinge in diens van die Staat van toepassing nie.
- (8) Die registrateur kan, onderworpe aan die voorwaardes wat hy na oorleg met die betrokke komitee mag bepaal, goedkeuring verleen aan die opleiding van vakleerlinge deur of namens enige werkgewer ooreenkomstig enige stelsel waarvolgens die vakleerlinge hul opleiding vir 'n vermelde deel van hul leertye sal ontvang onder voortdurende toesig van instruksie.
- (9) Leervoorwaardes wat onbestaanbaar is met die voorwaardes waaraan die opleiding van vakleerlinge onder 'n aldus goedgekeurde stelsel onderworpe is, is nie ten opsigte van sulke vakleerlinge van toepassing nie.
- (10) Indien 'n vakleerling van wie daar nie meer vereis word dat hy klasse bywoon of korrespondensiekursusse volg wat ingevolge subartikel (2) (d) of (e) voorgeskrif is nie, verkies om sy studies wat betrekking het op die ambag waarin hy ingeboek is, voort te sit, is hy onderworpe aan dieselfde voorwaardes en geniet hy dieselfde voorregte as 'n vakleerling wat sodanige klasse moet bywoon of sodanige korrespondensiekursusse moet volg.
- (11) Die werkgewer van 'n vakleerling wat volgens 'n voorwaarde wat ingevolge subartikel (2) (e) voorgeskrif is of volgens 'n vrystelling ingevolge artikel 47 verplig is om vir die doeleindes van studie op 'n plek deur die registrateur bepaal, aanwesig te wees, verplig nie die vakleerling, en laat hom nie toe indien die ure waartydens hy aldus verplig is om aanwesig te wees, op een dag van die week val, om op daardie dag te werk nie, of indien genoemde ure op meer as een dag van die week val, om gedurende daardie ure te werk nie, en die werkgewer moet hom vir so 'n dag besoldiging betaal teen 'n skaal wat nie laer is nie as sy gewone skaal van besoldiging, asof hy op bedoelde dag sy gemiddelde gewone ure vir daardie dag gewerk het: Met dien verstande dat indien 'n vakleerling sonder grondige rede van so 'n studieplek afwesig was, die werkgewer

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such place of study, the employer may deduct so much from his remuneration as is payable to him in respect of the time during which he so absented himself.

(12) If an apprentice passes a qualifying trade test or examination prescribed under subsection (2) (h), the registrar shall issue to him a certificate to that effect in the prescribed form and his contract of apprenticeship shall be deemed to be terminated by effluxion of time, with effect from a date twenty-one days after the last day of the test or examination.

Demarcation of trades.

14. Whenever in connection with any area in respect of which two or more committees have been established in respect of different industries, there is in the opinion of the Minister a doubt as to whether any operation falls within a designated trade in an industry in respect of which one of those committees has been established, or within a designated trade in an industry in respect of which any other of those committees has been established, the Minister shall, after consultation with the board and the committees in question, determine the matter, and the Minister may in the same manner vary any such determination.

Employment of minors in designated trades.

15. (1) Any employer who—
 (a) has any minor who is not an apprentice or a trainee in his employment in a designated trade at the commencement of this Act;
 (b) takes any minor into his employment in a designated trade in a capacity other than that of an apprentice or a trainee;
 (c) has any minor who is not an apprentice or a trainee in his employment in a designated trade and for any reason terminates his employment,
 shall—
 (i) in the case of an employer referred to in paragraph (a), within thirty days after the said commencement;
 (ii) in the case of an employer referred to in paragraph (b), within fourteen days after the date of the employment in question;
 (iii) in the case of an employer referred to in paragraph (c), within fourteen days after the date of the relevant termination of employment,

in the prescribed manner and on the prescribed form notify the committee in question of the fact that a minor is so in employment or of the employment or of the termination of employment, as the case may be.

(2) No person shall take into or retain in his employment in a designated trade any minor who is not qualified in terms of section 17 to bind himself as an apprentice, or who is not qualified so to bind himself in accordance with the conditions of apprenticeship prescribed in respect of apprentices in the designated trade in question.

(3) Every minor employed under this section shall be employed in accordance with conditions which are not less favourable to him than the conditions, if any, prescribed or deemed to have been prescribed under section 13 (2), in so far as they relate to the rates of remuneration and hours of work, during the first year of the normal prescribed period of apprenticeship, of apprentices employed in the trade in question, and in accordance with any other conditions which are applicable in respect of such employment by virtue of the provisions of subsection (4).

(4) The Minister may in any notice in terms of section 13 (2) or (3) declare that any of or all the other conditions of apprenticeship contained therein shall apply also in respect of minors employed in terms of this section.

Employment and apprenticeship.

16. (1) The provisions of subsections (2) and (3) shall, with effect from the date on which any trade is designated or deemed to have been designated in terms of the provisions of section 13 (1) (a), be applicable in respect of any minor, excluding a

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dié deel van sy besoldiging kan terughou wat aan hom betaalbaar is ten opsigte van die tyd waartydens hy aldus afwesig was.

(12) Indien 'n vakleerling in 'n kwalifiserende ambagstoets of 5 eksamen voorgeskryf ingevolge subartikel (2) (h) slaag, moet die registrateur 'n sertifikaat te dien effekte in die voorgeskrewe vorm aan hom uitreik en word sy kontrak van vakleerlingskap geag deur tydsverloop beëindig te wees vanaf 'n datum een-en-twintig dae na die laaste dag van die toets of 10 eksamen.

14. Wanneer daar in verband met 'n gebied ten opsigte waarvan twee of meer komitees ten opsigte van verskillende nywerhede ingestel is, na die mening van die Minister twyfel bestaan of die een of ander werksaamheid binne die bestek val 15 van 'n aangewese ambag in 'n nywerheid ten opsigte waarvan een van daardie komitees ingestel is, of binne die bestek val van 'n aangewese ambag in 'n nywerheid ten opsigte waarvan 'n ander van daardie komitees ingestel is, moet die Minister, na raadpleging met die raad en die betrokke komitees, die saak 20 beslis, en die Minister kan op dieselfde wyse so 'n beslissing wysig.

Afbakening van ambagte.

15. (1) 'n Werkgewer wat—

(a) by die inwerkingtreding van hierdie Wet 'n minderjarige wat nie 'n vakleerling of 'n kwekeling is nie in 'n aangewese ambag in sy diens het;

(b) 'n minderjarige anders as in die hoedanigheid van 'n vakleerling of kwekeling in 'n aangewese ambag in sy diens neem;

(c) 'n minderjarige wat nie 'n vakleerling of 'n kwekeling is nie in 'n aangewese ambag in sy diens het en sy diens om enige rede beëindig,

moet—

(i) in die geval van 'n werkgewer bedoel in paragraaf (a), binne dertig dae na bedoelde inwerkingtreding;

(ii) in die geval van 'n werkgewer bedoel in paragraaf (b), binne veertien dae na die datum van die betrokke indiensneming;

(iii) in die geval van 'n werkgewer bedoel in paragraaf (c), binne veertien dae na die datum van die betrokke diensbeëindiging,

die betrokke komitee op die voorgeskrewe wyse en vorm in kennis stel van die feit dat 'n minderjarige aldus in diens is of van die indiensneming of van die diensbeëindiging, na gelang 45 van die geval.

(2) Niemand mag enige minderjarige wat nie ingevolge artikel 17 bevoeg is om homself as 'n vakleerling te verbind nie of nie bevoeg is om ooreenkomstig die leervoordes wat ten opsigte van vakleerlinge in die betrokke aangewese ambag 50 voorgeskryf is, homself aldus te verbind nie, in 'n aangewese ambag in diens neem of in diens hou nie.

(3) Elke minderjarige wat ingevolge hierdie artikel in diens is, moet in diens gehou word ooreenkomstig voorwaardes wat vir hom nie minder gunstig is nie as die voorwaardes, as daar is, wat 55 kragtens artikel 13 (2) voorgeskryf is of geag word daarkragtens voorgeskryf te gewees het, vir sover hulle betrekking het op die skale van besoldiging en werkure, gedurende die eerste jaar van die normale voorgeskrewe leertyd, van vakleerlinge wat in die betrokke ambag in diens is, en ooreenkomstig die ander 60 voorwaardes wat uit hoofde van die bepalings van subartikel (4) ten opsigte van dié diens van toepassing is.

(4) Die Minister kan in 'n kennisgewing ingevolge artikel 13 (2) of (3) verklaar dat enige van of al die ander leervoordes daarin vervat ook van toepassing is ten opsigte van minderjarige wat ingevolge hierdie artikel in diens is.

16. (1) Die bepalings van subartikels (2) en (3) is met ingang van die datum waarop 'n ambag ingevolge die bepalings van artikel 13 (1) (a) aangewys word of geag word ingevolge daarvan aangewys te wees, ten opsigte van 'n minderjarige, uitgesonderd

Indiensneming van minderjariges in aangewese ambagte.

Indiensneming en vakleerlingskap.

trainee, employed in such a trade within the area specified as contemplated in the said section.

- (2) No person shall keep such a minor in his employ—
- (a) for any period which—
- (i) either in itself or together with any other period 5
or periods during which the minor has previously
been in his employ in that trade and within that
area, is more than four months; or
 - (ii) together with the total period during which the
minor has previously been employed in that trade 10
and within that area by other persons or by other
persons and himself, is more than six months,
unless a contract of apprenticeship has been entered
into in accordance with this Act and with the condi-
tions of apprenticeship applicable to that trade in the 15
area in which the minor is employed, and as nearly as
may be in the prescribed form, and has been lodged
with the registrar for registration in the prescribed
manner: Provided that employment prior to the date
of the designation shall not be included in determining 20
any period of employment referred to in this para-
graph;
- (b) if the registrar has refused to register a contract of
apprenticeship entered into between that person and 25
the minor.
- (3) (a) If at the time of the designation the minor is employed
under a written contract of apprenticeship entered into
prior to the publication, in terms of section 13 (1) or
(3), of the notice relating to such designation, the
employer shall, within three months after the designa- 30
tion, on the prescribed form lodge the contract with
the registrar for registration.
- (b) The registrar shall register any contract lodged with
him under paragraph (a), but the provisions of this
Act, other than the provisions of paragraph (a), shall 35
not apply in respect of the contract or of the minor
concerned while he is employed under the contract.
- (c) If the minor has without a written contract of
apprenticeship been employed in that trade con-
tinuously during a period of not less than twelve 40
months immediately prior to the publication, in terms
of section 13 (1) or (3), of the notice relating to the
designation, and enters, within two months after the
date of the designation, into such a contract with his
employer in accordance with the provisions of this Act 45
and the conditions of apprenticeship applicable to that
trade in the area in which he is employed, and as
nearly as may be in the prescribed form, the employer
shall, within one month after the date upon which it
was entered into, in the prescribed manner lodge the 50
contract with the registrar for registration.
- (d) The registrar shall register any contract lodged with
him under paragraph (c), and the period during which
the minor was employed without a written contract of
apprenticeship, or any part thereof, may, with the 55
approval of the registrar, given after consultation with
the committee in question, be reckoned as part of the
period of apprenticeship prescribed under section 13 in
respect of that trade in the area in question.
- (4) The provisions of subsections (2) and (3) shall not apply in 60
respect of—
- (a) any minor who has completed the relevant period of
apprenticeship in the trade in question under a
contract of apprenticeship registered or deemed to be
registered under this Act; or

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'n kwekeling, wat in so 'n ambag in diens is binne die gebied vermeld soos in genoemde artikel beoog, van toepassing.

(2) Geen persoon mag so 'n minderjarige in sy diens hou—

(a) vir enige tydperk wat—

5 (i) of op sigself of saam met enige ander tydperk of tydperke waartydens die minderjarige tevore in daardie ambag en binne daardie gebied in sy diens was, meer as vier maande beloop nie; of

10 (ii) saam met die totale tydperk waartydens die minderjarige tevore in daardie ambag en binne daardie gebied by ander persone of by ander persone en by homself in diens was, meer as ses maande beloop nie,

15 tensy 'n kontrak van vakleerlingskap ooreenkomstig hierdie Wet en die leervoordes wat in die gebied waarin die minderjarige in diens is op daardie ambag van toepassing is, en so na doenlik in die voorgeskrewe vorm, gesluit is en op die voorgeskrewe wyse by die registrateur vir registrasie ingelewer is: Met dien ver-

20 stande dat by die berekening van enige tydperk van diens bedoel in hierdie paragraaf, diens voor die datum van die aanwysing gelewer, nie bygereken word nie;

25 (b) indien die registrateur geweier het om 'n kontrak van vakleerlingskap wat tussen daardie persoon en die minderjarige gesluit is, te registreer nie.

(3) (a) Indien die minderjarige ten tyde van die aanwysing in diens is ingevolge 'n skriftelike kontrak van vakleerlingskap wat gesluit is voor die publikasie ingevolge artikel 13 (1) of (3) van die kennisgewing met

30 betrekking tot die aanwysing, moet die werkgewer binne drie maande na die aanwysing die kontrak op die voorgeskrewe vorm by die registrateur vir registrasie inlewer.

(b) Die registrateur moet enige kontrak wat ingevolge paragraaf (a) by hom ingelewer is, registreer, maar die

40 bepalinge van hierdie Wet, met uitsondering van die bepalinge van paragraaf (a), is nie ten opsigte van die kontrak of van die betrokke minderjarige, solank hy ingevolge die kontrak in diens is, van toepassing nie.

(c) Indien die minderjarige vir 'n onafgebroke tydperk van minstens twaalf maande onmiddellik voor die publikasie ingevolge artikel 13 (1) of (3) van die kennisgewing met betrekking tot die aanwysing, sonder 'n skriftelike

45 kontrak van vakleerlingskap in daardie ambag in diens was, en binne twee maande na die datum van die aanwysing so 'n kontrak ooreenkomstig die bepalinge van hierdie Wet en die leervoordes wat in die gebied waarin hy in diens is op daardie ambag van toepassing is en so na doenlik in die voorgeskrewe vorm, met sy werkgewer sluit, moet die werkgewer die

50 kontrak binne een maand na die datum waarop dit gesluit is, op die voorgeskrewe wyse by die registrateur vir registrasie inlewer.

(d) Die registrateur moet enige kontrak wat ingevolge paragraaf (c) by hom ingelewer is, registreer, en die

55 tydperk, of enige gedeelte daarvan, waartydens die minderjarige sonder 'n skriftelike kontrak van vakleerlingskap in diens was, kan met die goedkeuring van die registrateur, na oorleg met die betrokke komitee, bygetel word as deel van die leertyd wat kragtens artikel 13 ten opsigte van daardie ambag in die

60 betrokke gebied voorgeskryf is.

(4) Die bepalinge van subartikels (2) en (3) is nie van toepassing nie ten opsigte van—

(a) 'n minderjarige wat die toepaslike leertyd in die betrokke ambag voltooi het ingevolge 'n kontrak van vakleerlingskap wat kragtens hierdie Wet geregistreer is of wat geag word daarkragtens geregistreer te wees; of

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- (b) any minor employed, in an area declared by the Minister by notice in the *Gazette*, after consultation with the board, to be an area for the purposes of this paragraph, in any industry or designated trade so declared by the Minister to be an industry or a trade for the said purposes: Provided that no contract of apprenticeship in a designated trade in that industry, or in that designated trade, shall be binding in the area so declared unless it has been entered into in accordance with this Act and with the conditions of apprenticeship applicable to that trade in the area in question, and as nearly as may be in the prescribed form, and has been registered under section 18.

(5) The Minister may in the same manner amend or withdraw any notice published in terms of subsection (4) (b). 15

Who may bind himself as an apprentice.

17. (1) Any person who—

- (a) has the qualifications prescribed under section 13;
 (b) has obtained a certificate of physical fitness in the prescribed form;
 (c) has attained the age of fifteen years; and 20
 (d) is not required by law to attend any school,

may, subject to and in accordance with the provisions of this Act, bind himself as an apprentice in any designated trade.

(2) If any such person is a minor he shall be assisted by his guardian. 25

(3) A minor may so bind himself so as to complete the period of apprenticeship prescribed under section 13 in respect of the designated trade in question, after his majority.

(4) With the approval of the registrar any person who may bind himself as an apprentice in terms of subsection (1), (2) or (3) may so bind himself with more than one employer, subject to the inclusion in the contract of apprenticeship of such conditions as to the respective obligations of the different employers as may be determined by the registrar after consultation with the committee in question. 35

Registration of contracts of apprenticeship and reduction of periods of apprenticeship.

18. (1) No contract of apprenticeship in a designated trade entered into after the commencement of this Act shall be valid unless—

- (a) at the time it was entered into, it was reduced to writing; and 40
 (b) it has been signed by or on behalf of the employer and by the apprentice and, in the case of an apprentice who is a minor, by his guardian; and
 (c) it has been registered by the registrar.

(2) The employer shall lodge the contract on the prescribed form and within one month after the date on which it was entered into, with the registrar for registration. 45

(3) Notwithstanding anything to the contrary contained in this Act the registrar may, after consultation with the committee in question and upon the application of an employer in an industry and area in respect of which no trade has been designated under this Act, register a contract of apprenticeship entered into by such employer and his employee or prospective employee employed or to be employed by the said employer in a trade which corresponds to a trade which has been designated under this Act, as if the trade has been so designated, and after registration such a contract shall be binding on the employer and employee concerned provided the contract— 50

- (a) was reduced to writing at the time it was entered into; and 60
 (b) has been signed by or on behalf of the employer and by the employee and, in the case of an employee who is a minor, by his guardian.

(4) Any contract registered in terms of subsection (3), shall be deemed to be a contract entered into in terms of the provisions of this Act and the employer and apprentice concerned shall 65

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- (b) 'n minderjarige wat in 'n gebied wat die Minister na oorleg met die raad by kennisgewing in die *Staatskoerant* tot 'n gebied vir die doeleindes van hierdie paragraaf verklaar het, in diens is in 'n nywerheid of 'n aangewese ambag wat die Minister aldus tot 'n nywerheid of ambag vir genoemde doeleindes verklaar het: Met dien verstande dat geen kontrak van vakleerlingskap in 'n aangewese ambag in daardie nywerheid, of in daardie aangewese ambag, in die aldus verklaarde gebied bindend is nie tensy dit ooreenkomstig hierdie Wet en die leervooraardes wat in die betrokke gebied op daardie ambag van toepassing is, en so na doenlik in die voorgeskrewe vorm, gesluit is en kragtens artikel 18 geregistreer is.
- 15 (5) Die Minister kan op dieselfde wyse 'n kennisgewing wat ingevolge subartikel (4) (b) gepubliseer is, wysig of intrek.
17. (1) Iemand wat—
- (a) die ingevolge artikel 13 voorgeskrewe kwalifikasies besit; Wie hom as vakleerling kan verbind.
- 20 (b) 'n sertifikaat van liggaamlike geskiktheid in die voorgeskrewe vorm verkry het;
- (c) die leeftyd van vyftien jaar bereik het; en
- (d) nie volgens wet verplig is om 'n skool by te woon nie, kan hom, met inagneming van en ooreenkomstig die bepalings
- 25 van hierdie Wet, as vakleerling in enige aangewese ambag verbind.
- (2) Indien so iemand 'n minderjarige is, moet hy deur sy voog bygestaan word.
- (3) Enige minderjarige kan hom aldus verbind om die leertyd
- 30 wat ingevolge artikel 13 ten opsigte van die betrokke aangewese ambag voorgeskryf is, na sy meerderjarigheid te voltooi.
- (4) Enigiemand wat hom ingevolge subartikel (1), (2) of (3) as vakleerling kan verbind, kan hom, met die goedkeuring van die registrateur, aldus verbind by meer as een werkgever, mits in
- 35 die kontrak van vakleerlingskap die voorwaardes betreffende die onderskeie verpligtings van die verskillende werkgevers opgeneem word wat die registrateur na oorleg met die betrokke komitee bepaal.
18. (1) Geen kontrak van vakleerlingskap in 'n aangewese
- 40 ambag wat na die inwerkingtreding van hierdie Wet gesluit word, is geldig nie tensy—
- (a) dit by die sluit daarvan op skrif gestel is; en
- (b) dit deur of namens die werkgever en deur die vakleerling en, in die geval van 'n vakleerling wat 'n
- 45 minderjarige is, deur sy voog, onderteken is; en
- (c) dit deur die registrateur geregistreer is.
- (2) Die werkgever moet die kontrak op die voorgeskrewe vorm, en binne 'n maand na die datum waarop dit gesluit is, by die registrateur vir registrasie inlewer.
- 50 (3) Ondanks andersluidende bepalings van hierdie Wet, kan die registrateur, na oorleg met die betrokke komitee en op aansoek van 'n werkgever in 'n nywerheid en gebied ten opsigte waarvan daar geen ambag kragtens hierdie Wet aangewys is nie, 'n kontrak van vakleerlingskap wat gesluit is tussen sodanige
- 55 werkgever en sy werknemer of voornemende werknemer wat in diens is by of in diens geneem staan te word deur bedoelde werkgever in 'n ambag wat ooreenstem met 'n ambag wat kragtens hierdie Wet aangewys is, registreer asof die ambag aldus aangewys is, en na registrasie is sodanige kontrak bindend
- 60 vir die betrokke werkgever en werknemer mits die kontrak—
- (a) ten tyde van die sluit daarvan op skrif gestel is; en
- (b) deur of namens die werkgever en deur die werknemer en, in die geval van 'n werknemer wat 'n minderjarige is, deur sy voog onderteken is.
- 65 (4) 'n Kontrak wat ingevolge subartikel (3) geregistreer is, word geag 'n kontrak te wees wat ingevolge die bepalings van hierdie Wet gesluit is en die betrokke werkgever en vakleerling
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comply with such conditions of apprenticeship and other conditions as may be determined by the registrar and specified in the contract.

(5) Subject to the provisions of section 16 (3) (d) the registrar may, when considering the registration of a contract of apprenticeship, in addition to any other ground on which he may lawfully grant or refuse such registration, take into account any other circumstance, including a report by the committee in question to the effect that in its opinion registration will not be in the interests of the prospective apprentice, as well as the prospective apprentice's prospects of obtaining employment in the trade in question at the expiry of the contract.

(6) If a prospective apprentice has at any time prior to the registration of his contract of apprenticeship—

- (a) been employed in the trade in which he is to be indentured or in any related trade or occupation;
- (b) received training in such trade or occupation at any educational or training institution;
- (c) undergone training or rendered service in terms of the provisions of the Defence Act, 1957 (Act No. 44 of 1957), or of section 34A (3) of the Police Act, 1958 (Act No. 7 of 1958),

the registrar may, after consultation with the committee in question, take steps whereby, in the case of the prospective apprentice concerned, the period of apprenticeship prescribed in terms of section 13 (2) in respect of the trade in which the said apprentice is to be indentured, is reduced with a period equal to the whole or any part of the period during which the said prospective apprentice has so been employed, received or undergone training or rendered service.

Training of
apprentices.

19. (1) If in the opinion of the registrar any apprentice is not receiving adequate training, the registrar may, after consultation with the committee in question, order the employer of the apprentice to take such steps, specified in the order, as the registrar deems necessary to ensure that the apprentice will receive adequate training, and the registrar may withdraw or amend any such order.

(2) The registrar may in any such order specify the classes of work in which the apprentice is to be trained, the periods during which, the intervals at which or the dates between which he shall be so trained, the conditions relating to supervision, the method or place of work, and any other matter or condition relating to the training of the apprentice.

Employment of
apprentices for less
than ordinary
working time, and
loan of services of
apprentices.

20. (1) If, in the opinion of the registrar, the employer of an apprentice is, for any reason beyond the control of the employer, unable to provide the apprentice with work or training during the full period of his ordinary working hours, he may, after consultation with the committee in question, authorize in writing, for such period and subject to such conditions as he may determine, the employment of the apprentice for a specified number of hours on any day or in each week, or on a specified number of days in each week, which is less than the number of such hours or days, as the case may be, ordinarily worked by the apprentice, against payment of the ordinary wages of the apprentice or of wages according to a specified rate of wages which is less than the rate of his ordinary wages.

(2) The registrar may, after consultation with the committee in question, authorize in writing, for such period and subject to such conditions as he may determine, the loan of the services of an apprentice to another employer, if in his opinion it would be in the interest of the apprentice to do so.

(3) No loan of the services of an apprentice to another employer, authorized under subsection (2), shall release the person who is the employer in terms of the contract of apprenticeship from any obligation under the contract.

(4) No person shall employ an apprentice for less than the number of hours on any day or in any week, or on less than the number of days in any week, as the case may be, ordinarily

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moet die leervoorwaardes en ander voorwaardes wat die registrateur bepaal en in die kontrak vermeld is, nakom.

(5) Behoudens die bepalings van artikel 16 (3) (d), kan die registrateur, wanneer hy oorweging skenk aan die registrasie van 'n kontrak van vakleerlingskap, benewens enige ander grond waarop hy sodanige registrasie wettiglik kan toestaan of weier, enige ander omstandigheid, met inbegrip van 'n verslag van die betrokke komitee dat na sy mening registrasie nie in belang van die voornemende vakleerling sal wees nie, sowel as die vooruitsigte van die voornemende vakleerling om by verstryking van die kontrak in die betrokke ambag werk te kry, in ag neem.

(6) Indien 'n voornemende vakleerling te eniger tyd voor die registrasie van sy kontrak van vakleerlingskap—

- (a) in diens was in die ambag waarin hy ingeboek staan te word of in enige aanverwante ambag of beroep;
- (b) opleiding in sodanige ambag of beroep ontvang het aan enige opvoedkundige of opleidingsinrigting;
- (c) ingevolge die bepalings van die Verdedigingswet, 1957 (Wet No. 44 van 1957), of van artikel 34A (3) van die Polisiewet, 1958 (Wet No. 7 van 1958), opleiding ondergaan of diens gedoen het,

kan die registrateur na oorleg met die betrokke komitee stappe doen waarby, in die geval van die betrokke voornemende vakleerling, die leertyd wat ingevolge artikel 13 (2) voorgeskryf is ten opsigte van die ambag waarin bedoelde vakleerling ingeboek staan te word, verkort word met 'n tydperk gelyk aan die geheel of 'n gedeelte van die tydperk waartydens bedoelde voornemende vakleerling aldus in diens was, opleiding ontvang of ondergaan of diens gedoen het.

19. (1) Indien 'n vakleerling na die mening van die registrateur nie geskikte opleiding ontvang nie, kan die registrateur, na oorleg met die betrokke komitee, die werkgewer van die vakleerling beveel om die in die bevel vermelde stappe te doen wat die registrateur nodig ag ten einde te verseker dat die vakleerling geskikte opleiding sal ontvang, en die registrateur kan so 'n bevel intrek of wysig.

Opleiding van vakleerlinge.

(2) Die registrateur kan in so 'n bevel die kategorieë werk waarin die vakleerling opgelei moet word, die tydperke waartydens, die tussenpose waarmee of die datums waartussen hy aldus opgelei moet word, die voorwaardes betreffende toesig, die metode van werk of die werkplek, asook enige ander aangeleentheid of voorwaarde betreffende die opleiding van die vakleerling, vermeld.

20. (1) Indien die werkgewer van 'n vakleerling na die mening van die registrateur om enige rede buite die beheer van die werkgewer nie in staat is om die vakleerling gedurende die volle tydperk van sy gewone werkure van werk of opleiding te voorsien nie, kan hy, na oorleg met die betrokke komitee, skriftelik magtig dat, vir die tydperk en onderworpe aan die voorwaardes wat hy bepaal, die vakleerling diens doen vir 'n vermeldde getal ure op 'n dag of in elke week, of op 'n vermeldde getal dae in elke week, wat minder is as die getal sodanige ure of dae, na gelang van die geval, wat die vakleerling gewoonlik werk, en wel teen betaling van die gewone loon van die vakleerling of van 'n loon volgens 'n vermeldde loonskaal wat laer is as die skaal van sy gewone loon.

Diens van vakleerlinge vir minder as gewone werktyd, en leen van dienste van vakleerlinge.

(2) Die registrateur kan, na oorleg met die betrokke komitee, skriftelik magtig dat die dienste van 'n vakleerling vir die tydperk en onderworpe aan die voorwaardes wat hy bepaal, aan 'n ander werkgewer geleen word as dit na sy mening in belang van die vakleerling sou wees om dit te doen.

(3) Die leen van die dienste van 'n vakleerling aan 'n ander werkgewer, ingevolge subartikel (2) gemagtig, onthef nie die persoon wat ooreenkomstig die kontrak van vakleerlingskap die werkgewer is, van enige verpligting ingevolge die kontrak nie.

(4) Niemand mag 'n vakleerling laat diens doen vir minder as die getal ure op 'n dag of in 'n week, of op minder as die getal dae in 'n week, na gelang van die geval, wat die vakleerling

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worked by the apprentice, or lend or borrow the services of an apprentice, except in accordance with the provisions of subsection (1) or (2), as the case may be.

Absence from
work, classes or
courses.

21. (1) (a) Subject to the provisions of subsection (4) and of sections 13 (12) and 18 (6) and such variations in the period of apprenticeship as the Minister may prescribe in terms of section 13 (2) (b), an apprentice shall serve the full period of apprenticeship which he is required to serve in terms of any condition of apprenticeship prescribed under section 13 (2) or (3), and such period of apprenticeship shall be extended by one day for every ordinary working day on which the apprentice was absent from work. 5
- (b) Every employer shall on the prescribed form report any absence by an apprentice in his employ from work through whatever cause, other than an absence due to a suspension in terms of section 23, to the committee in question within seven days from the date of such absence or, where the apprentice has been so absent for a period longer than one day, within seven days from the date on which the period of such absence terminated. 10
- (c) If a suspension of an apprentice in terms of section 23 is not confirmed by the committee in question, or is set aside on appeal by the registrar in terms of section 23 (7) or by the Minister in terms of section 41, the registrar may after receipt of an application by the apprentice not to be required to serve the period of absence which resulted from the suspension, and after consultation with the committee in question, grant or refuse the application or order that the apprentice shall serve only a portion of such period of absence and, in refusing such application or making such order, he may specify the dates between which and the conditions under which the period in question shall be served, and the registrar may withdraw or amend any decision or order given or made by him in terms of this paragraph. 15 30 35
- (2) (a) The registrar may from time to time, after consultation with the committee in question, order that the period of apprenticeship of any apprentice be extended by a specified period, not exceeding—
- (i) one day in respect of every day on which, in the opinion of the registrar, the apprentice failed without good reason to comply with any condition of apprenticeship prescribed in terms of section 13 (2) (d) or (e) and which is or was applicable to him; and 40 45
- (ii) one day in respect of every day on which, in the opinion of the registrar, the apprentice failed without good reason to attend a full-time technical training or other course which he is or was required to attend in terms of any condition of apprenticeship prescribed in terms of section 13 (2) (f). 50 55
- (b) The registrar may, after consultation with the committee in question, in any order issued in terms of paragraph (a), specify—
- (i) the dates between which the additional period specified in such order shall be served; and 60
- (ii) such other conditions as he may deem necessary, and the registrar may, after such consultation, amend or withdraw any such order.
- (3) The registrar shall in writing notify the employer and apprentice concerned and, if the apprentice is a minor, his guardian, of the terms of any order made under subsection (2), and the said terms shall thereupon be deemed to form part of the contract of apprenticeship. 65

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gewoonlik werk nie, of die dienste van 'n vakleerling uitleen of leen nie, behalwe ooreenkomstig die bepalinge van subartikel (1) of (2), na gelang van die geval.

21. (1) (a) Behoudens die bepalinge van subartikel (4) en van artikels 13 (2) en 18 (6) en die afwykings van die leertyd wat die Minister ingevolge artikel 13 (2) (b) mag voorskryf, moet 'n vakleerling die volle leertyd uitdien wat hy volgens 'n leervoorwaarde voorgeskryf kragtens artikel 13 (2) of (3) moet uitdien, en sodanige leertyd moet verleng word met een dag vir elke gewone werkdag waarop die vakleerling uit sy werk afwesig was.
- (b) Elke werkgewer moet enige afwesigheid uit werk van 'n vakleerling in sy diens, om watter rede ook al, behalwe 'n afwesigheid wat toe te skryf is aan 'n skorsing ingevolge artikel 23, op die voorgeskrewe vorm by die betrokke komitee aanmeld, en wel binne sewe dae vanaf die datum van sodanige afwesigheid of, waar die vakleerling vir 'n tydperk van langer as een dag aldus afwesig was, binne sewe dae vanaf die datum waarop die tydperk van sodanige afwesigheid geëindig het.
- (c) Indien 'n skorsing van 'n vakleerling ingevolge artikel 23 nie deur die betrokke komitee bekragtig word nie, of op appèl tersyde gestel word deur die registrateur ingevolge artikel 23 (7) of deur die Minister ingevolge artikel 41, kan die registrateur na ontvangs van 'n aansoek deur die vakleerling dat hy nie die tydperk van afwesigheid moet uitdien wat uit die skorsing voortvloei nie, en wel na oorleg met die betrokke komitee, die aansoek toestaan of weier of beveel dat die vakleerling slegs 'n gedeelte van sodanige tydperk van afwesigheid moet uitdien, en kan hy, wanneer hy so 'n aansoek weier of so 'n bevel uitreik, die datums waartussen en die voorwaardes waarop die betrokke tydperk uitgedien moet word, bepaal, en die registrateur kan 'n beslissing of bevel wat hy ingevolge hierdie paragraaf gegee of uitgereik het, intrek of wysig.
- (2) (a) Die registrateur kan van tyd tot tyd, na oorleg met die betrokke komitee, beveel dat die leertyd van 'n vakleerling verleng word met 'n vermelde tydperk van hoogstens—
- (i) een dag ten opsigte van elke dag waarop, volgens die oordeel van die registrateur, die vakleerling sonder grondige rede versuim het om 'n leervoorwaarde wat ingevolge artikel 13 (2) (d) of (e) voorgeskryf is en wat op hom van toepassing is of was, na te kom; en
- (ii) een dag ten opsigte van elke dag waarop, volgens die oordeel van die registrateur, die vakleerling sonder grondige rede versuim het om 'n voltydse tegniese opleidingskursus of ander kursus by te woon wat hy verplig is of was om by te woon ingevolge 'n leervoorwaarde voorgeskryf ingevolge artikel 13 (2) (f).
- (b) Die registrateur kan na oorleg met die betrokke komitee in 'n bevel ingevolge paragraaf (a) uitgereik—
- (i) die datums bepaal waartussen die bykomende tydperk vermeld in die bevel uitgedien moet word; en
- (ii) die ander voorwaardes bepaal wat hy nodig ag, en die registrateur kan na sodanige oorleg so 'n bevel wysig of intrek.
- (3) Die registrateur moet die betrokke werkgewer en vakleerling, en indien die vakleerling 'n minderjarige is, sy voog, skriftelik in kennis stel van die bepalinge van enige bevel ingevolge subartikel (2) uitgereik, en daarop word genoemde bepalinge geag deel van die kontrak van vakleerlingskap uit te maak.

Afwesigheid uit
werk of van klasse
of kursusse.

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- (4) The provisions of subsection (1) shall not apply in respect of—
- (a) any absence on leave to which the apprentice is entitled in terms of any condition of apprenticeship or wage regulating measure or under any law; 5
 - (b) any absence from work through sickness, for a total period not exceeding thirty days in any year;
 - (c) any absence from work which is due to attendance at any class or course or the sitting for any test or examination in accordance with any condition of 10 apprenticeship applicable to the apprentice; or
 - (d) any absence from work which is due to the fact that an apprentice is undergoing training or rendering service in terms of the provisions of the Defence Act, 1957 (Act No. 44 of 1957), and specifically for a period not 15 exceeding—
 - (i) eight months of a first period of 24 months or longer;
 - (ii) six months of a first period of 18 months;
 - (iii) four months of a first period of 12 months; and 20
 - (iv) thirty days of each subsequent period, of such training or service;
 - (e) any absence from work which is due to the fact that an apprentice is undergoing training or rendering service by virtue of the provisions of section 34A (3) of the 25 Police Act, 1958 (Act No. 7 of 1958), and specifically for a period not exceeding—
 - (i) in the case of training or service in terms of section 34A (11) of the said Act—
 - (aa) eight months of a first period of 24 months; 30
 - (bb) four months of a first period of 12 months; and
 - (cc) thirty days of any subsequent period, of such training or service;
 - (ii) in the case of any other training or service which 35 is undergone or rendered by virtue of the said section 34A (3), a period equal to the period of such training, but not exceeding 90 days in any year.

Transfer of apprentices and of contracts of apprenticeship.

22. (1) An employer may send or transfer an apprentice from 40 one place to another in the course of the ordinary practising of the trade in question by such apprentice, but shall not without the prior consent of the registrar so send or transfer an apprentice—

- (a) if it would not be reasonably convenient for such 45 apprentice to travel daily to and from his normal place of residence or to comply with any condition of apprenticeship prescribed in terms of section 13 (2) (d), (e) or (f) and which is applicable to him; or
- (b) from the area of jurisdiction of one committee or 50 sub-committee to the area of jurisdiction of another committee or sub-committee, respectively.

(2) The rights and obligations of an employer under any contract of apprenticeship may, with the prior consent of the registrar, be transferred to another employer, but no such 55 transfer shall be complete until it has been registered by the registrar.

- (3) (a) The registrar may in his discretion grant or withhold his consent referred to in subsection (1) or (2), and may when granting his consent referred to in subsection (1), impose such conditions as he may deem 60 necessary.
- (b) The registrar shall not grant his consent referred to in subsection (1) (b) or (2) unless—
 - (i) he is satisfied that all parties to the contract of 65 apprenticeship have agreed to the proposed action; and
 - (ii) he has consulted the committee in question.

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(4) Die bepalings van subartikel (1) is nie van toepassing nie ten opsigte van—

- (a) enige afwesigheid met verlof waarop die vakleerling geregtig is ingevolge 'n leervoorswaarde of loon-reëlende maatregel of kragtens 'n wet;
- (b) enige afwesigheid uit werk weens siekte, vir 'n totale tydperk van hoogstens dertig dae in 'n jaar;
- (c) enige afwesigheid uit werk wat toe te skryf is aan die bywoning van 'n klas of kursus of die aflegging van 'n toets of eksamen ooreenkomstig 'n leervoorswaarde wat op die vakleerling van toepassing is; of
- (d) enige afwesigheid uit werk wat toe te skryf is aan die feit dat 'n vakleerling ingevolge die bepalings van die Verdedigingswet, 1957 (Wet No. 44 van 1957), opleiding ondergaan of diens doen, en wel vir 'n tydperk van hoogstens—
 - (i) agt maande van 'n eerste tydperk van 24 maande of langer;
 - (ii) ses maande van 'n eerste tydperk van 18 maande;
 - (iii) vier maande van 'n eerste tydperk van 12 maande; en
 - (iv) dertig dae van elke daaropvolgende tydperk, van sodanige opleiding of diens;
- (e) enige afwesigheid uit werk wat toe te skryf is aan die feit dat 'n vakleerling uit hoofde van die bepalings van artikel 34A (3) van die Polisiewet, 1958 (Wet No. 7 van 1958), opleiding ondergaan of diens doen, en wel vir 'n tydperk van hoogstens—
 - (i) in die geval van opleiding of diens ingevolge artikel 34A (11) van genoemde Wet—
 - (aa) agt maande van 'n eerste tydperk van 24 maande;
 - (bb) vier maande van 'n eerste tydperk van 12 maande; en
 - (cc) dertig dae van enige daaropvolgende tydperk, van sodanige opleiding of diens;
 - (ii) in die geval van enige ander opleiding of diens wat uit hoofde van bedoelde artikel 34A (3) ondergaan of gedoen word, 'n tydperk gelyk aan die tydperk van sodanige opleiding of diens, maar wat nie 90 dae in 'n jaar oorskry nie.

22. (1) 'n Werkgewer kan in die loop van die gewone beoefening van die betrokke ambag deur 'n vakleerling, sodanige vakleerling van een plek na 'n ander stuur of verplaas, maar mag nie sonder die voorafgaande toestemming van die registrator 'n vakleerling aldus stuur of verplaas nie—

- (a) indien dit nie vir die vakleerling redelik gerieflik sal wees nie om daagliks na en van sy gewone verblyfplek te reis of om 'n leervoorswaarde wat ingevolge artikel 13 (2) (d), (e) of (f) voorgeskryf is en wat op hom van toepassing is, na te kom; of
- (b) van die regsgebied van 'n komitee of onderkomitee na die regsgebied van, onderskeidelik, 'n ander komitee of onderkomitee.

(2) Die regte en verpligtinge van 'n werkgewer kragtens 'n kontrak van vakleerlingskap kan met die voorafgaande toestemming van die registrator aan 'n ander werkgewer oorgedra word, maar so 'n oordrag is nie voltooi voordat dit deur die registrator geregistreer is nie.

(3) (a) Die registrator kan na goedgevonden sy toestemming bedoel in subartikel (1) of (2) verleen of weier en kan, wanneer hy sy toestemming bedoel in subartikel (1) verleen, die voorwaardes opleë wat hy nodig ag.

(b) Die registrator mag nie sy toestemming bedoel in subartikel (1) (b) of (2) verleen nie tensy—

- (i) hy oortuig is dat al die partye by die kontrak van vakleerlingskap ingestem het met die voorgename handeling; en
- (ii) hy die betrokke komitee geraadpleeg het.

Verplasing van vakleerlinge, en oordrag van kontrakte van vakleerlingskap.

(4) If an apprentice is transferred in terms of this section from the area of jurisdiction of one committee or sub-committee to the area of jurisdiction of another committee or sub-committee, respectively, any conditions of apprenticeship applicable in respect of the trade in question within the last-mentioned area of jurisdiction shall, with effect from the date of the transfer, apply in respect of the apprentice and any such conditions applicable to him in the first-mentioned area of jurisdiction shall as from such date cease to be so applicable. 5

(5) (a) If any person is apprenticed to a partnership, his contract of apprenticeship shall not be terminated by reason of the death or retirement of any partner if the business of the partnership is continued by another person or partnership, but the rights and obligations of the employer under the contract shall in such case be deemed to be transferred to the person or partnership continuing the business. 10 15

(b) The person or partnership, referred to in paragraph (a), continuing the business, shall in the prescribed manner and within one month of the date of such death or retirement, lodge the contract with the registrar for registration of the transfer. 20

(6) The provisions of this section shall not apply in respect of apprentices employed by the State.

Suspension of apprentices.

23. (1) If an employer is satisfied that an apprentice bound to him by contract in terms of this Act has committed a serious breach of the terms of the contract or of any condition of apprenticeship, he may forthwith suspend the apprentice for a period not exceeding the number of days ordinarily worked in a week in the industry in question, or such further period as the committee in question may from time to time allow. 25 30

(2) (a) If in the opinion of the registrar an apprentice has acted in a manner justifying his suspension in terms of subsection (1), and he has not been suspended by the employer concerned, the registrar may at any time, after consultation with the committee in question, by written notice order the suspension of the apprentice in the service of the employer concerned as from such date and for such period, not exceeding thirty working days, as the registrar may determine. 35 40

(b) The registrar may in writing and subject to such conditions as he may determine, delegate the powers conferred upon him by paragraph (a) to any committee or sub-committee to be exercised, subject to the directions of the registrar, by the committee or sub-committee in respect of apprentices within the committee's or sub-committee's area of jurisdiction. 45

(c) Any such delegation may at any time be withdrawn by the registrar.

(3) Any employer who has so suspended an apprentice shall report the matter in writing to the committee in question within three days of the date on which he suspended the apprentice. 50

(4) The committee in question shall, as soon as may be, inquire into and confirm, amend or set aside any suspension in terms of subsection (1): Provided that the period of any suspension as so amended shall not exceed thirty working days. 55

(5) If the committee in question amends or sets aside the suspension of an apprentice in terms of subsection (4), it may order that any or all of the remuneration which may have been withheld from the apprentice during the period of suspension, be paid to a specified officer within such period as the committee may direct. 60

(6) An order made in terms of subsection (5) and any decision in terms of subsection (7) in respect of any such order, other than a rescission thereof, shall have the effect of, and may be executed as if it were, a civil judgment in favour of the Government of the Republic, and the specified officer shall pay 65

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(4) Indien 'n vakleerling ingevolge hierdie artikel verplaas word van die regsgebied van een komitee of onderkomitee na die regsgebied van onderskeidelik 'n ander komitee of onderkomitee, is enige leervoordes wat ten opsigte van die 5 betrokke ambag in laasgenoemde regsgebied van toepassing is, vanaf die datum van die verplasing ten opsigte van die vakleerling van toepassing en hou sodanige voorwaordes wat in eersgenoemde regsgebied op hom van toepassing was, vanaf daardie datum op om aldus van toepassing te wees.

10 (5) (a) Indien iemand by 'n vennootskap as 'n vakleerling in diens is, word sy kontrak van vakleerlingskap nie uit hoofde van die dood of uittrede van 'n vennoot beëindig indien die saak van dié vennootskap deur 'n 15 ander persoon of vennootskap voortgesit word nie, maar word die regte en verpligtinge van die werkgewer kragtens die kontrak in so 'n geval geag oorgedra te wees aan die persoon of vennootskap wat dié saak voortsit.

20 (b) Die in paragraaf (a) bedoelde persoon of vennootskap wat die saak voortsit, moet die kontrak op die voorgeskrewe wyse en binne 'n maand vanaf die betrokke dood of uittrede, by die registrateur vir registrasie van die oordrag inlewer.

25 (6) Die bepalings van hierdie artikel is nie ten opsigte van vakleerlinge in diens van die Staat van toepassing nie.

23. (1) Indien 'n werkgewer oortuig is dat 'n vakleerling wat deur 'n kontrak ingevolge hierdie Wet teenoor hom gebonde is, 'n ernstige oortreding van die bepalings van die kontrak of van 'n leervoordes begaan het, kan hy die vakleerling onmiddellik in sy diens skors vir 'n tydperk van hoogstens die getal dae 30 waarop daar gewoonlik in 'n week in die betrokke nywerheid gewerk word, of die verdere tydperk wat die betrokke komitee van tyd tot tyd toelaat.

35 (2) (a) Indien 'n vakleerling na die mening van die registrateur opgetree het op 'n wyse wat sy skorsing ingevolge subartikel (1) regverdig en hy nie deur die betrokke werkgewer geskors is nie, kan die registrateur te eniger tyd, na oorleg met die betrokke komitee, by skriftelike kennisgewing beveel dat die vakleerling in die betrokke 40 werkgewer se diens geskors word vanaf die datum en vir die tydperk van hoogstens dertig werksdae wat die registrateur bepaal.

45 (b) Die registrateur kan die bevoegdhede by paragraaf (a) aan hom verleen, skriftelik en onderworpe aan die voorwaordes wat hy bepaal aan enige komitee of onderkomitee deleger, om onderworpe aan die voorskrifte van die registrateur deur die komitee of onderkomitee uitgeoefen te word ten opsigte van vakleerlinge binne die komitee of onderkomitee se regsgebied.

50 (c) Die registrateur kan so 'n delegasie te eniger tyd intrek.

(3) 'n Werkgewer wat 'n vakleerling aldus geskors het, moet die saak binne drie dae na die datum waarop hy die vakleerling geskors het, skriftelik by die betrokke komitee aanmeld.

55 (4) Die betrokke komitee moet so spoedig doenlik 'n skorsing ingevolge subartikel (1) ondersoek, en dit bekragtig, wysig of tersyde stel: Met dien verstande dat die tydperk van 'n skorsing aldus gewysig nie dertig werksdae mag oorskry nie.

(5) Indien die betrokke komitee die skorsing van die 60 vakleerling ingevolge subartikel (4) wysig of tersyde stel, kan hy beveel dat 'n gedeelte of die hele bedrag van die besoldiging wat van die vakleerling tydens die duur van die skorsing weerhou mag gewees het, aan 'n vermelde beampte oorbetal word binne die tydperk wat die komitee bepaal.

65 (6) 'n Bevel ingevolge subartikel (5) gegee en 'n beslissing ingevolge subartikel (7) ten opsigte van so 'n bevel, behalwe die opheffing daarvan, het die uitwerking van 'n siviele vonnis ten gunste van die Regering van die Republiek en kan ten uitvoer gelê word asof dit so 'n vonnis was, en die vermelde beampte

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any amount received by him in pursuance of the order or decision to the apprentice concerned or, if he is a minor, to his guardian.

(7) If an employer or an apprentice feels aggrieved by any decision of a committee or a sub-committee in terms of this section, or if a committee or sub-committee fails to give any decision within the prescribed period, he may at any time within thirty days of the decision, appeal to the registrar or submit the matter, after the expiration of the said prescribed period, to the registrar, as the case may be, and the registrar may thereupon, after consultation with the committee or sub-committee in question, confirm the decision of the committee or sub-committee or give such other decision as, in his opinion, the committee or sub-committee ought to have given, or decide the matter, as the case may be.

(8) The suspension of an apprentice shall not release him from compliance with any condition of apprenticeship prescribed or deemed to have been prescribed in terms of section 13 (2) (d), (e) or (f).

(9) The provisions of this section shall not apply in respect of apprentices employed by the State.

Rescission of
contracts of
apprenticeship.

24. No contract of apprenticeship shall be rescinded except—

- (a) with the consent of the registrar, by agreement of the parties thereto; or
- (b) by the registrar, after consultation with the committee in question, on his own initiative or at the instance of any party thereto, if he is satisfied that it is expedient to do so.

Modification of
contracts of
apprenticeship.

25. (1) Whenever it appears that the facts relating to any apprentice are incorrectly recorded in his contract of apprenticeship or have changed after the conclusion thereof and that by reason thereof prejudice is caused to a party to the contract, the registrar may, if he is satisfied that it is desirable to do so, on the application of the prejudiced party and after consultation with the other party and the committee in question, modify the terms of the contract by affixing thereto a statement setting out the correct facts or the facts as they have so changed, as the case may be, and the relevant terms of the contract as amended in pursuance of those facts.

(2) Any such statement shall be signed by the registrar and thereafter the relevant terms as set out therein shall form part of the contract of apprenticeship and the registrar shall adjust his records in accordance therewith: Provided that no additional financial liability shall be imposed on any party to the contract in respect of any period prior to the date on which the statement is signed.

Contracts to remain
binding under
certain
circumstances.

26. Notwithstanding the publication of any notice under section 13 (3) relating to the designation or definition of any trade, a contract of apprenticeship registered or deemed to be registered under section 16 (3) (d) or section 18 (1) (c) or (3) shall continue to be binding on the parties thereto, and the relevant provisions of this Act shall continue to apply to the contract as if the notice had not been published: Provided that if as a result of the publication of the notice the contract ceases to be a contract of apprenticeship in an industry or area in respect of which a committee has been established, any reference in the said provisions or in the contract to a committee shall for the purposes of this section be deemed to be a reference to the board.

Certificates of
proficiency.

27. (1) The registrar may on the application of any person who has not completed his training as a trainee in terms of this Act or the Training of Artisans Act, 1951 (Act No. 38 of 1951), or who has not served his apprenticeship in terms of this Act or

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moet enige bedrag wat hy ingevolge die bevel of beslissing ontvang, aan die betrokke vakleerling oorbetal of, as hy 'n minderjarige is, aan sy voog.

(7) Indien 'n werkgever of 'n vakleerling veronreg voel deur 'n beslissing van 'n komitee of 'n onderkomitee ingevolge hierdie artikel, of indien 'n komitee of onderkomitee versuim om binne die voorgeskrewe tydperk 'n beslissing te gee, kan hy hom te eniger tyd binne dertig dae na die beslissing op die registrateur beroep, of die saak, na bedoelde voorgeskrewe tydperk verstryk het, aan die registrateur voorlê, na gelang van die geval, en daarop kan die registrateur na oorleg met die betrokke komitee of onderkomitee die beslissing van die komitee of onderkomitee bekragtig of die ander beslissing gee wat die komitee of onderkomitee na sy mening moes gegee het, of die saak beslis, na gelang van die geval.

(8) Die skorsing van 'n vakleerling onthef hom nie van voldoening aan enige leervoorwaarde wat ingevolge artikel 13 (2) (d), (e) of (f) voorgeskryf is of wat geag word ingevolge daarvan voorgeskryf te gewees het nie.

(9) Die bepalings van hierdie artikel is nie ten opsigte van vakleerlinge in diens van die Staat van toepassing nie.

24. 'n Kontrak van vakleerlingskap word nie ontbind nie behalwe— Ontbinding van kontrakte van vakleerlingskap.

- (a) met die toestemming van die registrateur, by ooreenkoms deur die betrokke partye; of
- (b) deur die registrateur, na oorleg met die betrokke komitee, uit eie beweging of op versoek van enige party daarby, indien hy oortuig is dat dit raadsaam is om dit te doen.

25. (1) Wanneer dit blyk dat die feite met betrekking tot 'n vakleerling onjuis in sy kontrak van vakleerlingskap ingeskryf is, of na die sluiting daarvan verander het, en dat uit hoofde daarvan 'n party by die kontrak benadeel word, kan die registrateur, as hy oortuig is dat dit wenslik is om dit te doen, op aansoek van die benadeelde party en na oorleg met die ander betrokke party en die betrokke komitee, die bepalings van die kontrak wysig deur daaraan 'n verklaring te heg waarin die juiste feite of die feite soos dit aldus verander het, na gelang van die geval, en die tersaaklike bepalings van die kontrak soos ingevolge daardie feite gewysig, uiteengesit word.

(2) So 'n verklaring word deur die registrateur onderteken en daarop maak die tersaaklike bepalings wat aldus daarin uiteengesit word, deel van die kontrak van vakleerlingskap uit, en die registrateur moet sy stukke dienoreenkomstig wysig: Met dien verstande dat geen addisionele geldelike aanspreeklikheid enige party by die kontrak ten opsigte van 'n tydperk voor die datum waarop die verklaring onderteken word, opgelê word nie.

26. Ondanks die publikasie van enige kennisgewing ingevolge artikel 13 (3) met betrekking tot die aanwysing of omskrywing van enige ambag, bly 'n kontrak van vakleerlingskap wat ingevolge artikel 16 (3) (d) of artikel 18 (1) (c) of (3) geregistreer is of geag word ingevolge daarvan geregistreer te wees, bindend vir die partye daarby en bly die toepaslike bepalings van hierdie Wet op die kontrak van toepassing asof die kennisgewing nie gepubliseer is nie: Met dien verstande dat indien die kontrak as gevolg van die publikasie van die kennisgewing nie meer 'n kontrak van vakleerlingskap in 'n nywerheid of gebied is ten opsigte waarvan 'n komitee ingestel is nie, 'n verwysing in genoemde bepalings of in die kontrak na 'n komitee by die toepassing van hierdie artikel geag word 'n verwysing na die raad te wees. Kontrakte bly bindend onder sekere omstandighede.

27. (1) Die registrateur kan op aansoek van enige persoon wat nie sy opleiding as 'n kwekeling ingevolge hierdie Wet of die Wet op Opleiding van Ambagsmanne, 1951 (Wet No. 38 van 1951), voltooi het nie of wat nie sy vakleerlingskap ingevolge Vaardigheidsertifikaat.

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the Apprenticeship Act, 1944 (Act No. 37 of 1944), but who satisfies the registrar that he has in the course of employment received training and gained experience of a nature and for a period or aggregate period which in the opinion of the registrar are necessary for proficiency in the trade in the area in which he has been employed, issue a certificate of proficiency in the prescribed form to that person. 5

(2) Before issuing a certificate of proficiency in terms of subsection (1), the registrar may in any particular case conduct or cause to be conducted such test or tests as to the proficiency 10 of the applicant as the registrar may determine in accordance with standards recognized by the board.

Qualifying trade tests.

28. (1) Whenever in the opinion of the registrar adequate provision has been made for a qualifying trade test to be undergone in any trade in accordance with standards recognized 15 by the board, the registrar may, on the application on the prescribed form of any person who has been trained as a trainee in terms of this Act or the Training of Artisans Act, 1951 (Act No. 38 of 1951), or any other person who has not passed a qualifying trade test as contemplated in section 13 (2) (h) of this Act or section 16 (2) (h) of the Apprenticeship Act, 1944 (Act No. 37 of 1944), but who satisfies the registrar that he has undergone training or gained experience in the trade in question of a nature and for a period or aggregate period which in the opinion of the registrar is adequate, and on payment by such 25 person of the prescribed fee, admit him to a trade test in accordance with the said standards.

(2) A trade test referred to in subsection (1) shall be undergone at such time and place as the registrar may determine. 30

(3) If any such trade test is passed by the applicant, a certificate to that effect shall be issued to him by the registrar in the prescribed form.

Consultation with board by registrar.

29. The registrar shall from time to time consult the board as to the standards to be applied in determining the training and 35 experience which are for the purposes of section 27 necessary for proficiency in any particular trade, or the experience which is for the purposes of section 28 adequate for admission to a trade test referred to in that section.

CHAPTER 3

40

TRAINING OF TRAINEES

Training of persons other than apprentices or minors.

30. (1) Whenever the Minister is satisfied that it is necessary in the public interest to do so, he may, with the concurrence of the Minister of Finance and after consultation with the board and any other Minister which in his opinion has any interest therein, 45 make such arrangements as he may deem expedient to provide for the training in a particular trade or occupation of persons who are not apprentices or minors, and may for that purpose by notice in the *Gazette* issue in respect of that trade or occupation directions relating to— 50

- (a) the qualifications required for such training;
- (b) the period of training, which training may include training, for such period or periods as may be prescribed in the notice, in a particular institution or in the employ of an employer, or both; 55
- (c) the exemptions from the requirements prescribed in terms of paragraph (b), and the variations in the period or periods so prescribed, which may be allowed, and the circumstances in which such exemptions or variations may be allowed; 60
- (d) the allowances and facilities which may, with the concurrence of the Minister of Finance, be paid or

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hierdie Wet of die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), uitgedien het nie, maar wat die registrateur oortuig dat hy in die loop van diens opleiding ontvang en ondervinding opgedoen het van 'n aard en vir 'n tydperk of totale tydperk wat na die mening van die registrateur nodig is vir vaardigheid in die ambag in die gebied waarin hy in diens was, 'n vaardigheidsertifikaat in die voorgeskrewe vorm aan daardie persoon uitreik.

(2) Voordat hy ingevolge subartikel (1) 'n vaardigheidsertifikaat uitreik, kan die registrateur in enige bepaalde geval die toets of toetse betreffende die vaardigheid van die aansoeker wat die registrateur bepaal ooreenkomstig standarde deur die raad erken, afneem of laat afneem.

28. (1) Wanneer daar na die mening van die registrateur voldoende voorsiening gemaak is vir die aflegging in enige ambag van 'n kwalifiserende ambagstoets ooreenkomstig standarde deur die raad erken, kan die registrateur enige persoon wat ingevolge hierdie Wet of die Wet op Opleiding van Ambagsmanne, 1951 (Wet No. 38 van 1951), as 'n kwekeling opgelei is of enige ander persoon wat nie in 'n kwalifiserende ambagstoets soos beoog in artikel 13 (2) (h) van hierdie Wet of 'n finale bedryfstoets soos beoog in artikel 16 (2) (h) van die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), geslaag het nie, maar wat die registrateur oortuig dat hy in die betrokke ambag opleiding ondergaan of ondervinding opgedoen het van 'n aard en vir 'n tydperk of totale tydperk wat na die mening van die registrateur voldoende is, op aansoek op die voorgeskrewe vorm deur sodanige persoon en by betaling deur hom van die voorgeskrewe gelde, toelaat om 'n ambagstoets ooreenkomstig bedoelde standarde af te lê.

(2) 'n Ambagstoets bedoel in subartikel (1) word op die tyd en plek wat die registrateur bepaal, afgelê.

(3) Indien die aansoeker in so 'n ambagstoets slaag, reik die registrateur in die voorgeskrewe vorm 'n sertifikaat te dien effekte aan hom uit.

29. Die registrateur moet van tyd tot tyd die raad raadpleeg aangaande die standarde wat toegepas moet word by die vasstelling van die opleiding en ondervinding wat, by die toepassing van artikel 27, nodig is vir vaardigheid in enige bepaalde ambag, of van die ondervinding wat, by die toepassing van artikel 28, voldoende is vir toelating tot 'n ambagstoets bedoel in daardie artikel.

HOOFSTUK 3

OPLEIDING VAN KWEKELINGE

30. (1) Wanneer die Minister daarvan oortuig is dat dit in die openbare belang nodig is om dit te doen, kan hy, met die instemming van die Minister van Finansies en na oorleg met die raad en enige ander Minister wat volgens sy oordeel belang daarby het, die reëlins tref wat hy raadsaam ag om vir die opleiding in 'n bepaalde ambag of beroep van persone wat nie vakleerlinge of minderjariges is nie voorsiening te maak, en kan hy vir daardie doel by kennisgewing in die *Staatskoerant* ten opsigte van daardie ambag of beroep voorskrifte uitvaardig betreffende—

- (a) die vereiste kwalifikasies vir sodanige opleiding;
- (b) die tydperk van opleiding, welke opleiding opleiding, vir die tydperk of tydperke wat in die kennisgewing voorgeskryf word, in 'n bepaalde inrigting of in diens van 'n werkgever, of albei, kan insluit;
- (c) die vrystellings van die vereistes wat ingevolge paragraaf (b) voorgeskryf is, en die afwykings van die aldus voorgeskrewe tydperk of tydperke, wat toegelaat mag word, en die omstandighede waaronder sodanige vrystellings of afwykings toegelaat mag word;
- (d) die toelaes en fasiliteite wat met die instemming van die Minister van Finansies uit geld deur die Parlement

Kwalifiserende ambagstoetse.

Raadpleging met raad deur registrateur.

Opleiding van persone wat nie vakleerlinge of minderjariges is nie.

provided to any trainee out of money appropriated by Parliament for the purpose—

- (i) to enable him to travel, for the purposes of such training, to and from his ordinary place of residence and an institution referred to in paragraph (b); or
 - (ii) during the period of his training in such an institution; or
 - (iii) in connection with any journey undertaken by him to any place where he will be employed by an employer designated by the Minister, for the purpose of receiving training in his employment; and
- (e) the circumstances in which and the conditions, including conditions as to the repayment either in whole or in part of any such allowances or of the costs incidental to the provision of such facilities, subject to which such allowances may be paid or facilities may be provided:

Provided that the Minister may, after consultation with the board, provide, in terms of the provisions of this subsection, for the training of persons who are minors but who have completed a first period of training or service in terms of the provisions of the Defence Act, 1957 (Act No. 44 of 1957), or section 34A (11) of the Police Act, 1958 (Act No. 7 of 1958).

(2) In order to enable him to receive training prescribed under subsection (1) (b) in the employ of an employer, a trainee shall be placed in the employ of an employer who has been designated by the Minister and who has agreed to employ such trainee in accordance with the provisions of this section and the terms specified in a notice in terms of subsection (3).

(3) Whenever a trainee is placed in the employ of an employer in terms of subsection (2), the Minister shall cause to be served on the trainee and on the employer a notice specifying—

- (a) the training to be provided for the trainee and, subject to the provisions of subsection (5), the period of the training as prescribed in terms of subsection (1) (b); and
- (b) the minimum rate at which the trainee shall be remunerated as well as the other conditions of service subject to which he shall be employed.

(4) The Minister may authorize the discontinuance of any trainee's training in the employ of an employer, or direct that the trainee shall undergo his training for any unexpired portion of the period thereof in the service of another employer whom the Minister may designate for the purpose, and the provisions of subsections (2) and (3) shall *mutatis mutandis* apply in respect of such other employer.

(5) (a) Subject to the provisions of subsection (4) and paragraph (b) of this subsection, a trainee who has been admitted to an institution referred to in subsection (1) (b) for the purpose of receiving any training prescribed under that paragraph, shall, unless the Minister otherwise directs—

- (i) attend for the period so prescribed such courses of training in that institution as the Minister may direct;
- (ii) after completion of the said period accept employment with such employer as may be designated by the Minister for the purpose of receiving training in the employ of an employer for the period so prescribed, and remain in the employ of that employer until he has completed that period or until he has passed a test in terms of subsection (6), whichever is the earlier.

(b) The Minister may from time to time direct that the period of training referred to in paragraph (a) (i) or (ii) be extended by a specified period not exceeding one day in respect of every day on which the trainee did not attend any course of training or was absent

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vir dié doel bewillig, aan enige kwekeling betaal of voorsien kan word—

- (i) om hom in staat te stel om vir die doeleindes van sodanige opleiding tussen sy gewone verblyfplek en 'n inrigting bedoel in paragraaf (b) te reis; of
- (ii) gedurende die tydperk van sy opleiding in so 'n inrigting; of
- (iii) in verband met enige reis wat hy onderneem na 'n plek waar hy in diens sal wees van 'n deur die Minister aangewese werkgewer, ten einde opleiding in sy diens te ontvang; en
- (e) die omstandighede waarin en die voorwaardes waarop sodanige toelaes betaal of fasiliteite verskaf mag word, met inbegrip van voorwaardes betreffende die volle of gedeeltelike terugbetaling van sodanige toelaes of van die koste verbonde aan die verskaffing van sodanige fasiliteite:

Met dien verstande dat die Minister, na oorleg met die raad, ingevolge die bepalings van hierdie subartikel voorsiening kan maak vir die opleiding van persone wat minderjariges is maar wat 'n eerste tydperk van opleiding of diens ingevolge die bepalings van die Verdedigingswet, 1957 (Wet No. 44 van 1957), of artikel 34A (11) van die Polisie wet, 1958 (Wet No. 7 van 1958), voltooi het.

(2) Ten einde hom in staat te stel om opleiding wat kragtens subartikel (1) (b) voorgeskryf is in diens van 'n werkgewer te kan ontvang, moet 'n kwekeling in die diens geplaas word van 'n werkgewer wat deur die Minister aangewys is en wat ingestem het om die kwekeling ooreenkomstig die bepalings van hierdie artikel en die bepalings wat in 'n kennisgewing ingevolge subartikel (3) vermeld word, in diens te neem.

(3) Wanneer 'n kwekeling ingevolge subartikel (2) in die diens van 'n werkgewer geplaas word, laat die Minister 'n kennisgewing aan die kwekeling en aan die werkgewer bestel waarin vermeld word—

- (a) die opleiding wat aan die kwekeling verskaf moet word en, behoudens die bepalings van subartikel (5), die tydperk van die opleiding soos ingevolge subartikel (1) (b) voorgeskryf; en
- (b) die minimum skaal waarteen die kwekeling besoldig moet word, asook die ander diensvoorwaardes waarop hy in diens geneem moet word.

(4) Die Minister kan magtiging verleen dat enige kwekeling se opleiding in diens van 'n werkgewer gestaak word, of gelas dat die kwekeling sy opleiding vir die onverstreke gedeelte van die tydperk daarvan in die diens van 'n ander werkgewer wat die Minister vir dié doel kan aanwys, moet ondergaan, en die bepalings van subartikels (2) en (3) is *mutatis mutandis* ten opsigte van bedoelde ander werkgewer van toepassing.

(5) (a) Behoudens die bepalings van subartikel (4) en paragraaf (b) van hierdie subartikel moet 'n kwekeling wat in 'n in subartikel (1) (b) bedoelde inrigting opgeneem is ten einde opleiding wat kragtens daardie paragraaf voorgeskryf is, te ontvang, tensy die Minister anders gelas—

- (i) in daardie inrigting die opleidingskursusse wat die Minister mag gelas, vir die aldus voorgeskrewe tydperk volg;
- (ii) na voltooiing van genoemde tydperk diens aanvaar by die werkgewer wat die Minister aanwys, ten einde vir die aldus voorgeskrewe tydperk opleiding in diens van 'n werkgewer te ontvang, en in die diens van daardie werkgewer bly totdat hy daardie tydperk voltooi het of totdat hy in 'n toets ingevolge subartikel (6) geslaag het, na gelang van wat die eerste plaasvind.

(b) Die Minister kan van tyd tot tyd gelas dat die tydperk van opleiding bedoel in paragraaf (a) (i) of (ii) verleng word met 'n aangegewe tydperk van hoogstens een dag vir elke dag wat die kwekeling nie 'n opleidingskursus gevolg het nie of uit sy werk afwesig was, na gelang

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from work, as the case may be: Provided that the provisions of this paragraph shall not apply in respect of—

- (i) any absence on leave to which the trainee is entitled in terms of any condition of service specified under subsection (3) (b);
 - (ii) any absence from work through sickness for a total period not exceeding thirty days in any year; or
 - (iii) any absence from work for a total period not exceeding 90 days in any year which was due to the trainee's having undergone or rendered training or service in terms of the provisions of the Defence Act, 1957 (Act No. 44 of 1957), or of section 34A (3) of the Police Act, 1958 (Act No. 7 of 1958).
- (6) (a) A trainee may on completion of such portion of the period of his training as may be determined by the Minister, undergo a qualifying test in accordance with such standards as are approved by the Minister after consultation with the board.
- (b) A trainee who has failed in any qualifying test referred to in paragraph (a) may within such period thereafter, but not exceeding six months, as the registrar may determine after consultation with the board, undergo a further qualifying test in terms of the said paragraph.
- (c) If a trainee passes such qualifying test, the registrar shall issue to him a certificate to that effect in the prescribed form and the trainee shall be deemed to have completed his training in terms of this section with effect from a date 21 days after the last day of the test.
- (7) The registrar shall issue to every trainee whose period of training has expired by effluxion of time, a certificate in the prescribed form specifying the trade or occupation in which he has undergone training.
- (8) The Minister may from time to time in writing and subject to such conditions and to such general or particular directions as he may deem fit, delegate all or any of the powers conferred upon him by subsection (2), (3), (4), (5) or (6) to any officer, and may withdraw any such delegation.
- (9) The Minister shall from time to time consult the board in regard to—
- (a) the rate of remuneration and the other conditions of service to be specified in notices in terms of subsection (3) (b); and
 - (b) the nature of the courses of training to be prescribed in terms of subsection (5) (a) (i),
- in respect of trainees or any class of trainees in any trade or occupation.

CHAPTER 4

TRAINING CENTRES AND SCHEMES

Group training centres.

31. (1) Any group or association of employers engaged in a particular industry in a particular area and who have made provision for the training of employees and other persons at a centre established or to be established by the said group or association, may, if it has by means of a constitution made provision for the control and management of that centre by a governing body constituted as provided in that constitution, apply to the registrar for the registration of that centre as a group training centre.

- (2) (a) The registrar may, on such conditions as he may deem fit, register a centre to which an application contemplated in subsection (1) relates, as a group training centre.

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van die geval: Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie ten opsigte van—

- 5 (i) enige afwesigheid met verlof waarop die kwekeling volgens enige kragtens subartikel (3) (b) vermeldde diensvoorwaarde geregtig is;
- (ii) enige afwesigheid uit werk weens siekte vir 'n totale tydperk van hoogstens dertig dae in enige jaar; of
- 10 (iii) enige afwesigheid uit werk vir 'n totale tydperk van hoogstens 90 dae in enige jaar wat veroorsaak is daardeur dat die kwekeling opleiding of diens ingevolge die bepalings van die Verdedigingswet, 1957 (Wet No. 44 van 1957), of van artikel 34A
- 15 (3) van die Polisiewet, 1958 (Wet No. 7 van 1958), ondergaan of gedoen het.
- (6) (a) 'n Kwekeling kan by voltooiing van die deel van die tydperk van sy opleiding wat die Minister bepaal, 'n kwalifiserende toets ooreenkomstig standarde deur die Minister na raadpleging met die raad goedgekeur, af lê.
- 20 (b) 'n Kwekeling wat in 'n paragraaf (a) bedoelde kwalifiserende toets gedruip het, kan binne die tydperk daarna wat die registrateur na oorleg met die raad bepaal maar wat nie ses maande oorskry nie, 'n verdere kwalifiserende toets ingevolge bedoelde paragraaf af lê.
- 25 (c) Indien 'n kwekeling in so 'n kwalifiserende toets slaag, moet die registrateur 'n sertifikaat te dien effekte in die voorgeskrewe vorm aan hom uitreik en word die kwekeling geag sy opleiding ingevolge hierdie artikel te voltooi het met ingang van 'n datum 21 dae na die laaste dag van die toets.
- 30 (7) Die registrateur moet aan elke kwekeling wie se tydperk van opleiding deur verloop van tyd verstryk het, 'n sertifikaat in die voorgeskrewe vorm uitreik waarin die ambag of beroep waarin hy opleiding ondergaan het, vermeld word.
- (8) Die Minister kan van tyd tot tyd skriftelik en behoudens die voorwaardes en die algemene of besondere voorskrifte wat hy goedgevind, enige van of al die bevoegdhede by subartikel (2),
- 40 (3), (4), (5) of (6) aan hom verleen aan 'n beampte oordra, en kan so 'n oordrag intrek.
- (9) Die Minister moet van tyd tot tyd die raad raadpleeg aangaande—
- 45 (a) die skaal van besoldiging en die ander diensvoorwaardes wat in kennisgewings ingevolge subartikel (3) (b) vermeld moet word; en
- (b) die aard van die opleidingskursusse wat ingevolge subartikel (5) (a) (i) voorgeskryf moet word,
- 50 met betrekking tot kwekelinge of enige kategorie kwekelinge in enige ambag of beroep.

HOOFSTUK 4

OPLEIDINGSENTRUMS EN -SKEMAS

31. (1) 'n Groep of vereniging van werkgewers wat in 'n Groepopleidingsentrum. 55 bepaalde gebied in 'n bepaalde nywerheid betrokke is en wat voorsiening gemaak het vir die opleiding van werknemers en ander persone by 'n sentrum wat deur bedoelde groep of vereniging ingestel is of staan te word, kan, indien hy by wyse van 'n konstitusie voorsiening gemaak het vir die beheer oor en
- 60 bestuur van daardie sentrum deur 'n beheerliggaam saamgestel soos in daardie konstitusie bepaal, by die registrateur aansoek doen om die registrasie van daardie sentrum as 'n groepopleidingsentrum.
- (2) (a) Die registrateur kan op die voorwaardes wat hy goedgevind 'n sentrum waarop 'n aansoek beoog in subartikel (1) betrekking het, as 'n groepopleidingsentrum registreer.
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- (b) On the registration in terms of paragraph (a) of a centre as a group training centre, the governing body established for that centre in terms of subsection (1) shall become a juristic person and the group or association of employers in question may conduct the group training centre through that governing body. 5
- (3) (a) The conditions contemplated in subsection (2) may also relate to—
- (i) the courses of training which may be provided at the group training centre in question; 10
 - (ii) the nature, duration and standard of such courses;
 - (iii) the standard of education or practical experience which shall have been achieved or gained by employees and other persons before they may be permitted to undergo training of a particular nature at the group training centre in question; 15
 - (iv) the requirements relating to their qualifications and experience with which persons who will provide instruction at the group training centre in question, shall comply; 20
 - (v) any other matter connected with such a group training centre or such training.
- (b) The registrar may withdraw or from time to time amend any condition imposed or deemed to have been imposed in terms of this section. 25
- (4) The governing body of a group training centre shall furnish the registrar with such information relating to that centre or the control, management or functioning thereof as the registrar may from time to time require.
- (5) For the purpose of raising money required to defray the expenses arising from the conduct of a group training centre, the governing body in question may request the Minister to impose, in accordance with the provisions of section 39, a levy for the benefit of that group training centre, and the Minister may upon receipt of such a request impose a levy in accordance with those provisions. 30 35
- (6) Any employer not engaged in the area in question in the industry in respect of which a group training centre is registered or deemed to be registered, and any employee or other person who is not employed in such an area in such an industry, may, with the consent of the governing body of that group training centre and subject to such conditions as the governing body may determine—
- (a) cause employees or other persons to be trained at the said centre; or 45
 - (b) undergo training at the said centre, as the case may be.
- (7) The registrar may at any time withdraw the registration of a group training centre if he is of the opinion that any condition imposed or deemed to have been imposed in respect of that centre in terms of subsection (2) has not been complied with or if he is satisfied that training is no longer provided at that centre. 50
- (8) The registrar shall from time to time report to the board on all applications received by him in terms of subsection (1).
- (9) The provisions of this section shall not apply in respect of training in connection with which the provisions of any agreement have in terms of section 48 of the Labour Relations Act, 1956 (Act No. 28 of 1956), been declared binding. 55
- (10) Any levy imposed in terms of subsection (5) shall be payable to the governing body in question. 60
- (11) Any training in terms of this section the cost of which is intended to be considered for the purposes of an employees

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- (b) By die registrasie ingevolge paragraaf (a) van 'n sentrum as 'n groepopleidingsentrum word die beheerliggaam wat ingevolge subartikel (1) vir daardie sentrum ingestel is, 'n regs persoon en kan die betrokke groep of vereniging van werkgewers die groepopleidingsentrum deur middel van daardie beheerliggaam bedryf.
- (3) (a) Die voorwaardes in subartikel (2) beoog, kan ook betrekking hê op—
- (i) die kursusse van opleiding wat by die betrokke groepopleidingsentrum verskaf mag word;
 - (ii) die aard, duur en standaard van sodanige kursusse;
 - (iii) die standaard van onderwys of praktiese ondervinding wat deur werknemers en ander persone behaal of opgedoen moes gewees het voordat hulle toegelaat mag word om opleiding van 'n bepaalde aard by die betrokke groepopleidingsentrum te ondergaan;
 - (iv) die vereistes met betrekking tot hul kwalifikasies en ondervinding waaraan persone wat by die betrokke groepopleidingsentrum onderrig sal verskaf, moet voldoen;
 - (v) enige ander aangeleentheid wat met so 'n groepopleidingsentrum of sodanige opleiding in verband staan.
- (b) Die registrateur kan 'n voorwaarde wat ingevolge hierdie artikel opgelê is of wat geag word ingevolge daarvan opgelê te gewees het, intrek of van tyd tot tyd wysig.
- (4) Die beheerliggaam van 'n groepopleidingsentrum moet aan die registrateur die inligting met betrekking tot daardie sentrum of die beheer, bestuur of funksionering daarvan verstrek wat die registrateur van tyd tot tyd vereis.
- (5) Ten einde geld te verkry wat nodig is om die koste te bestry wat voortspruit uit die bedryf van 'n groepopleidingsentrum, kan die betrokke beheerliggaam die Minister versoek om ooreenkomstig die bepalings van artikel 39 'n heffing ten bate van daardie groepopleidingsentrum op te lê, en die Minister kan by ontvangs van so 'n versoek 'n heffing ooreenkomstig daardie bepalings oplê.
- (6) 'n Werkgever wat nie in die betrokke gebied in die nywerheid ten opsigte waarvan 'n groepopleidingsentrum geregistreer is of geag word geregistreer te wees, betrokke is nie, en 'n werknemer of ander persoon wat nie in so 'n gebied in so 'n nywerheid in diens is nie, kan, met die toestemming van die beheerliggaam van daardie groepopleidingsentrum en onderworpe aan die voorwaardes wat die beheerliggaam bepaal—
- (a) werknemers of ander persone by bedoelde sentrum laat oplei; of
 - (b) opleiding by bedoelde sentrum ondergaan, na gelang van die geval.
- (7) Die registrateur kan te eniger tyd die registrasie van 'n groepopleidingsentrum intrek indien hy van oordeel is dat enige voorwaarde wat ingevolge subartikel (2) ten opsigte van daardie sentrum opgelê is of wat geag word ingevolge daarvan opgelê te gewees het, nie nagekom is nie, of indien hy daarvan oortuig is dat daar nie langer opleiding by daardie sentrum verskaf word nie.
- (8) Die registrateur moet van tyd tot tyd aan die raad verslag doen oor al die aansoeke wat hy ingevolge subartikel (1) ontvang het.
- (9) Die bepalings van hierdie artikel is nie van toepassing ten opsigte van opleiding in verband waarmee die bepalings van 'n ooreenkoms ingevolge artikel 48 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), bindend verklaar is nie.
- (10) 'n Heffing ingevolge subartikel (5) opgelê, is betaalbaar aan die betrokke beheerliggaam.
- (11) Enige opleiding ingevolge hierdie artikel waarvan die koste bestem is om vir die doeleindes van 'n werknemers-

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training allowance as referred to in section 11^{sept} of the Income Tax Act, 1962 (Act No. 58 of 1962), shall take place in accordance with courses approved by the registrar.

Private training centres.

32. (1) Any person who conducts a training centre, excluding a group training centre or a training centre for which provision is made in an agreement which has in terms of section 48 of the Labour Relations Act, 1956 (Act No. 28 of 1956), been declared binding, at which training is provided to the employees of other persons, may, regardless of whether, in the case where such first-mentioned person is an employer, training is provided at such training centre also to his own employees, apply to the registrar for the registration of such training centre as a private training centre.

(2) The registrar may, on such conditions as he may deem fit, register a training centre to which an application contemplated in subsection (1) relates, as a private training centre.

(3) The conditions contemplated in subsection (2) may also relate to any matter specified in section 31 (3) (a), and to the fees which may be charged in respect of training provided at the training centre in question.

(4) The person on whose application a private training centre has been registered as such, shall furnish the registrar with such information relating to that centre or the control, management or functioning thereof as the registrar may from time to time require.

(5) The provisions of section 31 (3) (b), (7), (8) and (11) shall *mutatis mutandis* apply in respect of a private training centre.

Registration as private training centre required in certain cases.

33. No person, excluding a trade union, employers' organization, federation, industrial council or educational institution, may conduct a training centre referred to in section 32 (1) where training in labour relations is provided, unless that training centre has been registered in terms of section 32 (2) as a private training centre and the said training is provided in accordance with courses approved by the registrar.

Training schemes.

34. (1) Any employer who conducts or intends to conduct a scheme for the training of his employees may apply to the registrar for the registration of such scheme.

(2) The registrar may on such conditions as he may deem fit register as a training scheme any scheme to which an application contemplated in subsection (1) relates.

(3) The conditions contemplated in subsection (2) may relate to any matter specified in section 31 (3) (a) (i) to (iv), inclusive, and to any other matter connected with such training or with the management or control of the training scheme in question.

(4) The registrar may withdraw or from time to time amend any condition imposed in terms of this section.

(5) The registrar may at any time withdraw the registration of a training scheme if he is of the opinion that any of the conditions imposed in respect thereof has not been complied with or if the employer has ceased to conduct the scheme.

(6) The registrar shall from time to time report to the board on all applications received by him in terms of subsection (1).

(7) The provisions of section 31 (11) shall *mutatis mutandis* apply in respect of training in terms of this section.

Grants-in-aid in respect of certain training schemes.

35. (1) The Minister may on such conditions as he may deem fit and on such basis as he may determine with the concurrence of the Minister of Finance, out of moneys appropriated by Parliament for the purpose, award grants-in-aid to—

(a) any employer who conducts a training scheme in any area designated as an economic development area by

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opleidingvermindering soos bedoel in artikel 11^{sept} van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), in aanmerking te kom, moet geskied ooreenkomstig kursusse wat deur die registrateur goedgekeur is.

- 5 32. (1) 'n Persoon wat 'n opleidingsentrum, uitgesonderd 'n Private
 groeopleidingsentrum of 'n opleidingsentrum waarvoor voor- opleidingsentrums.
 siening gemaak word in 'n ooreenkoms wat ingevolge artikel 48
 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van
 1956), bindend verklaar is, bedryf waar opleiding aan die
 10 werknemers van ander persone verskaf word, kan, ongeag of, in
 die geval waar eersgenoemde persoon 'n werkgewer is, daar by
 so 'n opleidingsentrum ook aan sy eie werknemers opleiding
 verskaf word, by die registrateur aansoek doen om die registra-
 sie van so 'n opleidingsentrum as 'n private opleidingsentrum.
- 15 (2) Die registrateur kan op die voorwaardes wat hy goedvind
 'n opleidingsentrum waarop 'n aansoek beoog in subartikel (1)
 betrekking het, as 'n private opleidingsentrum registreer.
- (3) Die voorwaardes in subartikel (2) beoog, kan ook
 betrekking hê op enige aangeleentheid in artikel 31 (3) (a)
 20 vermeld, en op die gelde wat gevra mag word ten opsigte van
 opleiding wat by die betrokke opleidingsentrum verskaf word.
- (4) Die persoon op wie se aansoek 'n private opleidingsen-
 trum as sodanig geregistreer is, moet aan die registrateur die
 inligting met betrekking tot daardie sentrum of die beheer,
 25 bestuur of funksionering daarvan verstrek wat die registrateur
 van tyd tot tyd vereis.
- (5) Die bepalings van artikel 31 (3) (b), (7), (8) en (11) is
mutatis mutandis ten opsigte van 'n private opleidingsentrum van
 toepassing.
- 30 33. Geen persoon, uitgesonderd 'n vakvereniging, werkgewers-
 organisasie, federasie, nywerheidsraad of opvoedkundige inrig- Registrasie as
 ting, mag 'n in artikel 32 (1) bedoelde opleidingsentrum waar private
 opleiding in arbeidsverhoudinge verskaf word, bedryf tensy opleidingsentrum
 daardie opleidingsentrum ingevolge artikel 32 (2) as 'n private vereis in sekere
 gevalle.
 35 opleidingsentrum geregistreer is en bedoelde opleiding ooreen-
 komstig kursusse deur die registrateur goedgekeur, geskied nie.
34. (1) 'n Werkgewer wat 'n skema vir die opleiding van sy Opleidingskemas.
 werknemers bedryf of voornemens is om sodanige skema te
 bedryf, kan by die registrateur om die registrasie van daardie
 40 skema aansoek doen.
- (2) Die registrateur kan op die voorwaardes wat hy goedvind
 'n skema waarop 'n aansoek beoog in subartikel (1) betrekking
 het, as 'n opleidingskema registreer.
- (3) Die voorwaardes in subartikel (2) beoog, kan ook
 45 betrekking hê op enige aangeleentheid vermeld in artikel 31 (3)
 (a) (i) tot en met (iv) en op enige ander aangeleentheid wat met
 sodanige opleiding of met die bestuur of beheer van die
 betrokke opleidingskema in verband staan.
- (4) Die registrateur kan 'n voorwaarde wat ingevolge hierdie
 50 artikel opgelê is, intrek of van tyd tot tyd wysig.
- (5) Die registrateur kan te eniger tyd die registrasie van 'n
 opleidingskema intrek indien hy van oordeel is dat enige van die
 voorwaardes wat ten opsigte daarvan opgelê is nie nagekom is
 nie, of indien die werkgewer opgehou het om die skema te
 55 bedryf.
- (6) Die registrateur moet van tyd tot tyd aan die raad verslag
 doen oor al die aansoeke wat hy ingevolge subartikel (1)
 ontvang het.
- (7) Die bepalings van artikel 31 (11) is *mutatis mutandis* van
 60 toepassing ten opsigte van opleiding ingevolge hierdie artikel.
35. (1) Die Minister kan op die voorwaardes wat hy goedvind Hulpotoelaes ten
 en op die grondslag wat hy met die instemming van die opsigte van sekere
 Minister van Finansies bepaal, uit geld deur die Parlement opleidingskemas.
 vir dié doel bewillig hulpotoelaes toeken aan—
- 65 (a) enige werkgewer wat 'n opleidingskema bedryf in 'n
 gebied wat die Minister met die instemming van die

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the Minister with the concurrence of the Minister of Industries, Commerce and Tourism;

- (b) any trade union or employers' organization which conducts a training scheme under which training in labour relations is provided to its office-bearers, employees or members or, in the case of such an employers' organization, to the employees of its members;
- (c) any federation which conducts a training scheme under which training in labour relations is provided to its employees or to the office-bearers, employees or members of its affiliated unions or organizations or, in the case of a federation of employers' organizations, to the employees of the members of its affiliated organizations.

(2) Any grant-in-aid awarded in terms of subsection (1) shall be utilized exclusively to defray costs arising from the conduct of the training scheme in question.

(3) The Minister may at any time and without furnishing any reason therefor suspend, reduce or withdraw any grant-in-aid awarded in terms of subsection (1).

(4) For the purposes of subsection (1) "office-bearer" means an office-bearer as defined in section 1 of the Labour Relations Act, 1956 (Act No. 28 of 1956).

Training of workseekers and other persons.

36. Notwithstanding anything to the contrary contained in any law, the Minister may, after consultation with the board and with the concurrence of the Minister of Finance, make such arrangements as he may deem fit to provide for the training of workseekers or other persons if in his opinion such arrangements are necessary or desirable in the public interest.

Approval of certain training for purposes of employees training allowance.

37. The registrar may, for the purposes of an employees training allowance as referred to in section 11 of the Income Tax Act, 1962 (Act No. 58 of 1962), after consultation with the board and having due regard to the objects of this Act, approve the training of employees at a training centre in an area or territory—

- (a) for which a legislative assembly has been established in terms of the provisions of the National States Constitution Act, 1971 (Act No. 21 of 1971);
- (b) which formed part of the Republic and became an independent State in terms of an Act of Parliament.

CHAPTER 5

MANPOWER DEVELOPMENT FUND

Establishment of Manpower Development Fund, and related matters.

38. (1) There is hereby established a fund to be known as the Manpower Development Fund, hereinafter referred to as the fund, into which shall be paid—

- (a) money appropriated by Parliament for the fund from time to time;
- (b) amounts repaid in respect of loans granted in terms of subsection (4), as well as interest paid in respect of such loans;
- (c) any interest earned in terms of subsection (5);
- (d) any other money which may accrue to the fund from any other source.

(2) The Director-General shall, subject to the directions of the Minister, be responsible for the administration of the fund, including—

- (a) the control over payments from the fund; and
- (b) the collection, for the benefit of the fund, of all money due or accruing to the fund,

and shall for the purposes of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), and the regulations made thereunder, be the accounting officer in relation to the affairs of the fund.

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- Minister van Nywerheidswese, Handel en Toerisme as 'n ekonomiese ontwikkelingsgebied aanwys;
- (b) enige vakvereniging of werkgewersorganisasie wat 'n opleidingskema bedryf waaronder opleiding in arbeidsverhoudinge aan sy ampsdraers, werknemers of lede of, in die geval van so 'n werkgewersorganisasie, aan die werknemers van sy lede verskaf word;
- (c) enige federasie wat 'n opleidingskema bedryf waaronder opleiding in arbeidsverhoudinge aan sy werknemers of aan die ampsdraers, werknemers of lede van sy geaffilieerde verenigings of organisasies of, in die geval van 'n federasie van werkgewersorganisasies, aan die werknemers van die lede van sy geaffilieerde organisasies verskaf word.
- (2) 'n Hulptoelae ingevolge subartikel (1) toegeken, word aangewend uitsluitlik om die koste wat uit die bedryf van die betrokke opleidingskema voortspruit, te bestry.
- (3) Die Minister kan te eniger tyd en sonder om enige rede daarvoor te verstrek, 'n hulptoelae wat ingevolge subartikel (1) toegeken is, opskort, verminder of intrek.
- (4) By die toepassing van subartikel (1) beteken „ampsdraer” 'n ampsdraer soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956).
36. Ondanks andersluidende wetsbepalings kan die Minister, na oorleg met die raad en met die instemming van die Minister van Finansies, die reëlings tref wat hy goetvind om vir die opleiding van werksoekers of ander persone voorsiening te maak indien hy van oordeel is dat sodanige reëlings in die openbare belang nodig of wenslik is.
37. Die registrateur kan met inagneming van die oogmerke van hierdie Wet en na oorleg met die raad die opleiding van werknemers by 'n opleidingsentrum in 'n gebied—
- (a) waarvoor 'n wetgewende vergadering ingestel is ingevolge die bepalinge van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971);
- (b) wat deel van die Republiek uitgemaak het en ingevolge 'n Wet van die Parlement 'n onafhanklike Staat geword het,
- vir die doeleindes van 'n werknemersopleidingvermindering soos bedoel in artikel 11sept van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), goedkeur.

Opleiding van werksoekers en ander persone.

Goedkeuring van sekere opleiding vir doeleindes van werknemersopleidingvermindering.

HOOFSTUK 5

MANNEKRAGONTWIKKELINGSFONDS

38. (1) Hierby word 'n fonds met die naam die Mannekragontwikkelingsfonds, hieronder die fonds genoem, ingestel, waarin gestort word—
- (a) geld wat die Parlement van tyd tot tyd vir die fonds bewillig;
- (b) bedrae terugbetaal ten opsigte van lenings ingevolge subartikel (4) toegestaan, asook rente ten opsigte van sodanige lenings betaal;
- (c) rente wat ingevolge subartikel (5) verdien is;
- (d) ander geld wat die fonds uit enige ander bron toeval.
- (2) Die Direkteur-generaal is, onderworpe aan die voorskrifte van die Minister, verantwoordelik vir die bestuur van die fonds, met inbegrip van—
- (a) die beheer oor betalings uit die fonds; en
- (b) die invordering, ten bate van die fonds, van al die geld wat aan die fonds verskuldig is of die fonds toeval,
- en is by die toepassing van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), en die regulasies daarkragtens uitgevaardig, die rekenpligtige beampte met betrekking tot die sake van die fonds.

Instelling van Mannekragontwikkelingsfonds, en verwante aangeleenthede.

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(3) The Director-General shall keep a proper record of all money paid into and out of the fund, and the accounts relating to the fund shall be audited by the Auditor-General.

(4) The money in the fund shall be utilized for the granting of loans, on such conditions as the Minister may after consultation with the board determine, to be utilized for the purposes of a group training centre, private training centre, training scheme or scheme referred to in section 39 (4), or of a scheme for the training of employees to which the provisions of an agreement which has in terms of section 48 of the Labour Relations Act, 1956 (Act No. 28 of 1956), been declared binding, relate.

(5) Any money in the fund which is not required for immediate use, shall be invested with the Public Debt Commissioners and may be withdrawn when required for use.

(6) Any unexpended balance in the fund at the end of any financial year shall be carried forward as a credit in the fund to the ensuing financial year.

(7) Applications for loans in terms of subsection (4) shall be lodged with the Director-General on the prescribed form.

CHAPTER 6

20

GENERAL PROVISIONS

Training levies.

39. (1) The Minister may, after consultation with the board, by notice in the *Gazette* impose a levy, payable by employers in general or by any category of employers specified in the notice, for the purpose of raising money which can be utilized for the purposes of the achievement of any of the objects of this Act or for the financing of any scheme under which provision is made for the provision of training and for which no provision is made in this Act.

- (2) A notice published in terms of subsection (1)—
- (a) shall state the amount and basis of the levy;
 - (b) shall state the date on which such levy shall become payable and the person or officer to whom payments in respect of the levy shall be made;
 - (c) shall state the purpose for which the levy is imposed and the basis on which the proceeds of the levy will be expended;
 - (d) may require employers who are liable to pay the levy to keep, for such periods as may be specified in the notice, such records, and to render, for such periods, such returns as may be so specified;
 - (e) may provide for the exemption of any employer or category of employers from the liability to pay such levy, either generally or in respect of a specified industry, area or category of employees;
 - (f) may provide for any other matter so as to ensure an effective administration of the provisions of such notice.

(3) The Minister may, in the same manner, withdraw or from time to time amend any notice published in terms of this section.

(4) Any group or association of employers who have created a scheme for the training of employees (excluding training in connection with which the provisions of any agreement have in terms of section 48 of the Labour Relations Act, 1956 (Act No. 28 of 1956), been declared binding) which provides for the establishment of a fund for the purposes of such scheme and provides for the payment of contributions (hereinafter referred to as a levy) to such fund by employers and the establishment of a body to administer such fund, may request the Minister to declare such scheme binding in respect of the industry in which they are engaged in the area in which they are so engaged.

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- (3) Die Direkteur-generaal moet behoorlik aantekeninge hou van alle geld wat in die fonds inbetaal en daaruit betaal word, en die rekeninge wat op die fonds betrekking het, moet deur die Ouditeur-generaal geouditeer word.
- 5 (4) Die geld in die fonds word aangewend vir die toestaan van lenings, op die voorwaardes wat die Minister na oorleg met die raad bepaal, wat aangewend moet word vir die doeleindes van 'n groeopleidingsentrum, private opleidingsentrum, opleidingskema of skema bedoel in artikel 39 (4), of van 'n skema vir die
- 10 opleiding van werknemers waarop die bepalinge van 'n ooreenkoms wat ingevolge artikel 48 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), bindend verklaar is, betrekking het.
- (5) Geld in die fonds wat nie vir onmiddellike gebruik nodig is
- 15 nie, moet by die Staatskuldkommissaris belê word en kan opgevra word wanneer dit vir gebruik nodig is.
- (6) 'n Onbestede saldo in die fonds aan die einde van 'n boekjaar word as 'n krediet in die fonds na die daaropvolgende boekjaar oorgedra.
- 20 (7) Aansoeke om lenings ingevolge subartikel (4) moet op die voorgeskrewe vorm by die Direkteur-generaal ingedien word.

HOOFSTUK 6

ALGEMENE BEPALINGS

39. (1) Die Minister kan, na oorleg met die raad, by Opleidingsheffings.
- 25 kennisgewing in die *Staatskoerant* 'n heffing, betaalbaar deur werkgewers in die algemeen of deur enige kategorie werkgewers in die kennisgewing vermeld, op lê met die doel om geld te verkry wat gebruik kan word vir die doeleindes van die bereiking van enige van die oogmerke van hierdie Wet, of vir
- 30 die finansiering van enige skema waaronder daar voorsiening gemaak word vir die verskaffing van opleiding en waarvoor daar nie in hierdie Wet voorsiening gemaak word nie.
- (2) 'n Kennisgewing ingevolge subartikel (1) gepubliseer—
- (a) moet die bedrag en grondslag van die heffing vermeld;
- 35 (b) moet die datum waarop sodanige heffing betaalbaar word en die persoon of beampte aan wie betalings ten opsigte van die heffing gemaak moet word, vermeld;
- (c) moet die doel waarvoor die heffing opgelê word en die grondslag waarop die opbrengs van die heffing bestee
- 40 sal word, vermeld;
- (d) kan van werkgewers wat verplig is om die heffing te betaal, vereis om vir die tydperke in die kennisgewing vermeld die aantekeninge te hou en die opgawes te doen wat aldus vermeld word;
- 45 (e) kan voorsiening maak vir die vrystelling van enige werkgewer of kategorie werkgewers van die verpligting om sodanige heffing te betaal, of in die algemeen of ten opsigte van 'n bepaalde nywerheid, gebied of kategorie werknemers;
- 50 (f) kan vir enige ander aangeleentheid voorsiening maak ten einde die doeltreffende toepassing van die bepalinge van daardie kennisgewing te verseker.
- (3) Die Minister kan, op dieselfde wyse, 'n kennisgewing wat ingevolge hierdie artikel gepubliseer is, intrek of van tyd tot tyd
- 55 wysig.
- (4) 'n Groep of vereniging van werkgewers wat 'n skema vir die opleiding van werknemers (uitgesonderd opleiding in verband waarmee die bepalinge van 'n ooreenkoms ingevolge artikel 48 van die Wet op Arbeidsverhoudinge, 1956 (Wet No.
- 60 28 van 1956), bindend verklaar is) tot stand gebring het wat voorsiening maak vir die instelling van 'n fonds vir die doeleindes van dié skema en voorsiening maak vir die betaling van bydraes (hieronder 'n heffing genoem) aan dié fonds deur werkgewers en die instelling van 'n liggaam om die fonds te
- 65 bestuur, kan die Minister versoek om die skema bindend te verklaar ten opsigte van die nywerheid waarin hulle betrokke is in die gebied waarin hulle aldus betrokke is.

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(5) Upon receipt of a request contemplated in subsection (4) the Minister may, if he deems it expedient to do so, and after consultation with the board, by notice in the *Gazette* declare that, with effect from a date and for a period specified in the notice, such provisions of the scheme as are set out in the notice shall be binding upon all employers and employees, or upon any specified group or class of employers and employees, engaged or employed in that industry in that area. 5

(6) The provisions of subsections (2) and (3) shall *mutatis mutandis* apply in respect of a notice referred to in subsection (5). 10

(7) The body referred to in subsection (4), which has been established to administer a fund referred to in that subsection, shall furnish the registrar with such information relating to that fund as the registrar may from time to time require. 15

Acceptance of
premiums and
bonuses.

40. (1) No person shall directly or indirectly require or permit any person to pay or give any consideration in respect of the employment of any trainee, minor or apprentice in a designated trade, or receive any such consideration from any person.

(2) Any person who has in contravention of the provisions of subsection (1) paid or given any such consideration, may recover it in a magistrate's court, and the said court may, if it has convicted any person of a contravention of the said subsection, summarily and without pleadings but in the presence of that person and on proof of the amount, give judgment therefor against the person so convicted, and the judgment shall be of the same force and effect and be executable in the same manner as if it had been given in a civil action duly instituted in that court. 20 25

Appeals to
Minister.

41. (1) Any employer, prospective employer, apprentice, prospective apprentice or minor, who feels aggrieved by a decision of the registrar in terms of section 13 (8), 16 (3) (d), 17 (4), 18 (3), (5) or (6), 19, 20 (1) or (2), 21, 22 (3), 23 (2) (a) or (7), 24, 25 (1) or 37, may within 30 days after the date of the decision appeal to the Minister, and the Minister may, after consultation with the board and the committee in question, confirm the registrar's decision or give such other decision as in the opinion of the Minister the registrar ought to have given. 30 35

(2) Any person whose application in terms of section 31 (1) or 32 (1) for the registration of a group training centre or a private training centre, as the case may be, has been refused by the registrar, or any employer whose application in terms of section 34 (1) for the registration of a training scheme has been refused by the registrar, may within 30 days after the date of the refusal appeal to the Minister, and the Minister may, after consultation with the board and the committee in question, confirm or set aside the registrar's decision and may, if he sets aside that decision, direct the registrar to register, subject to the provisions of section 31 (2), 32 (2) or 34 (2), as the case may be, the group training centre, private training centre or training scheme in question. 40 45 50

Evasion of payment
of remuneration.

42. (1) No employer shall require or permit—

- (a) any apprentice to pay or repay to him any remuneration or amount payable or paid to that apprentice in terms of the contract of apprenticeship or in terms of any condition of apprenticeship; 55
- (b) any trainee to pay or repay to him any remuneration or amount payable or paid to that trainee in terms of a notice served or deemed to have been served in terms of section 30 (3) or 30 (3) read with 30 (4),

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(5) By ontvangs van 'n versoek beoog in subartikel (4) kan die Minister, indien hy dit raadsaam ag om dit te doen, en na oorleg met die raad, by kennisgewing in die *Staatskoerant* verklaar dat, met ingang van 'n datum en vir 'n tydperk in die kennisgewing 5 vermeld, die bepalings van die skema wat in die kennisgewing uiteengesit word, bindend is vir alle werkgewers en werknemers, of vir 'n vermelde groep of kategorie werkgewers en werknemers, betrokke by of in diens in daardie nywerheid in daardie gebied.

10 (6) Die bepalings van subartikels (2) en (3) is *mutatis mutandis* van toepassing ten opsigte van 'n kennisgewing bedoel in subartikel (5).

(7) Die liggaam bedoel in subartikel (4), wat ingestel is om 'n fonds bedoel in daardie subartikel te bestuur, moet aan die 15 registrateur die inligting met betrekking tot daardie fonds verstrek wat die registrateur van tyd tot tyd vereis.

40. (1) Niemand mag regstreeks of onregstreeks eis of toelaat dat iemand enige vergoeding betaal of gee ten opsigte van die indienseeming van 'n kwekeling, minderjarige of vakleerling in 20 'n aangewese ambag nie, of enige sodanige vergoeding van iemand ontvang nie.

(2) Iemand wat in stryd met die bepalings van subartikel (1) enige sodanige vergoeding betaal of gegee het, kan daardie vergoeding in 'n landdroshof verhaal, en bedoelde hof kan, 25 indien hy enige persoon aan 'n oortreding van genoemde subartikel skuldig bevind het, summier en sonder pleitstukke, maar in die teenwoordigheid van daardie persoon en na bewys gelewer is van die bedrag, uitspraak daarvoor gee teen die persoon wat aldus skuldig bevind is, en die uitspraak het 30 dieselfde krag en uitwerking, en kan op dieselfde wyse ten uitvoer gelê word, asof dit gegee was in 'n siviele geding wat behoorlik in daardie hof ingestel is.

41. (1) 'n Werkgewer, voornemende werkgewer, vakleerling, voornemende vakleerling of 'n minderjarige, wat veronreg voel 35 deur 'n beslissing van die registrateur ingevolge artikel 13 (8), 16 (3) (d), 17 (4), 18 (3), (5) of (6), 19, 20 (1) of (2), 21, 22 (3), 23 (2) (a) of (7), 24, 25 (1) of 37, kan binne 30 dae na die datum van die beslissing na die Minister appelleer, en die Minister kan, na oorleg met die raad en die betrokke komitee, die beslissing 40 van die registrateur bekragtig of die ander beslissing gee wat die registrateur volgens die oordeel van die Minister behoort te gegee het.

(2) Iemand wie se aansoek ingevolge artikel 31 (1) of 32 (1) om die registrasie van 'n groeopleidingsentrum of 'n private 45 opleidingsentrum, na gelang van die geval, deur die registrateur geweier is, of enige werkgewer wie se aansoek ingevolge artikel 34 (1) om die registrasie van 'n opleidingskema deur die registrateur geweier is, kan binne 30 dae na die datum van die weiering na die Minister appelleer, en die Minister kan, na 50 oorleg met die raad en die betrokke komitee, die beslissing van die registrateur bekragtig of tersyde stel en kan, indien hy daardie beslissing tersyde stel, die registrateur gelas om, behoudens die bepalings van artikel 31 (2), 32 (2) of 34 (2), na gelang van die geval, die betrokke groeopleidingsentrum, 55 private opleidingsentrum of opleidingskema te registreer.

42. (1) Geen werkgewer mag vereis of toelaat dat—

(a) 'n vakleerling enige besoldiging of bedrag wat aan daardie vakleerling betaalbaar of betaal is ingevolge die kontrak van vakleerlingskap of ooreenkomstig 'n 60 leervoerwaarde, aan die werkgewer betaal of terugbetaal nie;

(b) 'n kwekeling enige besoldiging of bedrag wat aan daardie kwekeling betaalbaar of betaal is ingevolge 'n kennisgewing wat ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) bestel is of wat geag word ingevolge daarvan bestel te gewees het, aan die 65 werkgewer betaal of terugbetaal nie,

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or do any act or permit any act to be done as a direct or indirect result of which that apprentice or trainee is deprived of the benefit of any remuneration or amount so payable or paid, or of any portion thereof.

(2) No employer shall require or permit any apprentice or trainee to give a receipt for, or otherwise to represent that he has received, more than he has actually been paid by the employer.

Application of
wage regulating
measures.

43. Notwithstanding anything to the contrary contained in any law, the provisions of any wage regulating measure shall, in so far as they are not inconsistent with any provision of this Act or of any notice published or deemed to have been published in terms of section 13 or served or deemed to have been served in terms of section 30 (3) or 30 (3) read with 30 (4) and which applies to any employer, apprentice, minor or trainee, or with any provision of a contract of apprenticeship entered into or deemed to have been entered into by any apprentice in accordance with the provisions of this Act and registered or deemed to be registered in terms of section 16 (3) (d) or 18 (1) (c) or (3), apply in respect of such employer, apprentice, minor or trainee.

Records to be kept.

44. (1) Every employer upon whom a contract of apprenticeship is binding and every employer who employs a trainee or, in a designated trade, a minor other than an apprentice shall—

(a) at all times keep in respect of every apprentice or trainee concerned and every such minor a record of the remuneration paid, of the time worked and of such other particulars as may be prescribed, including, without prejudice to the generality of the provisions of this subsection, particulars of the progress made by such apprentice, trainee or minor in any prescribed course of training and the steps taken by the employer to carry out any conditions prescribed in terms of section 13 (2) (g); and

(b) furnish to every apprentice or trainee concerned and every such minor so employed a logbook in the prescribed form.

(2) (a) The records referred to in subsection (1) (a) shall be kept in the prescribed form and manner: Provided that a training adviser may in writing authorize the keeping of such records in some other form, provided the records kept in such latter form will in his opinion enable him to ascertain therefrom the required particulars.

(b) Any apprentice, trainee or minor referred to in subsection (1) (b) shall at the prescribed stages enter in the logbook furnished to him in terms of the said subsection, such particulars of the practical training received by him as may be prescribed.

(3) Every person who is or has been an employer referred to in subsection (1) shall, subject to the provisions of subsection (4), retain any record made in terms of that subsection for a period of three years subsequent to the date of the record, and shall on demand by a training adviser or authorized person made at any time during the said period of three years produce the said record for inspection.

(4) The Director-General or any officer designated by him for that purpose may, subject to such conditions and for such period as the Director-General or such officer may determine, authorize the retention, instead of a record referred to in subsection (3), of a microfilm or other microform reproduction thereof.

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of enige handeling verrig of toelaat dat enige handeling verrig word waarvan die regstreekse of onregstreekse gevolg is dat daardie vakleerling of kwekeling die voordeel van 'n aldus betaalbare of betaalde besoldiging of bedrag, of 'n gedeelte daarvan, ontnem word nie.

(2) Geen werkgewer mag vereis of toelaat dat 'n vakleerling of kwekeling 'n kwitansie uitreik vir meer as wat die werkgewer hom werklik betaal het, of op 'n ander wyse voorgee dat hy meer as dit ontvang het nie.

10 43. Ondanks andersluidende bepalings van die een of ander wet, is die bepalings van 'n loonreëlende maatreël ten opsigte van 'n werkgewer, vakleerling, minderjarige of kwekeling van toepassing vir sover dit nie onbestaanbaar is nie met 'n bepaling van hierdie Wet of van 'n kennisgewing gepubliseer ingevolge artikel 13 of bestel ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) of wat geag word ingevolge daarvan gepubliseer of bestel te gewees het, en wat op die werkgewer, vakleerling, minderjarige of kwekeling van toepassing is, of met 'n bepaling van 'n kontrak van vakleerlingskap wat deur 'n vakleerling 20 aangegaan is of wat geag word deur 'n vakleerling aangegaan te wees ooreenkomstig die bepalings van hierdie Wet en wat ingevolge artikel 16 (3) (d) of 18 (1) (c) of (3) geregistreer is of geag word ingevolge daarvan geregistreer te wees.

Toepassing van loonreëlende maatreëls.

25 44. (1) Elke werkgewer vir wie 'n kontrak van vakleerlingskap bindend is, en elke werkgewer wat 'n kwekeling, of, in 'n aangewese ambag, 'n minderjarige wat nie 'n vakleerling is nie, in diens het, moet—

Aantekeninge wat gehou moet word.

(a) te alle tye ten opsigte van elke betrokke vakleerling of kwekeling en elke sodanige minderjarige aantekeninge hou van die besoldiging wat betaal is, van die tyd wat gewerk is en van die ander voorgeskrewe besonderhede, met inbegrip, sonder afbreuk aan die algemeenheid van die bepalings van hierdie subartikel, van besonderhede van die vordering wat sodanige vakleerling, kwekeling of minderjarige in 'n voorgeskrewe opleidingskursus gemaak het en die stappe wat die werkgewer gedoen het om gevolg te gee aan enige voorwaardes wat ingevolge artikel 13 (2) (g) voorgeskryf is; en

40 (b) aan elke betrokke vakleerling of kwekeling en elke sodanige minderjarige wat aldus in diens is, 'n logboek in die voorgeskrewe vorm verskaf.

(2) (a) Die aantekeninge vermeld in subartikel (1) (a) moet in die voorgeskrewe vorm en op die voorgeskrewe wyse gehou word: Met dien verstande dat 'n opleidingsadviseur skriftelik magtiging kan verleen vir die hou van die aantekeninge in 'n ander vorm, mits die aantekeninge wat in laasgenoemde vorm gehou word hom, volgens sy oordeel, in staat sal stel om daaruit die nodige besonderhede te wete te kom.

50 (b) 'n Vakleerling, kwekeling of minderjarige vermeld in subartikel (1) (b) moet in die voorgeskrewe stadiums in die logboek wat aan hom ingevolge genoemde subartikel verskaf is, die voorgeskrewe besonderhede van die praktiese opleiding deur hom ontvang, aanteken.

(3) Elke persoon wat 'n werkgewer vermeld in subartikel (1) is of was, moet, behoudens die bepalings van subartikel (4), enige aantekening wat ingevolge daardie subartikel gemaak is, 60 vir 'n tydperk van drie jaar na die datum van die aantekening behou en moet op aanvraag deur 'n opleidingsadviseur of gemagtigde persoon te eniger tyd gedurende genoemde tydperk van drie jaar genoemde aantekeninge ter insae toon.

(4) Die Direkteur-generaal of 'n beamppte wat vir dié doel 65 deur hom aangewys is, kan, onderworpe aan die voorwaardes en vir die tydperk deur die Direkteur-generaal of daardie beamppte bepaal, die behoud van 'n mikrofilm- of ander mikrovormreproduksie van 'n aantekening bedoel in subartikel (3) in die plek van sodanige aantekening magtig.

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(5) The Director-General or the officer referred to in subsection (4) may at any time withdraw any authorization given in terms of that subsection.

Appointment of training advisers and authorized persons.

45. (1) The Minister may appoint any officer as a training adviser for the purposes of this Act. 5

(2) The Minister may, after consultation with the committee in question and subject to such conditions and restrictions as he may impose, authorize any person to perform such functions or to exercise such powers of a training adviser as the Minister may determine, in respect of a specified industry and area. 10

(3) Every training adviser and authorized person shall be furnished with a certificate, signed by the registrar, stating that he has been appointed as a training adviser or authorized person, as the case may be, in terms of this Act, and setting forth, in the case of an authorized person, any conditions or restrictions imposed in terms of subsection (2), the functions or powers which he may perform or exercise, and the industry and area in respect of which he may perform or exercise those functions or powers. 15

(4) The Minister may in writing and subject to such conditions as he may deem fit delegate his powers under this section to the Director-General or any other officer. 20

Powers of training advisers.

46. (1) A training adviser may—

(a) at the request of any employer or any other person who provides or intends to provide training to employees, workseekers or other persons— 25

(i) assist such employer or other person in the determination of needs relating to such training; 30

(ii) advise such employer or other person in connection with—

(aa) the development of training programmes followed or to be followed by him;

(bb) the improvement of the quality of the training provided by him;

(cc) the selection for training of employees, workseekers or other persons; 35

(dd) the testing of employees, workseekers or other persons during, or after completion of, their training;

(iii) give, to those persons providing instruction to such employees, workseekers or other persons in the course of such training, guidance in connection with any aspect of such instruction; and 40

(b) subject to the directions of the Director-General, take such other steps as may, in his opinion, serve to promote the training of employees, workseekers or other persons. 45

(2) A training adviser may conduct investigations—

(a) in order to ascertain whether any provision of this Act, or any condition of apprenticeship, or any provision of a notice served or deemed to have been served in terms of section 30 (3) or 30 (3) read with 30 (4) or published or deemed to have been published in terms of section 39 or 47 (1), or any condition specified in a certificate referred to in section 47 (3), or any condition imposed or deemed to have been imposed in terms of section 31 (2) (a), 32 (2) or 34 (2), is being or has been complied with; 55

(b) into the effectiveness of the training provided at any group training centre or private training centre or 60

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(5) Die Direkteur-generaal of die beampte bedoel in subartikel (4) kan te eniger tyd 'n magtiging ingevolge daardie subartikel verleen, intrek.

45. (1) Die Minister kan 'n beampte as 'n opleidingsadviseur 5 vir die doeleindes van hierdie Wet aanstel.

Aanstelling van opleidingsadviseurs en gemagtigde persone.

(2) Die Minister kan, na oorleg met die betrokke komitee en onderworpe aan die voorwaardes en beperkings wat hy oplê, enige persoon magtig om ten opsigte van 'n vermeldde nywerheid en gebied daardie werksaamhede of bevoegdhede van 'n 10 opleidingsadviseur wat die Minister bepaal, te verrig of uit te oefen.

(3) Elke opleidingsadviseur en gemagtigde persoon word voorsien van 'n sertifikaat, deur die registrateur onderteken, wat meld dat hy as opleidingsadviseur of gemagtigde persoon, na 15 gelang van die geval, ingevolge hierdie Wet aangestel is, en waarin, in die geval van 'n gemagtigde persoon, enige voorwaardes of beperkings ingevolge subartikel (2) opgelê, die werksaamhede of bevoegdhede wat hy mag verrig of uitoefen en die nywerheid en gebied ten opsigte waarvan hy daardie 20 werksaamhede of bevoegdhede mag verrig of uitoefen, vermeld word.

(4) Die Minister kan sy bevoegdhede ingevolge hierdie artikel skriftelik en op die voorwaardes wat hy goedvind aan die Direkteur-generaal of 'n ander beampte oordra.

25 46. (1) 'n Opleidingsadviseur kan—

Bevoegdhede van opleidingsadviseurs.

(a) op versoek van 'n werkgewer of enige ander persoon wat opleiding aan werknemers, werksoekers of ander persone verskaf of wat van voorneme is om sodanige opleiding te verskaf—

30 (i) aan sodanige werkgewer of ander persoon hulp verleen by die vasstelling van behoeftes in verband met sodanige opleiding;

(ii) sodanige werkgewer of ander persoon van advies dien in verband met—

35 (aa) die ontwikkeling van programme van opleiding wat deur hom gevolg word of gevolg staan te word;

(bb) die verbetering van die gehalte van die opleiding wat hy verskaf;

40 (cc) die keuring van werknemers, werksoekers of ander persone vir opleiding;

(dd) die toetsing van werknemers, werksoekers of ander persone gedurende of na voltooiing van hul opleiding;

45 (iii) aan die persone wat in die loop van bedoelde opleiding onderrig aan bedoelde werknemers, werksoekers of ander persone verskaf, leiding gee in verband met enige aspek van sodanige onderrig; en

50 (b) onderworpe aan die voorskrifte van die Direkteur-generaal, die ander stappe doen wat volgens sy oordeel kan dien ter bevordering van die opleiding van werknemers, werksoekers of ander persone.

(2) 'n Opleidingsadviseur kan ondersoek instel—

55 (a) ten einde vas te stel of daar voldoen word of voldoen is aan enige bepaling van hierdie Wet of aan enige leervoorwaarde of aan enige bepaling van 'n kennisgewing wat ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) bestel is of wat geag word 60 ingevolge daarvan bestel te gewees het of ingevolge artikel 39 of 47 (1) gepubliseer is of wat geag word ingevolge daarvan gepubliseer te gewees het, of aan enige voorwaarde vermeld in 'n sertifikaat bedoel in artikel 47 (3) of aan enige voorwaarde wat ingevolge 65 artikel 31 (2) (a), 32 (2) of 34 (2) opgelê is of wat geag word ingevolge daarvan opgelê te gewees het;

(b) na die doeltreffendheid van die opleiding wat by 'n groeppopleidingsentrum of 'n private opleidingsentrum

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- under any training scheme or by any employer to apprentices or trainees in his employ;
- (c) into any other matter connected with any group training centre, private training centre or training scheme or with the training of apprentices, trainees or other persons and which in the opinion of the registrar should be investigated, 5
- and may for that purpose—
- (i) enter any premises or place in respect of which he has reason to believe that it is used for or is connected with the providing of any training, and inspect such premises or place or any equipment, facilities or materials thereon or therein used for the purposes of such training; 10
- (ii) question, either in private or in the presence of any other person, any person whom he finds upon or in such premises or place; 15
- (iii) examine any book, record or other document, or a microfilm or other microform reproduction thereof, connected with any training, or in writing direct any person having in his possession or custody or under his control such book, record, other document or reproduction, to produce such book, record, other document or reproduction for inspection; 20
- (iv) make extracts from or copies of any book, record, other document or reproduction referred to in paragraph (iii). 25
- (3) No person shall—
- (a) refuse or fail to place, when required by a training adviser to do so, anything in his possession or custody or under his control, or which is upon any premises occupied by him, and which may in the opinion of the training adviser relate to an investigation being conducted by him in terms of subsection (2), at the disposal of the training adviser for the purposes of such an investigation; 30
- (b) refuse or fail to comply with any direction referred to in subsection (2) (iii);
- (c) hinder or obstruct any training adviser in the exercise of his powers; 40
- (d) falsely hold himself out to be a training adviser.
- (4) A training adviser who exercises any power conferred upon him by this section shall, at the request of any person affected by the exercise of such power, produce the certificate issued to him in terms of section 45 (3). 45
- (5) For the purposes of this section "training adviser" includes an authorized person.

Exemptions.

47. (1) Notwithstanding anything contained in this Act the Minister may, if in his opinion special circumstances exist which justify exemption, on the recommendation of the board and after consultation with the committee in question, by notice in the *Gazette* exempt any class, group, section or type of employers or employees specified in the notice, either generally or with such restrictions as he may deem fit, and subject to such conditions, if any, as he may impose in the notice, from any of or all the provisions of this Act, or from any provision of a notice served or deemed to have been served in terms of section 30 (3) or 30 (3) read with 30 (4), or from any provision of a notice published or deemed to have been published by virtue of the provisions of section 31 (5) or in terms of section 39, or from any condition of apprenticeship, and the Minister may, in so specifying any such class, group, section or type, apply any method of differentiation he may deem advisable: Provided that the Minister may not so differentiate on the basis of sex, race or colour. 65

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- of onder 'n opleidingskema of deur 'n werkgewer aan vakleerlinge of kwekelinge in sy diens, verskaf word;
- (c) na enige ander aangeleentheid wat met 'n groep-opleidingsentrum, 'n private opleidingsentrum of 'n opleidingskema of met die opleiding van vakleerlinge, kwekelinge of ander persone in verband staan en wat na die oordeel van die registrateur ondersoek behoort te word,
- 5 en kan vir daardie doel—
- (i) enige perseel of plek ten opsigte waarvan hy rede het om te glo dat dit gebruik word vir of in verband staan met die verskaffing van enige opleiding, betree of binnegaan en daardie perseel of plek of enige toerusting, fasiliteite of materiaal daarop of daarin wat vir 15 die doeleindes van sodanige opleiding gebruik word, inspekteer;
- (ii) iemand wat hy op of in daardie perseel of plek aantref, of alleen of in die teenwoordigheid van iemand anders ondervra;
- (iii) enige boek, aantekening of ander stuk, of 'n mikrofilm- of ander mikrovormreproduksie daarvan, wat in verband staan met enige opleiding, ondersoek, of iemand in wie se besit of bewaring of onder wie se beheer so 'n boek, aantekening, ander stuk of reproduksie is, 25 skriftelik gelas om dit vir inspeksie voor te lê;
- (iv) uittreksels uit of afskrifte van enige boek, aantekening of ander stuk of reproduksie bedoel in paragraaf (iii) maak.
- (3) Niemand mag—
- (a) weier of versuim om, wanneer 'n opleidingsadviseur dit van hom verlang, enigiets in sy besit of bewaring of onder sy beheer, of wat op 'n perseel is wat deur hom geokkupeer word, en wat na die oordeel van die opleidingsadviseur betrekking kan hê op 'n ondersoek 35 wat ingevolge subartikel (2) deur hom gedoen word, vir die doeleindes van so 'n ondersoek aan die opleidingsadviseur beskikbaar te stel nie;
- (b) weier of versuim om aan 'n lasgewing bedoel in subartikel (2) (iii) te voldoen nie;
- (c) 'n opleidingsadviseur by die uitoefening van sy bevoegdhede hinder of dwarsboom nie;
- (d) valslik voorgee dat hy 'n opleidingsadviseur is nie.
- (4) 'n Opleidingsadviseur wat 'n bevoegdheid uitoefen wat by hierdie artikel aan hom verleen word, moet op versoek van 45 iemand wat deur die uitoefening van daardie bevoegdheid geraak word, die sertifikaat toon wat ingevolge artikel 45 (3) aan hom uitgereik is.
- (5) By die toepassing van die bepalings van hierdie artikel beteken „opleidingsadviseur” ook 'n gemagtigde persoon.
- 50 47. (1) Ondanks die bepalings van hierdie Wet kan die Minister, indien daar na sy oordeel spesiale omstandighede bestaan wat vrystelling regverdig, op aanbeveling van die raad en na oorleg met die betrokke komitee, by kennisgewing in die *Staatukoerant* enige kategorie, groep, afdeling of soort werkgewers of werknemers in die kennisgewing vermeld, of in die 55 algemeen of met die beperkings wat hy goedvind, en onderworpe aan die voorwaardes, as daar is, wat hy in die kennisgewing oplê, vrystel van enige van of al die bepalings van hierdie Wet of van enige bepaling van 'n kennisgewing wat ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) bestel is of wat geag word ingevolge daarvan bestel te wees of van enige bepaling van 'n kennisgewing wat uit hoofde van die bepalings van artikel 31 (5) of ingevolge artikel 39 gepubliseer is of wat geag word uit hoofde of ingevolge daarvan gepubliseer te 65 gewees het, of van enige leervoorswaarde, en die Minister kan, by so 'n vermelding van so 'n kategorie, groep, afdeling of soort, op enige grond wat hy raadsaam ag, differensieer: Met dien verstande dat die Minister nie op grond van geslag, ras of kleur aldus mag differensieer nie.
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(2) The Minister may, in the same manner, withdraw or amend any notice published under subsection (1).

(3) The Minister may, after consultation with the committee in question, if in his opinion special circumstances exist which justify exemption, by means of a certificate signed by an officer, exempt any person, either generally or with such restrictions as he may deem fit and subject to such conditions as he may impose and for such period as he may specify, from any of or all the provisions of this Act, or from any provision of a notice served or deemed to have been served in terms of section 30 (3) or 30 (3) read with 30 (4), or from any provision of a notice published or deemed to have been published by virtue of the provisions of section 31 (5) or in terms of section 39, or from any condition of apprenticeship, or from any condition prescribed in a notice published under subsection (1).

(4) Notwithstanding the provisions of subsection (1), the provisions of any exemption which by virtue of the provisions of section 58 (2) is deemed to have been granted under this Act and which differentiate on the basis of sex, shall remain of force and effect until those provisions are amended or the exemption is withdrawn.

(5) The Minister may at any time, after consultation with the committee in question, withdraw any exemption granted in terms of subsection (3) or amend the conditions on which it was granted.

(6) The Minister may in writing and on such conditions as he may deem fit, delegate any power conferred upon him by subsection (3) or (5) to any officer in the service of the Department and may at any time withdraw such delegation.

Prohibition of victimization.

48. (1) No employer shall dismiss any person employed by him or reduce the rate of his remuneration or otherwise alter his conditions of service to conditions less favourable to him or alter to his disadvantage his position relatively to other persons employed by that employer, because that employer suspects or believes, whether or not the suspicion or belief is justified or correct, that—

- (a) that person has given to the Minister or the board or a training adviser, officer, authorized person, committee or sub-committee any information which he is by or in terms of this Act required to give, or which relates to his conditions of service or those of other persons employed by his employer, or has complied with any lawful requirement of the board, a training adviser, an authorized person, a committee or a sub-committee, or has given evidence before a court of law or the industrial court;
- (b) that person has refused or omitted to perform any act the performance of which an employer is by section 42 prohibited from requiring or permitting;
- (c) that person is or has been a member of any trade union or any other organization of employees the object of which is or was to protect or further the interests of employees in their relations with their employers, or takes or has taken part outside ordinary working hours or, with the consent of the employer, during working hours in the forming of or lawful activities of any such trade union or organization.

(2) The court convicting an employer of a contravention of the provisions of subsection (1) may, in addition to any sentence which it may impose—

- (a) where the reduction of the rate of remuneration or the alteration of the conditions of service or the position of an employee of that employer formed the subject of the charge on which the employer was convicted, order the employer to restore, subject to such conditions as the court may impose, the rate of remuneration, conditions of service or position of the employee to that existing prior to the reduction or alteration, with

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- (2) Die Minister kan op dieselfde wyse 'n kragtens subartikel (1) gepubliseerde kennisgewing intrek of wysig.
- (3) Die Minister kan, na oorleg met die betrokke komitee, indien daar na sy oordeel spesiale omstandighede bestaan wat 5 vrystelling regverdig, enige persoon, deur middel van 'n sertifikaat deur 'n beamppte onderteken, of in die algemeen of met die beperkings wat hy goedvind en onderworpe aan die voorwaardes wat hy oplê en vir die tydperk deur hom vermeld, vrystel van enige van of al die bepalings van hierdie Wet of van 10 enige bepaling van 'n kennisgewing wat ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) bestel is of wat geag word ingevolge daarvan bestel te wees, of van enige bepaling van 'n kennisgewing wat uit hoofde van die bepalings van artikel 31 (5) of ingevolge artikel 39 gepubliseer is of wat geag word uit 15 hoofde of ingevolge daarvan gepubliseer te gewees het, of van enige leervooraarde, of van enige voorwaarde wat in 'n kragtens subartikel (1) gepubliseerde kennisgewing voorgeskryf is.
- (4) Ondanks die bepalings van subartikel (1) bly die bepalings 20 van enige vrystelling wat uit hoofde van die bepalings van artikel 58 (2) geag word ingevolge hierdie Wet verleen te gewees het en wat op grond van geslag differensieer, van krag totdat daardie bepalings gewysig of die vrystelling ingetrek word.
- (5) Die Minister kan te eniger tyd, na oorleg met die betrokke 25 komitee, enige vrystelling wat ingevolge subartikel (3) verleen is, intrek of die voorwaardes waarop dit verleen is, wysig.
- (6) Die Minister kan enige bevoegdheid wat by subartikel (3) of (5) aan hom verleen is, skriftelik en op die voorwaardes wat hy goedvind aan 'n beamppte in die diens van die Departement 30 deleger en kan te eniger tyd so 'n delegasie intrek.

48. (1) Geen werkgewer mag 'n persoon in sy diens, uit sy diens ontslaan of die skaal van sy besoldiging verminder of sy diensvoorwaardes andersins verander tot voorwaardes wat vir hom minder gunstig is of sy posisie met betrekking tot ander 35 persone in daardie werkgewer se diens tot sy nadeel verander nie omrede daardie werkgewer vermoed of glo, hetsy die vermoede of geloof geregverdig of juis is al dan nie, dat—

- (a) daardie persoon aan die Minister of die raad of 'n opleidingsadviseur, beamppte, gemagtigde persoon, 40 komitee of onderkomitee inligting verstrek het wat hy by of ingevolge hierdie Wet verplig is om te verstrek of wat betrekking het op sy diensvoorwaardes of die van ander persone in sy werkgewer se diens, of aan 'n wettige vereiste gestel deur die raad, 'n opleidingsadviseur, 'n gemagtigde persoon, 'n komitee of 'n 45 onderkomitee voldoen het, of voor 'n geregshof of die nywerheidshof getuienis afgelê het;
- (b) daardie persoon geweier of nagelaat het om 'n handeling te verrig waarvan die werkgewer by artikel 42 verbied word om die verrigting te vereis of toe te laat;
- (c) daardie persoon 'n lid is of was van 'n vakvereniging of 50 enige ander organisasie van werknemers waarvan die oogmerk is of was om die belange van werknemers in hul betrekkings met hul werkgewers te beskerm of te bevorder, of buite gewone werkure of, met die 55 werkgewer se toestemming, binne werkure deelneem of deelgeneem het aan die stigting of wettige bedrywighede van so 'n vakvereniging of organisasie.

(2) Die hof wat 'n werkgewer aan 'n oortreding van die 60 bepalings van subartikel (1) skuldig bevind, kan, benewens enige vonnis wat hy mag oplê—

- (a) waar die vermindering van die skaal van besoldiging of die verandering van die diensvoorwaardes of posisie van 'n werknemer van daardie werkgewer die onderwerp van die aanklag was waarop die werkgewer 65 skuldig bevind is, die werkgewer beveel om, onderworpe aan die voorwaardes wat die hof oplê, die werknemer te herstel in die skaal van besoldiging, diensvoorwaardes of posisie, soos dit voor die ver-

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effect from the date on which the reduction or alteration was made;

- (b) where the dismissal of an employee of that employer formed the subject of the charge on which the employer was convicted, order the employer to pay to the employee an amount estimated by the court to be equal to three months' remuneration calculated at the rate according to which the employee was being remunerated at the time of his dismissal. 5

(3) Any order given under subsection (2) (b) shall have the effect of, and may be executed as if it were, a civil judgment in favour of the employee concerned. 10

Secrecy.

49. No member or alternate member of the board, a committee or a sub-committee, no training adviser, authorized person or officer and no person allowed to be present at any meeting of the board, a committee or a sub-committee, or at any interrogation by an investigating officer referred to in section 10, shall disclose to any person any information in relation to the financial or business affairs of any person, firm or business which came to his knowledge in the course of the performance of any function or the exercise of any power in terms of this Act or as the result of his attendance at such a meeting or interrogation, as the case may be, except— 20

- (a) to the Minister or an officer; or
(b) in the performance of his functions or the exercise of his powers in terms of this Act; or 25
(c) in the course of proceedings in the industrial court or a court of law.

Offences and penalties.

50. (1) Any person who contravenes or fails to comply with—
(a) any provision of a contract of apprenticeship registered or deemed to be registered in terms of section 16 (3) (d) or 18 (1) (c) or (3); 30
(b) any provision of a notice served or deemed to have been served in terms of section 30 (3) or 30 (3) read with 30 (4), or of a notice published or deemed to have been published by virtue of the provisions of section 31 (5) or in terms of section 39 or 47 (1); 35
(c) any provision contained in a certificate issued or deemed to have been issued in terms of section 47 (3);
(d) any condition of apprenticeship; or
(e) the provisions of section 10 (8), (10) or (11), 13 (11), 15 (1), (2) or (3), 16 (2), 16 (3) (a) or (c), 18 (2) or (4), 20 (4), 21 (1) (b), 22 (1) or (5) (b), 23 (3), 30 (5) (a), 31 (4) or (11), 33, 39 (7), 40 (1), 42, 44, 46 (3) or 49, 40
shall, subject to the provisions of subsection (4), be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment. 45

(2) Any person who—

- (a) fails to comply with any condition imposed in terms of section 22 (3) (a), 31 (2) (a), 32 (2) or 34 (2), or with an order given in terms of section 19 (1), 21 (1) (c) or 23 (2) (a) or (5), or with a direction referred to in section 4 (2) (f) or which has been issued in terms of section 30 (4) or (5) (b); 50
(b) in any manner furnishes or makes or causes to be furnished or made any return or statement for the purposes of or in connection with any application, request, appeal or proceedings in terms of this Act, or any return or statement in any other manner provided 55 60

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mindering of verandering bestaan het, en wel met ingang van die datum waarop die vermindering of verandering aangebring is;

- (b) waar die ontslag van 'n werknemer van daardie werkgewer die onderwerp van die aanklag was waarop die werkgewer skuldig bevind is, die werkgewer beveel om aan die werknemer 'n bedrag te betaal wat volgens beraming van die hof gelyk is aan drie maande se besoldiging teen die skaal waarvolgens die werknemer ten tyde van sy ontslag besoldig was.

(3) 'n Bevel kragtens subartikel (2) (b) gegee, het die uitwerking van 'n siviele vonnis ten gunste van die betrokke werknemer, en kan ten uitvoer gelê word asof dit so 'n vonnis is.

49. Geen lid of plaasvervangende lid van die raad, 'n komitee of 'n onderkomitee, geen opleidingsadviseur, gemagtigde persoon of beamppte en geen persoon wat toegelaat word om by 'n vergadering van die raad, 'n komitee of 'n onderkomitee, of by 'n ondervraging deur 'n ondersoekbeampte bedoel in artikel 10, teenwoordig te wees, mag aan enige persoon enige inligting met betrekking tot die finansiële of besigheidsake van enige persoon, firma of besigheid bekend maak wat hy by die verrigting van 'n werksaamheid of die uitoefening van 'n bevoegdheid ingevolge hierdie Wet of as gevolg van sy bywoning van so 'n vergadering of ondervraging, na gelang van die geval, te wete gekom het nie, behalwe—

- (a) aan die Minister of 'n beampte; of
(b) by die verrigting van sy werksaamhede of die uitoefening van sy bevoegdhede ingevolge hierdie Wet; of
(c) in die loop van verrigtinge in die nywerheidshof of 'n gereghshof.

50. (1) Iemand wat—

- (a) 'n bepaling van 'n kontrak van vakleerlingskap wat ingevolge artikel 16 (3) (d) of 18 (1) (c) of (3) geregistreer is of wat geag word ingevolge daarvan geregistreer te wees;
(b) 'n bepaling van 'n kennisgewing wat ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) bestel is of wat geag word ingevolge daarvan bestel te gewees het, of van 'n kennisgewing wat uit hoofde van die bepalings van artikel 31 (5) of ingevolge artikel 39 of 47 (1) gepubliseer is of wat geag word uit hoofde of ingevolge daarvan gepubliseer te gewees het;
(c) 'n bepaling vervat in 'n sertifikaat wat ingevolge artikel 47 (3) uitgereik is of wat geag word ingevolge daarvan uitgereik te gewees het;
(d) enige leervooraarde; of
(e) die bepalings van artikel 10 (8), (10) of (11), 13 (11), 15 (1), (2) of (3), 16 (2), 16 (3) (a) of (c), 18 (2) of (4), 20 (4), 21 (1) (b), 22 (1) of (5) (b), 23 (3), 30 (5) (a), 31 (4) of (11), 33, 39 (7), 40 (1), 42, 44, 46 (3) of 49, oortree of versuim om daaraan te voldoen, is, behoudens die bepalings van subartikel (4), aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met daardie boete sowel as daardie gevangenisstraf.

(2) Iemand wat—

- (a) versuim om te voldoen aan enige voorwaarde wat ingevolge artikel 22 (3) (a), 31 (2) (a), 32 (2) of 34 (2) opgelê is, of aan 'n bevel wat ingevolge artikel 19 (1), 21 (1) (c) of 23 (2) (a) of (5) gegee is, of aan 'n lasgewing bedoel in artikel 4 (2) (f) of wat ingevolge artikel 30 (4) of (5) (b) uitgereik is;
(b) op enige wyse enige opgawe of verklaring vir die doeleindes van of in verband met enige aansoek, versoek, appèl of verrigtinge ingevolge hierdie Wet, of so 'n opgawe of verklaring waarvoor op enige ander wyse in hierdie Wet voorsiening gemaak word, ver-

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Misdrywe en strawwe.

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for in this Act, knowing such return or statement to be false in respect of any particular thereof;
(c) makes any incorrect statement or entry in any record kept in terms of section 44, knowing it to be incorrect, shall be guilty of an offence and liable on conviction to the 5 penalties prescribed by subsection (1).

(3) (a) Any person who contravenes the provisions of section 48 (1), shall be guilty of an offence and liable on conviction to a fine not exceeding six hundred rand or to imprisonment for a period not exceeding one year 10 or to both such fine and such imprisonment.

(b) Any person who fails to comply with any order under section 48 (2) (a), shall be guilty of an offence and liable on conviction to a fine not exceeding twenty 15 rand for every day on which the offence continues.

(4) The provisions of subsection (1) (a) and (d) shall not apply in respect of a failure to attend any class or course or to attend at any place, and in connection with which an order in terms of section 21 (1) (c) has been given.

(5) The provisions of section 57 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall not apply in respect of an offence referred to in subsection (3) (a) or in respect of an offence which consists of a failure to make any payment to any apprentice or trainee or of a failure to pay any levy imposed or deemed to have been imposed by virtue of the provisions of 25 section 31 (5) or in terms of section 39.

Order upon
employer to pay
amount underpaid.

51. (1) Whenever an employer is convicted under section 50 (1) of a failure to make any payment owing by him to any apprentice or trainee, the court convicting him shall determine the difference between the amount which the employer paid and 30 the amount which he would have paid if the failure of which he has been convicted had not occurred, or, if no amount has been paid by the employer, the amount which he would have paid if the said failure had not occurred: Provided that if the court is unable on all the evidence, whether given before or after 35 conviction, to determine the said difference or the said amount exactly, it shall, to the best of its ability, estimate that difference or amount, as the case may be.

(2) The difference or amount determined in terms of subsection (1), or the amount at which it is estimated in terms of 40 the said subsection, is in this section referred to as the amount underpaid.

(3) The proceedings of the court under subsection (1) shall be taken before sentence is passed, and shall be deemed to form 45 part of the trial.

(4) After the court has in accordance with the provisions of subsection (1) determined or estimated the amount underpaid, the court shall order the convicted person to pay the said amount to an officer designated by the court (hereinafter referred to as the designated officer) within a period fixed by the 50 court, in instalments or otherwise, as the court may determine.

(5) The court may at any time, upon the application of the person convicted and on good cause shown by him, extend the period within which the amount underpaid shall be paid to the designated officer, or vary the amounts of the instalments. 55

(6) An order given in terms of the provisions of subsection (4) shall have the effect of, and may be executed as if it were, a civil judgment in favour of the Government of the Republic, and the designated officer shall pay any amount received by him in pursuance of the order to the apprentice or trainee in respect of 60 whom the failure occurred, or if he is a minor, to his guardian.

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strek of doen of laat verstrek of doen terwyl hy weet dat daardie opgawe of verklaring ten opsigte van enige besonderheid daarvan vals is;

- 5 (c) 'n onjuiste verklaring of inskrywing doen in 'n aantekening wat ingevolge artikel 44 gehou word, terwyl hy weet dat dit onjuis is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf by subartikel (1).

- 10 (3) (a) Iemand wat die bepalinge van artikel 48 (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens seshonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met daardie boete sowel as daardie gevangenisstraf.

- 15 (b) Iemand wat versuim om aan 'n bevel kragtens artikel 48 (2) (a) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig rand vir elke dag waarop die misdryf voortduur.

- (4) Die bepalinge van subartikel (1) (a) en (d) is nie van 20 toepassing nie ten opsigte van 'n versuim om 'n klas of kursus by te woon of om op 'n plek aanwesig te wees, en in verband waarmee 'n bevel ingevolge artikel 21 (1) (c) gegee is.

- (5) Die bepalinge van artikel 57 van die Strafproseswet, 1977 (Wet No. 51 van 1977), is nie van toepassing nie ten opsigte van 25 'n misdryf bedoel in subartikel (3) (a) of ten opsigte van 'n misdryf wat bestaan uit 'n versuim om aan 'n vakleerling of kwekeling 'n betaling te doen of uit 'n versuim om 'n heffing te betaal wat uit hoofde van die bepalinge van artikel 31 (5) of ingevolge artikel 39 opgelê is of wat geag word uit hoofde of 30 ingevolge daarvan opgelê te gewees het.

51. (1) Wanneer 'n werkgewer ingevolge die bepalinge van artikel 50 (1) skuldig bevind word aan 'n versuim om enige betaling wat deur hom aan 'n vakleerling of kwekeling verskuldig is, te doen, moet die hof wat hom skuldig bevind die verskil 35 tussen die bedrag wat die werkgewer betaal het en die bedrag wat hy sou betaal het indien die versuim waaraan hy skuldig bevind is nie plaasgevind het nie, of, indien die werkgewer geen bedrag betaal het nie, die bedrag wat hy sou betaal het indien bedoelde versuim nie plaasgevind het nie, bepaal: Met dien 40 verstande dat indien die hof uit al die getuienis, hetsy dit voor of na die skuldigbevinding afgelê is, nie in staat is om bedoelde verskil of bedoelde bedrag presies te bepaal nie, hy daardie verskil of bedrag, na gelang van die geval, na sy beste vermoë moet beraam.

- 45 (2) Die verskil of bedrag ingevolge subartikel (1) bepaal, of die bedrag waarop dit ingevolge genoemde subartikel beraam is, word in hierdie artikel die onderbetaalde bedrag genoem.

- (3) Die verrigtinge van die hof kragtens subartikel (1) moet plaasvind voordat die vonnis uitgespreek word en word geag 50 deel van die verhoor te wees.

- (4) Nadat die hof ooreenkomstig die bepalinge van subartikel (1) die onderbetaalde bedrag bepaal of beraam het, moet die hof die veroordeelde beveel om genoemde bedrag, by wyse van 55 paaieimente of andersins, na gelang die hof bepaal, binne 'n tydperk wat die hof bepaal aan 'n beampete wat die hof aanwys (hieronder die aangewese beampete genoem) te betaal.

- (5) Die hof kan te eniger tyd op aansoek van die veroordeelde en by aanvoering deur hom van goeie gronde die tydperk 60 waarbinne die onderbetaalde bedrag aan die aangewese beampete betaal moet word, verleng, of die bedrae van die paaieimente verander.

- (6) 'n Bevel ingevolge die bepalinge van subartikel (4) gegee, het die uitwerking van en kan ten uitvoer gelê word soos 'n 65 siviele vonnis ten gunste van die Regering van die Republiek, en die aangewese beampete moet enige bedrag wat hy ingevolge die bevel ontvang aan die vakleerling of kwekeling ten opsigte van wie die versuim plaasgevind het, oorbetaal, of as hy 'n minderjarige is, aan sy voog.

Bevel aan werkgewer om onderbetaalde bedrag te betaal.

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(7) It shall not be a defence to a charge of a failure referred to in subsection (1) to prove that the failure with which the accused is charged was due to lack of means.

(8) (a) Any employer who is notified by an officer of the Department that any amount of money as determined by that officer is payable by the employer to any person by virtue of any condition of apprenticeship, contract of apprenticeship or notice in terms of this Act, and who admits that the amount so determined is payable by him, may pay that amount to the officer of the Department for paying over to the person concerned.

(b) Any amount of money which has in terms of paragraph (a) been paid to an officer of the Department and which has, after the expiration of a period of six months as from the date on which it was received by him, not yet been paid over to the person to whom it was payable by the employer concerned, shall be paid into the State Revenue Fund.

(c) Money paid into the State Revenue Fund in terms of paragraph (b) may, on application made by the Director-General within three years as from the date on which it has been so paid into the said Fund, be paid to the Director-General for paying over to the person referred to in paragraph (b).

Order in respect of unpaid levies.

52. (1) Whenever any person is convicted under section 50 (1) (b) of a failure to pay a levy imposed or deemed to have been imposed by virtue of the provisions of section 31 (5) or in terms of section 39, the court convicting him shall, in addition to any punishment imposed in respect of the offence in question, summarily inquire into and assess the amount of the levy payable by that person to the governing body of the group training centre in question or to any person or officer referred to in section 39 (2) (b) or to any body referred to in section 39 (4), as the case may be, and order that person to pay that amount, in instalments or otherwise, as the court may determine, to the governing body in question or the person, officer or body concerned, as the case may be, within such period as the court may determine.

(2) An order given in terms of the provisions of subsection (1) shall have the effect of, and may be executed in the same manner as, a judgment pronounced in the course of civil proceedings.

(3) The provisions of section 51 (5) and (7) shall *mutatis mutandis* apply in respect of the payment of an amount in terms of an order referred to in subsection (1) and any failure to pay a levy referred to in that subsection, respectively.

(4) Any employer who is notified by the governing body of a group training centre, a person or officer referred to in section 39 (2) (b) or a body referred to in section 39 (4) that any amount of money as determined by that governing body, person, officer or body is payable by the employer by virtue of any notice in terms of this Act whereby a levy is imposed, and who admits that the amount so determined is payable by him, may pay that amount to the governing body, person, officer or body concerned for the purposes of the levy in question.

Liability of employer for acts or omissions of managers, agents or employees.

53. (1) If any manager, agent or employee of any employer has done or omitted to do any act which it would be an offence in terms of this Act for that employer to do or to omit to do, the employer shall be presumed himself to have done or omitted to do that act and shall be liable to be convicted and sentenced in respect of that act or omission unless it is proved that—

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(7) Dit is geen verweer teen 'n aanklag van 'n versuim in subartikel (1) bedoel, om te bewys dat die versuim waarvan die beskuldigde aangekla word, aan 'n gebrek aan middele te wyte was nie.

- 5 (8) (a) 'n Werkgewer wat deur 'n beampte van die Departement in kennis gestel word dat enige bedrag geld deur daardie beampte bepaal, uit hoofde van enige leer-voorwaarde, kontrak van vakleerlingskap of kennisgewing ingevolge hierdie Wet deur die werkgewer aan 'n persoon betaalbaar is en wat erken dat die aldus bepaalde bedrag deur hom betaalbaar is, kan daardie bedrag aan die beampte van die Departement betaal vir oorbetalings aan die betrokke persoon.
- 10 (b) Enige bedrag geld wat ingevolge paragraaf (a) aan 'n beampte van die Departement betaal is en wat na verloop van 'n tydperk van ses maande vanaf die datum waarop hy dit ontvang het nog nie aan die persoon aan wie dit deur die betrokke werkgewer betaalbaar was, oorbetalings is nie, moet in die Staatsinkomstefonds gestort word.
- 15 (c) Geld wat ingevolge paragraaf (b) in die Staatsinkomstefonds gestort is, kan, indien die Direkteur-generaal binne 'n tydperk van drie jaar vanaf die datum waarop dit aldus gestort is daarom aansoek doen, aan die
- 20 Direkteur-generaal betaal word vir oorbetalings aan die persoon bedoel in paragraaf (b).
- 25

52. (1) Wanneer 'n persoon ingevolge die bepalings van artikel 50 (1) (b) skuldig bevind word aan 'n versuim om 'n heffing te betaal wat uit hoofde van die bepalings van artikel 31
- 30 (5) of ingevolge artikel 39 opgelê is of wat geag word uit hoofde of ingevolge daarvan opgelê te gewees het, moet die hof wat hom skuldig bevind, benewens enige straf ten opsigte van die betrokke misdryf opgelê, op staande voet ondersoek instel na en die bedrag bepaal van die heffing wat deur daardie persoon aan
- 35 die beheerliggaam van die betrokke groepopleidingsentrum of 'n in artikel 39 (2) (b) bedoelde persoon of beampte of 'n in artikel 39 (4) bedoelde liggaam, na gelang van die geval, betaalbaar is en daardie persoon beveel om daardie bedrag, by wyse van paalemente of andersins, na gelang die hof bepaal, en binne 'n
- 40 tydperk wat die hof bepaal aan die betrokke beheerliggaam, persoon, beampte of liggaam, na gelang van die geval, te betaal.
- (2) 'n Bevel ingevolge die bepalings van subartikel (1) gegee, het die uitwerking van, en kan ten uitvoer gelê word op dieselfde wyse as, 'n vonnis wat in die loop van 'n siviele geding
- 45 uitgespreek is.

- (3) Die bepalings van artikel 51 (5) en (7) is *mutatis mutandis* van toepassing ten opsigte van onderskeidelik die betaling van 'n bedrag ingevolge 'n bevel bedoel in subartikel (1) en 'n versuim om 'n heffing bedoel in daardie subartikel te betaal.
- 50 (4) 'n Werkgewer wat deur die beheerliggaam van 'n groepopleidingsentrum, 'n in artikel 39 (2) (b) bedoelde persoon of beampte of 'n in artikel 39 (4) bedoelde liggaam in kennis gestel word dat enige bedrag geld deur daardie beheerliggaam, persoon, beampte of liggaam bepaal, uit hoofde van enige
- 55 kennisgewing ingevolge hierdie Wet waarby 'n heffing opgelê word, deur die werkgewer betaalbaar is en wat erken dat die aldus bepaalde bedrag deur hom betaalbaar is, kan daardie bedrag aan die betrokke beheerliggaam, persoon, beampte of liggaam betaal vir die doeleindes van die betrokke heffing.

- 60 53. (1) Wanneer 'n bestuurder, agent of werknemer van 'n werkgewer 'n handeling verrig het of versuim het om dit te verrig en dit 'n misdryf ingevolge hierdie Wet sou wees indien daardie werkgewer daardie handeling verrig het of versuim het om dit te verrig, word daardie werkgewer geag self daardie
- 65 handeling te verrig het of te versuim het om dit te verrigen kan hy ten opsigte van daardie handeling of versuim skuldig bevind en gevonnissen word tensy bewys word dat—

Bevel ten opsigte van onbetaalde heffings.

Aanspreeklikheid van werkgewer vir handeling of versuime van bestuurders, agente of werknemers.

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- (a) in doing or omitting to do that act, such manager, agent or employee was acting without the connivance or the permission of the employer;
- (b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; 5 and
- (c) it was not under any condition or in any circumstance within the scope of the authority or in the course of the employment of the manager, agent or employee concerned to do or to omit to do an act, whether 10 lawful or unlawful, of the nature of the act or omission charged.

(2) The fact that an employer issued instructions forbidding any act or omission of the kind in question, shall, for the purposes of subsection (1) (b), not by itself be regarded as 15 sufficient proof that he took all reasonable steps to prevent such act or omission.

(3) If any manager, agent or employee of any employer has done or omitted to do any act which it would be an offence in terms of this Act for that employer to do or to omit to do, that 20 manager, agent or employee shall be liable to be convicted and sentenced in respect of that act or omission as if he were the employer.

(4) Any manager, agent or employee referred to in subsection (3) may be convicted and sentenced in terms of the said 25 subsection, in addition to the employer concerned.

(5) Whenever the manager, agent or employee of any employer is by virtue of the provisions of subsection (4) convicted of a contravention of the provisions of section 48 (1) or of a failure referred to in section 51 (1) or section 52 (1), the 30 court shall give an order under section 48 (2), 51 (4) or 52 (1), as the case may be, against the employer, and the provisions of the said sections shall *mutatis mutandis* apply in respect of such order, and no such order shall be given against such manager, agent or employee. 35

Evidence and presumptions.

54. (1) Proof of publication in the *Gazette* of a notice in terms of section 13, 16, 30, 31, 39 or 47 shall be conclusive proof that all the provisions of this Act in respect of matters precedent or incidental to the publication of the notice have been complied with. 40

(2) In the absence of satisfactory proof of the age of a particular person, the age of that person shall, in any proceedings in terms of this Act, be deemed to be that stated by a training adviser or authorized person to be in his opinion the probable age of that person, but any interested person who is 45 dissatisfied with that statement may require that the person whose age is in question appear before and be examined by a district surgeon at the expense of the said interested person, and a statement contained in a certificate by the district surgeon who examined that person as to what in his opinion is the probable 50 age of that person, shall, for the purposes of the said proceedings, be conclusive proof of the age of that person.

(3) Whenever in any proceedings in terms of this Act it is proved that any person was at any time present upon or in any premises on or in which any particular industry was being 55 carried on, or in any vehicle used in the carrying on of that industry, that person shall, unless the contrary is proved, be deemed then to have been an employee of the person who at that time carried on that industry on or in those premises.

(4) A minor or apprentice shall be deemed to be working in a 60 designated trade during any period during which he is present on or in any premises on or in which that trade is being carried on: Provided that if it is proved that any minor or apprentice had not worked during any portion of any such period, the

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- (a) by die verrigting van daardie handeling of die versuim om dit te verrig, daardie bestuurder, agent of werknemer sonder die oogluikende toelating of die toestemming van die werkgewer gehandel het;
- 5 (b) die werkgewer alle redelike maatreëls getref het om 'n handeling of versuim van die betrokke aard te voorkom; en
- (c) 'n handeling of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard onder geen voorwaarde of omstandighede binne die bestek van die bevoegdheid of in die loop van die diens van die betrokke bestuurder, agent of werknemer geval het nie.

10 (2) By die toepassing van subartikel (1) (b) word die feit dat 'n werkgewer 'n handeling of versuim van die betrokke aard verbied het, nie op sigself as voldoende bewys beskou dat hy alle redelike maatreëls getref het om so 'n handeling of versuim te voorkom nie.

(3) Wanneer 'n bestuurder, agent of werknemer van 'n werkgewer 'n handeling verrig het of versuim het om dit te verrig en dit 'n misdryf ingevolge hierdie Wet sou wees indien daardie werkgewer daardie handeling verrig het of versuim het om dit te verrig, kan daardie bestuurder, agent of werknemer ten opsigte van daardie handeling of versuim skuldig bevind en gevonniss word asof hy die werkgewer was.

20 (4) 'n Bestuurder, agent of werknemer bedoel in subartikel (3) kan benewens die betrokke werkgewer ingevolge genoemde subartikel skuldig bevind en gevonniss word.

(5) Wanneer die bestuurder, agent of werknemer van 'n werkgewer uit hoofde van die bepalings van subartikel (4) skuldig bevind word aan 'n oortreding van die bepalings van artikel 48 (1) of aan 'n versuim bedoel in artikel 51 (1) of artikel 52 (1), gee die hof kragtens artikel 48 (2), 51 (4) of 52 (1), na gelang van die geval, 'n bevel teen die werkgewer, en die bepalings van genoemde artikels is *mutatis mutandis* ten opsigte van so 'n bevel van toepassing, en so 'n bevel word nie teen so 'n bestuurder, agent of werknemer gegee nie.

54. (1) Bewys van die publikasie in die *Staatskoerant* van 'n kennisgewing ingevolge artikel 13, 16, 30, 31, 39 of 47 is afdoende bewys dat aan al die bepalings van hierdie Wet met betrekking tot aangeleenthede wat die publikasie van die kennisgewing voorafgaan of daarmee in verband staan, voldoen is.

(2) By enige verrigtinge ingevolge hierdie Wet word, by ontstentenis van genoegsame bewys aangaande die ouderdom van 'n bepaalde persoon, die ouderdom van daardie persoon geag die ouderdom te wees wat 'n opleidingsadviseur of 'n gemagtigde persoon verklaar volgens sy oordeel die waarskynlike ouderdom van daardie persoon is, maar enige belanghebbende persoon wat ontevrede is met daardie verklaring kan eis dat die persoon wie se ouderdom in geskil is, op koste van bedoelde belanghebbende persoon voor 'n distriksgeneesheer verskyn en deur hom ondersoek word, en 'n verklaring vervat in 'n sertifikaat deur die distriksgeneesheer wat daardie persoon ondersoek het, aangaande wat volgens sy oordeel die waarskynlike ouderdom van daardie persoon is, is, vir die doel van bedoelde verrigtinge, afdoende bewys van die ouderdom van daardie persoon.

(3) Wanneer daar by enige verrigtinge ingevolge hierdie Wet bewys word dat 'n persoon te eniger tyd teenwoordig was op of in 'n perseel waarop of waarin 'n bepaalde nywerheid bedryf is, of in enige voertuig wat by die bedryf van daardie nywerheid gebruik is, word daardie persoon geag, tensy die teendeel bewys word, op daardie tyd 'n werknemer te gewees het van die persoon wat toe daardie nywerheid op of in daardie perseel bedryf het.

65 (4) 'n Minderjarige of 'n vakleerling word geag in 'n aangewese ambag werksaam te wees gedurende enige tydperk waartydens hy aanwesig is op of in 'n perseel waarop of waarin daardie ambag beoefen word: Met dien verstande dat indien daar bewys word dat 'n minderjarige of 'n vakleerling nie

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presumption provided for in this subsection shall not apply in respect of the minor or apprentice with reference to that portion of the period.

(5) In any proceedings in terms of this Act, any statement or entry contained in any book or document or in any microfilm or other microform reproduction of such a book or document kept by any employer or by his manager, agent or employee, or found upon or in any premises occupied by that employer, or in any vehicle used in the business of that employer, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer, or by any manager, agent or employee of that employer in the course of his work as manager or in the course of his agency or employment.

(6) If an employer has, in respect of any period, failed to keep the records which he is in terms of section 44 required to keep, or to retain such records for the period specified in subsection (3) of that section, or has falsified such records or caused them to be falsified, then in any proceedings under this Act, an employee employed by him during the period in respect of which the failure or the falsification has occurred shall be presumed to have worked in his employment each week during the whole period of his employment falling within the period in respect of which the failure or falsification occurred, not less than the ordinary number of hours which the employee was by virtue of the provisions of this Act required so to work: Provided that if it is proved what hours any such employee actually worked during any particular week during the period of his employment falling within the period in respect of which the failure or falsification occurred, the presumption provided for in this subsection shall not apply in respect of that employee in relation to that week.

(7) Whenever in any proceedings in terms of this Act it is proved that any incorrect statement or entry is contained in any record kept by any person in terms of this Act, that person shall be presumed, unless the contrary is proved, to have made that statement or entry knowing it to be incorrect.

(8) Whenever any person is charged in terms of the provisions of section 50 (1) with a failure to pay to any person employed by him during any period the remuneration which he in terms of—

- (a) any contract of apprenticeship registered or deemed to be registered in terms of section 16 (3) (d) or 18 (1) (c) or (3);
- (b) any condition of apprenticeship;
- (c) any notice served or deemed to have been served in terms of section 30 (3) or 30 (3) read with 30 (4); or
- (d) the provisions of a certificate issued or deemed to have been issued in terms of section 47 (3),

was required to pay to that person in respect of that period, and it is proved that that person was employed by the accused during any period covered by the charge and that in terms of that contract, condition of apprenticeship or notice or in terms of the provisions of that certificate, as the case may be, the accused was required to pay to that person a certain amount as remuneration in respect of that period, the accused shall be presumed, unless the contrary is proved, not to have paid that amount to that person.

(9) Whenever any person is charged in terms of the provisions of section 50 (3) with having, in contravention of the provisions

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gedurende enige gedeelte van so 'n tydperk gewerk het nie, die vermoede waarvoor in hierdie subartikel voorsiening gemaak word nie ten opsigte van die minderjarige of vakleerling met betrekking tot daardie gedeelte van die tydperk van toepassing is nie.

(5) By enige verrigtinge ingevolge hierdie Wet is 'n verklaring of inskrywing wat verskyn in enige boek of stuk of in enige mikrofilm- of ander mikrovormreproduksie van so 'n boek of stuk wat deur 'n werkgewer of deur sy bestuurder, agent of werknemer gehou word, of wat gevind word op of in 'n perseel wat deur daardie werkgewer geokkupeer word of in 'n voertuig wat in die besigheid van daardie werkgewer gebruik word, as getuienis teen hom toelaatbaar as 'n erkenning van die feite in daardie verklaring of inskrywing uiteengesit, tensy daar bewys word dat daardie verklaring of inskrywing nie deur daardie werkgewer, of deur 'n bestuurder, agent of werknemer van daardie werkgewer in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens, gedoen is nie.

(6) Indien 'n werkgewer versuim het om ten opsigte van die een of ander tydperk die aantekeninge te hou wat hy ingevolge artikel 44 moet hou, of om sodanige aantekeninge vir die in subartikel (3) van daardie artikel vermelde tydperk te behou, of sodanige aantekeninge vervals of laat vervals het, word daar by verrigtinge ingevolge hierdie Wet vermoed dat 'n werknemer wat by hom in diens was gedurende die tydperk ten opsigte waarvan die versuim of vervalsing plaasgevind het, elke week gedurende die hele tydperk van sy diens wat binne die tydperk val ten opsigte waarvan die versuim of vervalsing plaasgevind het, in sy diens nie minder gewerk het nie as die gewone getal ure wat die werknemer uit hoofde van die bepalings van hierdie Wet verplig was om aldus te werk: Met dien verstande dat indien daar bewys word watter ure so 'n werknemer werklik gewerk het gedurende 'n bepaalde week gedurende die tydperk van sy diens wat binne die tydperk val ten opsigte waarvan die versuim of vervalsing plaasgevind het, die vermoede waarvoor in hierdie subartikel voorsiening gemaak word nie ten opsigte van daardie werknemer met betrekking tot daardie week van toepassing is nie.

(7) Wanneer daar by enige verrigtinge ingevolge hierdie Wet bewys word dat enige onjuiste verklaring of inskrywing voorkom in enige aantekening wat ingevolge hierdie Wet deur enige persoon gehou is, word daar vermoed, tensy die teendeel bewys word, dat daardie persoon daardie verklaring of inskrywing gedoen het terwyl hy geweet het dat dit onjuis is.

(8) Wanneer iemand ingevolge die bepalings van artikel 50 (1) aangekla word van 'n versuim om aan 'n persoon wat gedurende enige tydperk by hom in diens was die besoldiging te betaal wat hy ingevolge—

- (a) 'n kontrak van vakleerlingskap wat ingevolge artikel 16 (3) (d) of 18 (1) (c) of (3) geregistreer is of wat geag word ingevolge daarvan geregistreer te wees;
- (b) 'n leervoorwaarde;
- (c) 'n kennisgewing wat ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) bestel is of wat geag word ingevolge daarvan bestel te gewees het; of
- (d) die bepalings van 'n sertifikaat wat ingevolge artikel 47 (3) uitgereik is of wat geag word ingevolge daarvan uitgereik te gewees het,

verplig was om ten opsigte van daardie tydperk aan daardie persoon te betaal, en daar bewys word dat daardie persoon gedurende enige tydperk waarop die aanklag betrekking het by die beskuldigde in diens was en dat die beskuldigde ingevolge daardie kontrak, leervoorwaarde of kennisgewing of ingevolge die bepalings van daardie sertifikaat, na gelang van die geval, verplig was om 'n sekere bedrag as besoldiging ten opsigte van daardie tydperk aan daardie persoon te betaal, word daar vermoed, tensy die teendeel bewys word, dat die beskuldigde nie daardie bedrag aan daardie persoon betaal het nie.

(9) Wanneer iemand ingevolge die bepalings van artikel 50 (3) daarvan aangekla word dat hy, in stryd met die bepalings van

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of section 48 (1) and by reason of a suspicion or belief referred to in that section and specified in the charge—

- (a) dismissed any person from his employment;
- (b) reduced the rate of such person's remuneration;
- (c) otherwise altered the conditions of service of such a person to conditions less favourable to him; or
- (d) altered to his disadvantage the position of such a person relatively to other persons employed by the accused,

and it is proved that the accused has committed any of the deeds referred to in paragraphs (a) to (d), inclusive, it shall be presumed, unless the contrary is proved, that the accused has so acted by reason of the suspicion or belief specified in the charge.

(10) Whenever any person is charged in terms of the provisions of section 50 (2) (b) with having furnished or made or caused to be furnished or made any return or statement knowing such return or statement to be false in respect of any particular thereof specified in the charge, and it is proved that such return or statement is false in respect of the said particular thereof, it shall be presumed, unless the contrary is proved, that the accused has furnished or made such return or statement or caused it to be furnished or made, knowing such return or statement to be false in respect of the said particular thereof.

(11) Any record purporting to be the minutes of a meeting of the board, any committee or sub-committee and purporting to have been signed by a person describing himself as the chairman or acting chairman of the board or the committee or sub-committee in question shall, on its mere production by any person, be *prima facie* proof of the proceedings recorded therein.

(12) Whenever any person is charged in terms of the provisions of section 50 (1) (e) with a contravention of section 20 (4), it shall be presumed, unless the contrary is proved, that the reduction in the hours or days of employment, or the lending or borrowing of the services of an apprentice, as the case may be, to which the charge relates, has not been authorized by the registrar as required by section 20.

(13) (a) In any proceedings under this Act, an affidavit purporting to have been made by the Minister, an officer to whom the Minister has or is deemed to have delegated any of his powers in terms of section 47 (6), the registrar or the secretary of any committee or sub-committee, as the case may be, in which it is stated that on the date or between the dates specified in the affidavit—

- (i) the Minister reached a decision on an appeal in terms of section 41; or
- (ii) the Minister or the said officer granted any exemption in terms of section 47 (3); or
- (iii) the registrar reached a decision or gave any authority or issued or varied any direction or order, as the case may be, under any provision of this Act; or
- (iv) the said secretary received a notice in terms of section 15 (1) from any person and in connection with any employment so specified; or
- (v) a notice in terms of section 30 (3) or 30 (3) read with 30 (4) was served on an employer; or
- (vi) the Minister or the said officer withdrew any exemption granted in terms of section 47 (3) or amended the conditions on which it was granted; or
- (vii) the registrar withdrew or amended any order issued by him in terms of section 19 or 21; or

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artikel 48 (1) en op grond van 'n in daardie artikel bedoelde en in die aanklag vermelde vermoede of geloof—

- (a) 'n persoon uit sy diens ontslaan het;
- (b) die skaal van so 'n persoon se besoldiging verminder het;
- (c) die diensvoorwaardes van so 'n persoon andersins verander het tot voorwaardes wat vir hom minder gunstig is; of
- (d) die posisie van so 'n persoon met betrekking tot ander persone in die beskuldigde se diens tot sy nadeel verander het,

en daar bewys word dat die beskuldigde die een of ander van die handelinge bedoel in paragrawe (a) tot en met (d) verrig het, word daar vermoed, tensy die teendeel bewys word, dat die beskuldigde aldus gehandel het op grond van die vermoede of geloof in die aanklag vermeld.

(10) Wanneer iemand ingevolge die bepalinge van artikel 50 (2) (b) daarvan aangekla word dat hy 'n in daardie artikel bedoelde opgawe of verklaring verstrek of gedoen het of laat verstrek of doen het terwyl hy geweet het dat bedoelde opgawe of verklaring ten opsigte van 'n in die aanklag vermelde besonderheid daarvan vals is, en daar bewys word dat daardie opgawe of verklaring ten opsigte van bedoelde besonderheid daarvan vals is, word daar vermoed, tensy die teendeel bewys word, dat die beskuldigde daardie opgawe of verklaring verstrek of gedoen het of laat verstrek of doen het terwyl hy geweet het dat daardie opgawe of verklaring ten opsigte van die genoemde besonderheid daarvan vals is.

(11) 'n Verslag wat die notule van 'n vergadering van die raad, 'n komitee of 'n onderkomitee heet te wees en heet onderteken te wees deur iemand wat homself as voorsitter of waarnemende voorsitter van die raad of die betrokke komitee of onderkomitee beskryf, dien, by blote voorlegging daarvan deur enige persoon, as *prima facie*-bewys van die verrigtinge daarin genotuleer.

(12) Wanneer iemand ingevolge die bepalinge van artikel 50 (1) (e) daarvan aangekla word dat hy die bepalinge van artikel 20 (4) oortree het, word daar vermoed, tensy die teendeel bewys word, dat die vermindering van die ure of dae van diens, of die uitleen of leen van die dienste van 'n vakleerling, na gelang van die geval, waarop die aanklag betrekking het, nie soos by artikel 20 vereis deur die registrateur gemagtig is nie.

(13) (a) By enige verrigtinge ingevolge hierdie Wet is 'n beëdigde verklaring wat heet afgelê te wees deur die Minister, 'n beampte aan wie die Minister ingevolge artikel 47 (6) enige van sy bevoegdhede gedelegeer het of geag word ingevolge daarvan te gedelegeer het, die registrateur of die sekretaris van 'n komitee of 'n onderkomitee, na gelang van die geval, waarin verklaar word dat op die datum of tussen die datums in die beëdigde verklaring vermeld—

- (i) die Minister by 'n appèl ingevolge artikel 41 'n besluit geneem het; of
- (ii) die Minister of bedoelde beampte ingevolge artikel 47 (3) 'n vrystelling verleen het; of
- (iii) die registrateur kragtens die een of ander bepaling van hierdie Wet 'n besluit geneem of 'n magtiging verleen het of 'n lasgewing of bevel uitgereik of gewysig het, na gelang van die geval; of
- (iv) bedoelde sekretaris 'n kennisgewing ingevolge artikel 15 (1) van 'n aldus vermelde persoon en in verband met aldus vermelde diens ontvang het; of
- (v) 'n kennisgewing ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) aan 'n werkgewer bestel is; of
- (vi) die Minister of bedoelde beampte 'n vrystelling wat ingevolge artikel 47 (3) verleen is, ingetrek of die voorwaardes waarop dit verleen is, gewysig het; of
- (vii) die registrateur 'n bevel ingevolge artikel 19 of 21 deur hom uitgereik, ingetrek of gewysig het; of

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- (viii) the said secretary did not receive any notice in terms of section 15 (1) from any person and in connection with any employment so specified; or
- (ix) an apprentice so specified did not attend any class prescribed in terms of section 13 (2) (d) and so specified, or did not complete any paper, so specified, in connection with correspondence courses prescribed in terms of section 13 (2) (a), and setting out, in the cases referred to in paragraphs (i) to (v), inclusive, the terms of the decision, exemption, authority, direction or order or variation thereof or notice, and, in a case referred to in paragraph (ix), particulars of the classes or papers in question, shall, on its mere production in those proceedings by any person, but subject to the provisions of paragraph (b), be *prima facie* proof of the facts stated therein.
- (b) The person presiding at the proceedings at which any such affidavit is adduced in evidence may cause the Minister, the said officer, the registrar or the said secretary, as the case may be, to be summoned to give oral evidence in the proceedings in question, or may cause written interrogatories to be submitted to him for reply, and the interrogatories and any reply on oath thereto purporting to be a reply from the Minister, the said officer, the registrar or the said secretary, as the case may be, shall in like manner be admissible as evidence in the proceedings.

Jurisdiction of
magistrates' courts.

55. Notwithstanding anything to the contrary contained in any law, a magistrate's court shall have jurisdiction to impose any penalty or to make any order of court provided for in this Act.

Civil legal remedies
of employees and
employers.

- 56. (1) The provisions of this Act shall not derogate from—
 - (a) any right which an apprentice may have to institute a civil action against his employer in respect of any contravention of or failure to comply with any provision of a contract of apprenticeship or any condition of apprenticeship, except in respect of a failure referred to in section 51 (1);
 - (b) any right which an employer may have to institute a civil action against an apprentice in respect of any contravention of or failure to comply with any provision of the contract of apprenticeship in question or any condition of apprenticeship.
- (2) No civil action for the recovery of any amount underpaid, referred to in section 51 (2), in respect of which an order has been issued in terms of section 51 (4), or for the recovery of an amount in respect of which an order has been issued in terms of section 52 (1), may be instituted in any court.
- (3) Subject to the provisions of subsection (4), the provisions of section 51 or of subsection (1) or (2) of this section shall not prohibit any employee—
 - (a) where his employer has been convicted of an offence consisting of a failure referred to in section 51 (1) which occurred in respect of that employee, from recovering from his employer, by way of a civil action, any amount owing to him under any agreement with his employer, in excess of the amount underpaid referred to in section 51 (2); or
 - (b) where his employer has not been so convicted, from recovering from his employer, by way of a civil action, any amount which his employer is required to pay to him in terms of the provisions of a contract of apprenticeship or of any notice in terms of this Act

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- (viii) bedoelde sekretaris nie 'n kennisgewing ingevolge artikel 15 (1) van 'n aldus vermelde persoon en in verband met aldus vermelde diens ontvang het nie; of
- 5 (ix) 'n aldus vermelde vakleerling nie die een of ander aldus vermelde klas wat ingevolge artikel 13 (2) (d) voorgeskryf is, bygewoon het nie, of nie die een of ander aldus vermelde vraestel in verband met korrespondensiekursusse wat ingevolge
- 10 artikel 13 (2) (a) voorgeskryf is, voltooi het nie, en waarin, in die in paragrafe (i) tot en met (v) bedoelde gevalle, die inhoud van die besluit, vrystelling, magtiging, lasgewing of bevel of wysiging daarvan of kennisgewing, en, in 'n geval vermeld in paragraaf
- 15 (ix), besonderhede van die betrokke klasse of vraestelle, weergegee word, by blote voorlegging daarvan deur enige persoon by daardie verrigtinge, maar behoudens die bepalings van paragraaf (b), *prima facie*-bewys van die daarin genoemde feite.
- 20 (b) Die persoon wat voorsit by die verrigtinge waarby so 'n beëdigde verklaring as getuienis aangebied word, kan die Minister, bedoelde beampte, die registrateur of bedoelde sekretaris, na gelang van die geval, laat
- 25 dagvaar om by die betrokke verrigtinge mondelinge getuienis af te lê, of kan skriftelike vraagpunte aan hom vir beantwoording laat voorlê, en die vraagpunte en enige beëdigde antwoord daarop wat 'n antwoord deur die Minister, bedoelde beampte, die registrateur of bedoelde sekretaris, na gelang van die geval, heet
- 30 te wees, is insgelyks as getuienis by die verrigtinge toelaatbaar.

55. Ondanks andersluidende wetsbepalings het 'n landdroshof regsbevoegdheid om enige straf op te lê of om enige hofbevel uit te reik waarvoor daar in hierdie Wet voorsiening

35 gemaak word.

Regsbevoegdheid
van landdroshof.

56. (1) Die bepalings van hierdie Wet doen nie afbreuk nie
- aan—
- (a) enige reg wat 'n vakleerling mag hê om 'n siviele geding teen sy werkgewer in te stel ten opsigte van 'n oortreding van of versuim om te voldoen aan enige bepaling van 'n kontrak van vakleerlingskap of enige leervoorswaarde, behalwe ten opsigte van 'n versuim bedoel in artikel 51 (1);
- 40 (b) enige reg wat 'n werkgewer mag hê om 'n siviele geding teen 'n vakleerling in te stel ten opsigte van 'n oortreding van of versuim om te voldoen aan enige bepaling van die betrokke kontrak van vakleerlingskap of enige leervoorswaarde.
- 45 (2) Geen siviele geding vir die verhaal van 'n onderbetaalde bedrag bedoel in artikel 51 (2) ten opsigte waarvan ingevolge artikel 51 (4) 'n bevel uitgereik is of vir die verhaal van 'n bedrag ten opsigte waarvan ingevolge artikel 52 (1) 'n bevel uitgereik is, kan in enige hof ingestel word nie.
- 50 (3) Behoudens die bepalings van subartikel (4) belet die bepalings van artikel 51 of van subartikel (1) of (2) van hierdie artikel nie 'n werknemer om—
- (a) waar sy werkgewer skuldig bevind is aan 'n misdryf bestaande uit 'n versuim bedoel in artikel 51 (1) wat ten opsigte van daardie werknemer plaasgevind het, enige bedrag wat die in artikel 51 (2) bedoelde onderbetaalde bedrag te bowe gaan en wat ingevolge 'n ooreenkoms met sy werkgewer aan hom verskuldig is; of
- 60 (b) waar sy werkgewer nie aldus skuldig bevind is nie, enige bedrag wat sy werkgewer ingevolge die bepalings van 'n kontrak van vakleerlingskap of van enige kennisgewing ingevolge hierdie Wet wat vir hom en sy
- 65
- Siviele regsmedele
van werknemers en
werkgewers.

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which is or was binding upon him and his employer, or in terms of any condition of apprenticeship.

(4) An employee to whom his employer has failed to pay any amount which the employer is required to pay to him in terms of any contract of apprenticeship or any condition of apprenticeship or in terms of the provisions of any notice in terms of this Act which is or was binding upon the employer, shall not be entitled to recover from his employer by means of a civil action the amount or any part of the amount which his employer has so failed to pay to him, unless—

- (a) that employee produces to the court a certificate signed by the attorney-general concerned in which the attorney-general states that he declines to prosecute in respect of the failure upon which the employee intends to base the cause of action; or
- (b) the employer has been acquitted on a charge of that failure.

Regulations.

57. (1) The Minister may make regulations relating to—

- (a) the issue by the registrar of copies of—
 - (i) contracts of apprenticeship registered by the registrar;
 - (ii) certificates issued by the registrar in terms of the provisions of section 13 (12), 27 (1), 28 (3) or 30 (6) or (7), and the fees payable in respect thereof;
- (b) the issue of certificates to persons who have successfully completed their training at any group training centre or private training centre or under any training scheme, and the form of such certificates;
- (c) any matter required or permitted to be prescribed by regulation in terms of this Act,

and, generally, relating to any other matter, whether or not connected with any matter specified in paragraphs (a) to (c), inclusive, which he may deem it necessary or expedient to prescribe in order better to achieve the objects and purposes of this Act.

(2) Any regulation relating to State revenue or expenditure shall be made with the concurrence of the Minister of Finance.

(3) Any regulations made under this section may prescribe penalties, not exceeding a fine of two hundred rand, for any contravention thereof or failure to comply therewith.

Repeal of laws, and savings.

58. (1) Subject to the provisions of subsections (2) to (8), inclusive, the laws specified in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

(2) Any rule, notice or certificate made, published, served or issued or any other steps taken or any other thing done in terms of a provision of a law repealed by subsection (1), shall be deemed to have been made, published, served, issued or done in terms of the corresponding provision of this Act.

(3) Any contract of apprenticeship registered in terms of the provisions of a law repealed by subsection (1), shall be deemed to be a contract of apprenticeship registered in terms of the provisions of this Act.

(4) Any committee or sub-committee established in terms of a provision of a law repealed by subsection (1), shall be deemed to be a committee or sub-committee established in terms of the provisions of this Act by the board or a committee, respectively.

(5) Any private centre approved or registered as a private centre in terms of a provision of a law repealed by subsection

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werkgewer bindend is of was, of ingevolge enige leervoorswaarde, verplig is om aan hom te betaal, deur middel van 'n siviele geding op sy werkgewer te verhaal nie.

5 (4) 'n Werknemer wie se werkgewer versuim het om aan hom enige bedrag te betaal wat die werkgewer ingevolge enige kontrak van vakleerlingskap of enige leervoorswaarde of ingevolge die bepalings van enige kennisgewing ingevolge hierdie Wet wat vir die werkgewer bindend is of was, verplig is om aan
10 hom te betaal, is nie geregtig om deur middel van 'n siviele geding die bedrag wat sy werkgewer aldus versuim het om aan hom te betaal, of enige gedeelte daarvan, op sy werkgewer te verhaal nie tensy—

15 (a) daardie werknemer aan die hof 'n sertifikaat voorlê wat deur die betrokke prokureur-generaal onderteken is en waarin die prokureur-generaal verklaar dat hy weier om te vervolg ten opsigte van die versuim waarop die werknemer voornemens is om die skuld-oorsaak te baseer; of

20 (b) die werkgewer op 'n aanklag weens daardie versuim vrygespreek is.

57. (1) Die Minister kan regulasies uitvaardig betreffende— Regulasies.

(a) die uitreiking deur die registrateur van afskrifte van—
25 (i) kontrakte van vakleerlingskap wat deur die registrateur geregistreer is;
(ii) sertifikate wat ingevolge die bepalings van artikel 13 (12), 27 (1), 28 (3) of 30 (6) of (7) deur die registrateur uitgereik is,

30 (b) en die gelde ten opsigte daarvan betaalbaar; die uitreiking van sertifikate aan persone wat by enige groepopleidingsentrum of private opleidingsentrum of deur middel van enige opleidingskema hul opleiding suksesvol voltooi het, en die vorm van sodanige sertifikate;

35 (c) enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word,

en oor die algemeen, betreffende enige ander aangeleentheid, hetsy dit met 'n aangeleentheid vermeld in paragrafe (a) tot en met (c) in verband staan al dan nie, wat hy nodig of raadsaam ag
40 om voor te skryf ten einde die oogmerke en doeleindes van hierdie Wet beter te verwesenlik.

(2) 'n Regulasie wat op Staatsinkomste of -uitgawes betrekking het, word uitgevaardig met die instemming van die Minister van Finansies.

45 (3) Regulasies kragtens hierdie artikel uitgevaardig, kan strawwe, wat 'n boete van tweehonderd rand nie te bowe gaan nie, voorskryf vir 'n oortreding daarvan of versuim om daaraan te voldoen.

58. (1) Behoudens die bepalings van subartikels (2) tot en met
50 (8) word die wette in die Bylae vermeld hierby herroep in die mate uiteengesit in die derde kolom van die Bylae. Herroeping van wette, en voorbehoude.

(2) Enige reël, kennisgewing of sertifikaat gemaak, gepubliseer, bestel of uitgereik of enige ander stappe of enigiets gedoen ingevolge 'n bepaling van 'n wet wat by subartikel (1)
55 herroep word, word geag gemaak, gepubliseer, bestel, uitgereik of gedoen te gewees het ingevolge die ooreenstemmende bepaling van hierdie Wet.

(3) 'n Leerlingkontrak geregistreer ingevolge die bepalings van 'n wet wat by subartikel (1) herroep word, word geag 'n
60 kontrak van vakleerlingskap te wees wat ingevolge die bepalings van hierdie Wet geregistreer is.

(4) 'n Komitee of 'n onderkomitee wat ingestel is ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep word, word geag 'n komitee of 'n onderkomitee te wees wat ingevolge die
65 bepalings van hierdie Wet deur onderskeidelik die raad of 'n komitee ingestel is.

(5) 'n Private sentrum wat ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep word as 'n private sentrum

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(1), shall be deemed to be a private training centre registered as such in terms of the provisions of this Act.

(6) Any scheme for the training of employees which has been recognized or registered in terms of a provision of a law repealed by subsection (1), shall be deemed to be a training scheme registered as such in terms of the provisions of this Act. 5

(7) Any public centre for the training of employees established in terms of section 7 (1) of the Black Employees' In-Service Training Act, 1976 (Act No. 86 of 1976), and any governing body contemplated in section 8 (1) of that Act, shall be deemed to be a group training centre registered as such in terms of the provisions of section 31 (2) (a) and a governing body contemplated in section 31 (2) (b), respectively. 10

(8) Any officer specified by the Minister under section 8 (1) of the Apprenticeship Act, 1944 (Act No. 37 of 1944), in a notice referred to in that section, shall be deemed to be an officer designated by the Director-General in terms of the provisions of section 9 (2) of this Act. 15

(9) The registrar shall record in an appropriate register the particulars of a contract of apprenticeship, a private centre, a scheme for the training of employees or a public centre for the training of employees which in terms of the provisions of subsections (3), (5), (6) and (7) is deemed to be, respectively, a contract of apprenticeship, a private training centre, a training scheme or a group training centre registered in terms of the provisions of this Act. 20 25

Short title and commencement.

59. This Act shall be called the Manpower Training Act, 1981, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Schedule

LAWS REPEALED

Number and year of law	Title of law	Extent of repeal
Act No. 37 of 1944	Apprenticeship Act, 1944	The whole
Act No. 28 of 1951	Apprenticeship Amendment Act, 1951	The whole
Act No. 38 of 1951	Training of Artisans Act, 1951	The whole
Act No. 28 of 1956	Labour Relations Act, 1956	Section 48A
Act No. 44 of 1957	Defence Act, 1957	Section 4 (2) <i>inter</i>
Act No. 7 of 1958	Police Act, 1958	Section 34B (4)
Act No. 29 of 1959	Apprenticeship Amendment Act, 1959	The whole
Act No. 46 of 1963	Apprenticeship Amendment Act, 1963	The whole
Act No. 86 of 1976	Black Employees' In-Service Training Act, 1976	The whole
Act No. 95 of 1979	In-Service Training Act, 1979	The whole

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goedgekeur of geregistreer is, word geag 'n private opleidingsentrum te wees wat ingevolge die bepalings van hierdie Wet as sodanig geregistreer is.

(6) 'n Skema vir die opleiding van werknemers wat erken of 5 geregistreer is ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep word, word geag 'n opleidingskema te wees wat ingevolge die bepalings van hierdie Wet as sodanig geregistreer is.

(7) 'n Openbare sentrum vir die opleiding van werknemers 10 wat ingevolge artikel 7 (1) van die Wet op Indiensopleiding van Swart Werknemers, 1976 (Wet No. 86 van 1976), ingestel is en 'n beheerliggaam beoog in artikel 8 (1) van daardie Wet word geag onderskeidelik 'n groepopleidingsentrum wat ingevolge die bepalings van artikel 31 (2) (a) as sodanig geregistreer is en 'n 15 beheerliggaam beoog in artikel 31 (2) (b) te wees.

(8) 'n Beampte wat kragtens artikel 8 (1) van die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), in 'n kennisgewing bedoel in daardie artikel deur die Minister vermeld is, word geag 'n beampte te wees wat ingevolge die bepalings van artikel 20 9 (2) van hierdie Wet deur die Direkteur-generaal aangewys is.

(9) Die registrateur moet die besonderhede van 'n leerling-kontrak, 'n private sentrum, 'n skema vir die opleiding van werknemers of 'n openbare sentrum vir die opleiding van werknemers wat ingevolge die bepalings van subartikels (3), (5), 25 (6) en (7) onderskeidelik geag word 'n kontrak van vakleerling-skap, 'n private opleidingsentrum, 'n opleidingskema of 'n groepopleidingsentrum te wees wat ingevolge die bepalings van hierdie Wet geregistreer is, in 'n toepaslike register aanteken.

59. Hierdie Wet heet die Wet op Mannekragopleiding, 1981, Kort titel en 30 en die bepalings daarvan tree in werking op 'n datum wat die inwerkingtreding. Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Bylae

WETTE HERROEP

Nommer en jaar van Wet	Titel van Wet	In hoeverre herroep
Wet No. 37 van 1944 ...	Wet op Vakleerlinge, 1944	Die geheel
Wet No. 28 van 1951 ...	Wysigingswet op Vakleerlinge, 1951	Die geheel
Wet No. 38 van 1951 ...	Wet op Opleiding van Ambagsmanne, 1951	Die geheel
Wet No. 28 van 1956 ...	Wet op Arbeidsverhoudinge, 1956	Artikel 48A
Wet No. 44 van 1957 ...	Verdedigingswet, 1957	Artikel 4 (2)ter
Wet No. 7 van 1958 ...	Polisiewet, 1958	Artikel 34B (4)
Wet No. 29 van 1959 ...	Wysigingswet op Vakleerlinge, 1959	Die geheel
Wet No. 46 van 1963 ...	Wysigingswet op Vakleerlinge, 1963	Die geheel
Wet No. 86 van 1976 ...	Wet op Indiensopleiding van Swart Werknemers, 1976	Die geheel
Wet No. 95 van 1979 ...	Wet op Indiensopleiding, 1979	Die geheel

