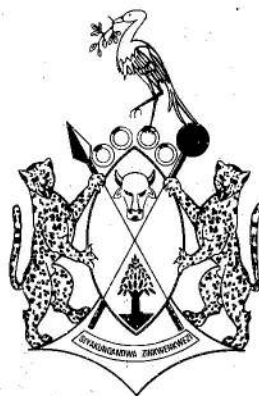


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DEPARTMENT OF MANPOWER UTILISATION

GOVERNMENT NOTICE NO. 78

IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS
ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY
PUBLISHED FOR GENERAL INFORMATION:-

MACHINERY AND OCCUPATIONAL SAFETY AMENDMENT ACT, 1985

ACT NO. 25 OF 1985

MACHINERY AND OCCUPATIONAL SAFETY AMENDMENT ACT, 1985

ACT

To amend the Machinery and Occupational Safety Act, 1984.

English text signed by the President. Assented to on 14 August 1985.

BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:-

Amendment of section 4 of Act 35 of 1984.

1. Section 4 of the Machinery and Occupational Safety Act, 1984 (hereinafter in this Act referred to as the principal Act) is hereby amended by the deletion in paragraph (c) of the words "and Welfare", wherever they occur.

Amendment of section 13 of Act 35 of 1984.

2. Section 13 of the principal Act is hereby amended by the deletion in subsection (4) of the words "and Welfare".

Amendment of section 21 of Act 35 of 1984.

3. Section 21 of the principal Act is hereby amended by the substitution in subsection (2) (d) for the word "which" of the word "who".

Amendment of section 24 of Act 35 of 1984.

4. Section 24 of the principal Act is hereby amended —
 - (a) by the substitution for subsection (2) of the following subsection:

"(2) (a) For the purposes of an inquiry to be conducted in terms of subsection (1) an inspector may in writing summon any person to appear before him on a day and at a time and place specified in the summons to give evidence or to produce a book or any writing or thing which in the opinion of the inspector has a bearing on the subject of the inquiry and which he shall specify in the summons.

(b) The summons contemplated in paragraph (a) shall further state that the person to whom it is directed shall have the right to be assisted at the inquiry by an advocate or an attorney."
 - (b) by the addition to paragraph (b) of subsection (4) of the following proviso:

"Provided further that if, after the said person has appeared in answer to the summons the inspector is satisfied that he was a necessary witness, the inspector shall declare accordingly and thereafter cause the amount deposited for the summoning of such person to be refunded to the depositor."
 - (c) by the substitution for subsection (5) of the following subsection:

"(5) Every person giving evidence at an inquiry under this section shall do so under oath or affirmation and such oath or affirmation shall be administered by the inspector or by an interpreter in his presence."
 - (d) by the substitution for subsection (9) of the following subsection:

"(9) The inspector holding an inquiry under this section shall record the evidence given thereat either verbatim or in narrative form or shall cause it to be so recorded and shall, at the conclusion of the inquiry, transmit the record of the proceedings together with his report to the chief inspector, and in the case of an incident in or consequence of which any person died or was seriously injured or became seriously ill, the inspector shall send a copy of the record of the proceedings and of his report to the attorney-general."
 - (e) by the addition thereto of the following subsections:

"(12) Any evidence given by any person at an inquiry conducted under this section shall be admissible in any proceedings instituted against such person and any admission by him in such evidence of any fact in issue in such proceedings shall be sufficient proof of such fact unless he satisfies the court that the evidence in question was incorrectly recorded or, if the evidence was given through an interpreter, incorrectly interpreted.

(13) In the proceedings contemplated in subsection (12) it shall be sufficient to prove the original record of the relevant inquiry if there is produced to the court a copy of such record, certified or purporting to be certified as a true copy of such record by the inspectors who conducted the inquiry or by the chief inspector or, in the case where the proceedings at the inquiry were recorded in shorthand or by mechanical or other means, by the person who transcribed such record.

(14) The certified copy of the record mentioned in subsection (13) shall on its mere production be *prima facie* proof that any matter purporting to be recorded therein was properly recorded."

Amendment of section 28 of Act 35 of 1984.

5. Section 28 of the principal Act is hereby amended —
 - (a) by the deletion in paragraph (k) (ii) of subsection (1) of the expression "after he has been directed under section 24 (5) to do so";
 - (b) by the insertion after paragraph (1) of subsection (1) of the following paragraph:

"(1A) having been called under section 24 (3) to give evidence, wilfully makes under oath or affirmation any statement whatever which he knows to be false or which he does not know or believe to be true,"; and
 - (c) by the addition of the following subsection:

"(3) Any person, who under subsection (13) of section 24 certifies as true, knowing it to be false, any copy of the record of an inquiry conducted under that section, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding two years."

MACHINERY AND OCCUPATIONAL SAFETY AMENDMENT ACT, 1985

Amendment of section 31 of Act 35 of 1984.

6. Section 31 of the principal Act is hereby amended by the substitution in subsection (7) for the word "records" wherever it occurs, of the word "record".

Amendment of section 34 of Act 35 of 1984.

7. Section 34 of the principal Act is hereby amended by the substitution in subsection (1) for the words "the Act" of the words "this Act".

Amendment of section 35 of Act of 1985.

8. Section 35 of the principal Act is hereby amended by the deletion in subsection (2) of the words "and Welfare".

Short title.

9. This Act shall be called the Machinery and Occupational Safety Amendment Act, 1985.

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