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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1891.

2 September 1987

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

No. 38 of 1987: Mines and Works Amendment Act, 1987.

No. 1891.

2 September 1987

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

No. 38 van 1987: Wysigingswet op Myne en Bedrywe, 1987.

Act No. 38, 1987

MINES AND WORKS AMENDMENT ACT, 1987

GENERAL EXPLANATORY NOTE:

[]

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Mines and Works Act, 1956, so as to further regulate the regulatory powers of the Minister; repeal certain provisions; replace certain provisions; and provide that the State shall be bound by certain provisions of this Act; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 25 August 1987.)

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

Amendment of section 1 of Act 27 of 1956, as amended by section 1 of Act 46 of 1964, section 1 of Act 91 of 1965, section 1 of Act 42 of 1968, section 1 of Act 40 of 1971 and section 11 of Act 62 of 1973.

1. Section 1 of the Mines and Works Act, 1956 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for paragraph (f) of the definition of “works” of the following paragraph:

“(f) the drying or calcining of any source material as defined in the **[Atomic] Nuclear Energy Act, [1967 (Act No. 90 of 1967)] 1982, (Act No. 92 of 1982);**”;

and

(b) by the substitution for the definition of “Minister” of the following definition:

“‘Minister’ means the Minister of **[Mines] Mineral and Energy Affairs;**”.

Amendment of section 4 of Act 27 of 1956, as amended by section 5 of Act 46 of 1964 and section 2 of Act 40 of 1971.

2. Section 4 of the principal Act is hereby amended by the 15 substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) Every inspector shall pay all moneys received by him as a fine imposed in terms of paragraph (a) into the **[Consolidated Revenue] State Revenue Fund.**”.

Repeal of section 10 of Act 27 of 1956, as substituted by section 4 of Act 40 of 1971.

3. Section 10 of the principal Act is hereby repealed.

Amendment of section 12 of Act 27 of 1956, as amended by section 11 of Act 46 of 1964, section 3 of Act 91 of 1965,

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

(a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) the making and keeping of mine plans and the filing of copies thereof with the Department of **[Mines] Mineral and Energy Affairs;**”;

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Myne en Bedrywe, 1956, ten einde die regulasiebevoegdheid van die Minister verder te reël; sekere bepalings te herroep; sekere uitdrukkings te vervang; en te bepaal dat die Staat deur sekere bepalings van hierdie Wet gebind word; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Augustus 1987.)*

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

1. Artikel 1 van die Wet op Myne en Bedrywe, 1956 (hieronder die Hoofwet genoem), word hierby gewysig—
 - 5 (a) deur paragraaf (f) van die omskrywing van "bedryf" deur die volgende paragraaf te vervang:

"(f) die droog of kalsinerings van bronmateriaal soos in die Wet op **[Atoomkrag, 1967 (Wet No. 90 van 1967)] Kernenergie, 1982 (Wet No. 92 van 1982)**, omskryf;" en
 - 10 (b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

"Minister" die Minister van **[Mynwese] Mineraal- en Energiesake**;"
- 15 2. Artikel 4 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:
 - 20 "(c) Elke inspekteur moet alle gelde wat deur hom ontvang is as 'n boete wat ingevolge paragraaf (a) opgelê is, in die **[Gekonsolideerde Inkomstefonds] Staatsinkomstefonds stort**."
3. Artikel 10 van die Hoofwet word hierby herroep.
4. Artikel 12 van die Hoofwet word hierby gewysig—
 - 25 (a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

"(c) die opstel en bewaring van mynkaarte en die lissering van afskrifte daarvan by die Departement van **[Mynwese] Mineraal- en Energiesake**;"

Wysiging van artikel 1 van Wet 27 van 1956, soos gewysig deur artikel 1 van Wet 46 van 1964, artikel 1 van Wet 91 van 1965, artikel 1 van Wet 42 van 1968, artikel 1 van Wet 40 van 1971 en artikel 11 van Wet 62 van 1973.

Wysiging van artikel 4 van Wet 27 van 1956, soos gewysig deur artikel 5 van Wet 46 van 1964 en artikel 2 van Wet 40 van 1971.

Herroeping van artikel 10 van Wet 27 van 1956, soos vervang deur artikel 4 van Wet 40 van 1971.

Wysiging van artikel 12 van Wet 27 van 1956, soos gewysig deur artikel 11 van Wet 46 van 1964, artikel 3 van Wet 91 van 1965,

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section 6 of
Act 42 of 1968,
section 5 of
Act 40 of 1971,
section 12 of
Act 62 of 1973
and section 3 of
Act 83 of 1977.

MINES AND WORKS AMENDMENT ACT, 1987

- (b) by the insertion in subsection (1) of the following paragraphs after paragraph (n):
- “(nA) the requirements with which a person, with a view to safety and health at mines or works, must comply to be allowed as a candidate for the acquisition of a certificate of competency referred to in paragraph (n), including requirements relating to practical experience, command of language, physical health, security, age, educational qualifications or training standard: Provided that no distinction shall be made on the basis of race or colour; 5
- (nB) the issue and the form of a certificate as proof of compliance with the requirements for allowance as contemplated in paragraph (nA); 10
- (nC) the institution and composition of committees to advise the Minister and the matters about which they must so advise the Minister;” 15
- (c) by the substitution for paragraph (s) of subsection (1) of the following paragraph:
- “(s) the number of hours and the number of shifts during any specified period which employees with a view to safety and health may work or be permitted to work in and at mines or works and the travelling time taken up in getting employees from the shaftheads or other entrances to mines to their working places at the commencement of their shift and back again to the shaftheads or other entrances to mines at the conclusion of their shift;” 20 25
- (d) by the deletion of paragraphs (u) and (v) of subsection (1); 30
- (e) by the substitution for subsection (2) of the following subsection:
- “(2) For the purposes of paragraph (nC) of subsection (1) the Minister shall consult with any employees’ or employers’ organization in the mineral industry, as well as any other organization or organizations, which in his opinion may have an interest in the institution and composition of the relevant committee.”; and 35
- (f) by the deletion of subsection (5).

Insertion of
section 19A in
Act 27 of 1956.

5. The following section is hereby inserted in the principal Act 40 after section 19:

“Act binds
State.

19A. The provisions of this Act, except the penal provisions, shall bind the State: Provided that the Minister may on the recommendation of the Director-General: Mineral and Energy Affairs by notice in the *Gazette* declare that the provisions of this section shall not apply in respect of a mine or works mentioned in the notice which are under the control of the State.”. 45

Substitution of the
word “magistraat” in
Act 27 of 1956.

6. The principal Act is hereby amended by the substitution in 50 the Afrikaans text of sections 4 (3), 4 (4), 12 (1) (k) and 19 for the word “magistraat”, wherever it occurs, of the word “land-dros”.

Short title.

7. This Act shall be called the Mines and Works Amendment Act, 1987, and shall come into operation on a date to be fixed by 55 the State President by proclamation in the *Gazette*.

WYSIGINGSWET OP MYNE EN BEDRYWE, 1987

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- (b) deur in subartikel (1) die volgende paragrawe na paragraaf (n) in te voeg:

“(nA) die vereistes waaraan ’n persoon, met die oog op

veiligheid en gesondheid by myne of bedrywe, moet voldoen om as ’n kandidaat vir die verowering van ’n bevoegdheidsertifikaat in paragraaf (n) bedoel, toegelaat te word, met inbegrip van vereistes aangaande praktiese ervaring, taalvaardigheid, fisiese gesondheid, sekerheid, ouderdom, opvoedkundige kwalifikasies of opleidingspeil: Met dien verstande dat geen onderskeid op die grondslag van ras of kleur gemaak word nie;

(nB) die uitreiking en die vorm van ’n sertifikaat as bewys van voldoening aan die vereistes vir toelating in paragraaf (nA) beoog;

(nC) die instelling en samestelling van komitees om die Minister te adviseer en die aangeleenthede waarvoor hulle die Minister aldus moet adviseer;”;

- (c) deur paragraaf (s) van subartikel (1) deur die volgende paragraaf te vervang:

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

- (d) deur paragrawe (u) en (v) van subartikel (1) te skrap;

- (e) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) By die toepassing van paragraaf (nC) van subartikel (1) raadpleeg die Minister enige werknemers- of werkgewersorganisasie in die mineraalbedryf, asook enige ander organisasie of organisasies, wat na sy oordeel ’n belang by die instelling en samestelling van die betrokke komitee mag hê.”; en

- (f) deur subartikel (5) te skrap.

5. Die volgende artikel word hierby in die Hoofwet na artikel 19 ingevoeg:

“Wet bind Staat.

19A. Die bepalinge van hierdie Wet, uitgesonderd die strafbepalinge, bind die Staat: Met dien verstande dat die Minister op aanbeveling van die Direkteur-generaal: Mineraal- en Energiesake by kennisgewing in die *Staatskoerant* kan verklaar dat die bepalinge van hierdie artikel nie van toepassing is nie ten opsigte van ’n myn of bedryf in die kennisgewing vermeld wat onder die beheer van dié Staat is.”.

Invoeging van artikel 19A in Wet 27 van 1956.

6. Die Hoofwet, word hierby gewysig deur in artikels 4 (3), 4 (4), 12 (1) (k) en 19 die woord “magistraat”, oral waar dit voorkom, deur die woord “landdros” te vervang.

Vervanging van die woord “magistraat” in Wet 27 van 1956.

7. Hierdie Wet heet die Wysigingswet op Myne en Bedrywe, 1987, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel.

