

REPUBLIEK  
VAN  
SUID-AFRIKA



REPUBLIC  
OF  
SOUTH AFRICA

# Staatskoerant Government Gazette

Verkoopprijs • Selling price  
(AVB uitgesluit/GST excluded)

Plaaslik **50c** Local  
Buitelands **70c** Other countries  
Posvry • Post free

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the post office as a Newspaper

Vol. 272

PRETORIA, 26 FEBRUARIE 1988  
FEBRUARY

No. 11149

## ALGEMENE KENNISGEWING

### KENNISGEWING 113 VAN 1988

#### DEPARTEMENT VAN MANNEKRAG

#### KONSEPWYSIGINGSWETSONTWERP OP MANNEKRAGOPLEIDING

Die Konsepwysigingswetsontwerp op Mannekragopleiding wat in die Bylae verskyn, spruit hoofsaaklik voort uit die Witskrif oor die Gesamentlike Verslag van die Raad vir Geesteswetenskaplike Navorsing en die Nasionale Opleidingsraad oor die Ondersoek na die opleiding van Ambagsmanne in die Republiek van Suid-Afrika, met die kommentaar, standpunte en besluite van die Regering op die aanbevelings.

Die Konsepwysigingswetsontwerp op Mannekragopleiding word hierby vir algemene inligting gepubliseer. Enige kommentaar of vertoë daaromtrent deur belanghebbendes, moet nie later nie as 8 April 1988 skriftelik en in duplikaat by die Direkteur-generaal: Mannekrag, Privaatsak X117, Pretoria, 0001, ingedien word.

Algemene verduidelikende notas:

- [ ]** Woorde in vet druk tussen vierkantige hake dui skrappings uit die bestaande verordeninge aan.  
— Woorde met 'n volstreep daaronder dui invoegings in bestaande verordeninge aan.

#### BYLAE

#### KONSEPWETSONTWERP

Tot wysiging van die Wet op Mannekragopleiding, 1981, om voorsiening te maak vir 'n nadere omskrywing van die werksaamhede en bevoegdhede van die Nasionale Opleidingsraad; die stigting van nywerheidsopleidingsrade; die akkreditering van nywerheidsopleidingsrade om hulle met

## GENERAL NOTICE

### NOTICE 113 OF 1988

#### DEPARTMENT OF MANPOWER

#### MANPOWER TRAINING DRAFT AMENDMENT BILL

The Manpower Training Draft Amendment Bill which appears in the Schedule, originates mainly from the White Paper on the Joint Report of the Human Sciences Research Council and the National Training Board on the Investigation into the training of Artisans in the Republic of South Africa, with the comments, standpoints and decisions of the Government on the recommendations.

The Manpower Training Draft Amendment Bill is hereby published for general information. Any comment or representations thereon by interested persons should be submitted in writing and in duplicate, to the Director General: Manpower, Private Bag X117, Pretoria, 0001, not later than 8 April 1988.

General explanatory note:

- [ ]** Words in bold type in square brackets indicate deletions from existing enactments.  
— Words underlined with a solid line indicate insertions in existing enactments.

#### SCHEDULE

#### DRAFT AMENDMENT BILL

To amend the Manpower Training Act, 1981, to provide for a better description of the functions and powers of the National Training Board; the establishment of industry

die nodige statutêre en ander bevoegdhede te beklee om, onder andere, die vakleerlingskapstelsel oor te neem en leervooraardes vir vakleerlingskap vir die nywerheid en die gebied ten opsigte waarvan hulle geakkrediteer is, op te stel; die desentralisering van toetsing van vakleerlinge; die registrasie van streeksopleidingsentrums, private opleiding-sentrums en nywerheidsopleidingsentrums; en bykomstige aangeleenthede wat daarmee in verband staan of daaruit voortvloei.

*Ingedien deur die Minister van Mannekrag en van Openbare Werke en Grondsake*

DAAR WORD DEUR die Staatspresident en die Parlement van die Republiek van Suid-Afrika soos volg bepaal:

1. Die "INDELING VAN ARTIKELS" in die Wet op Mannekragopleiding, 1981 (hieronder die Hoofwet genoem) word hierby soos volg gewysig:

"INDELING VAN ARTIKELS"

|                                                                                                                                              | Artikel  |
|----------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Woordomskrywing .....                                                                                                                        | 1        |
| Toepassing van Wet .....                                                                                                                     | 2        |
| HOOFSTUK 1 Nasionale Opleidingsraad [, Komitees en Verwante Aangeleenthede] .....                                                            | 3-[12]6  |
| HOOFSTUK 2 Registrateur van Mannekragopleiding, Nywerheidsopleidingsrade, Opleiding van Vakleerlinge en Verwerwing van Ambagsmanstatus ..... | [13]7-29 |
| HOOFSTUK 3 Opleiding van Kwekelinge .....                                                                                                    | 30       |
| HOOFSTUK 4 Opleidingsentrums [en -skemas] .....                                                                                              | 31-37    |
| HOOFSTUK 5 Mannekragontwikkelingsfonds .....                                                                                                 | 38       |
| HOOFSTUK 6 Algemene Bepalings .....                                                                                                          | 39-59"   |

2. Artikel 1 van die Hoofwet word hierby gewysig—

- (a) deur na subartikel (i) die volgende nuwe subartikel (iA) in te voeg:

"(iA) 'adviserende komitee vir streeksopleidingsentrums' 'n komitee wat ingevolge die bepaling van artikel 31B ingestel is; (iA)";

- (b) deur subartikel (vii) met die volgende subartikel te vervang:

"(vii) 'die betrokke komitee' 'n komitee wat deur 'n geakkrediteerde nywerheidsopleidingsraad ingevolge artikel 10 (2) saamgelees met die bepaling van sy konstitusie ingestel is en aan wie hy sy bevoegdhede en werksaamhede of sekere daarvan, gedelegeer het om te verrig in die nywerheid en gebied wat hy bepaal, of by onstentenis van so 'n komitee, die betrokke nywerheidsopleidingsraad; (xxxii)";

- (c) deur subartikel (xi) soos volg te wysig:

"(xi) 'gemagtigde persoon' iemand wat [ingevolge die bepaling van artikel 45 (2)] deur 'n geakkrediteerde nywerheidsopleidingsraad gemagtig is om enige werksaamhede of bevoegdhede [van 'n opleidingsadviseur] wat binne die bevoegdheidsfeer van daardie nywerheidsopleidingsraad val, te verrig of uit te oefen; (iv)";

training boards; the accreditation of industry training boards to vest them with the necessary statutory and other powers to, among other things, take over the apprenticeship system and to compile conditions of apprenticeship for the industry and the area in respect of which they have been accredited; decentralizing of testing of apprentices; the registration of regional training centres, private training centres and industry training centres; and additional matters pertaining thereto.

*Introduced by the Minister of Manpower and of Public Works and Land Affairs*

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

1. The "ARRANGEMENT OF SECTIONS" in the Manpower Training Act, 1981 (hereinafter referred to as the principal Act), is hereby amended as follows:

"ARRANGEMENT OF SECTIONS"

|                                                                                                                                    | Section  |
|------------------------------------------------------------------------------------------------------------------------------------|----------|
| Definitions .....                                                                                                                  | 1        |
| Application of Act .....                                                                                                           | 2        |
| CHAPTER 1 National Training Board [, Committees and Related Matters] .....                                                         | 3-[12]6  |
| CHAPTER 2 Registrar of Manpower Training, Industry Training Boards, Training of Apprentices and attainment of Artisan Status ..... | [13]7-29 |
| CHAPTER 3 Training of Trainees .....                                                                                               | 30       |
| CHAPTER 4 Training Centres [and Schemes] .....                                                                                     | 31-37    |
| CHAPTER 5 Manpower Development Fund .....                                                                                          | 38       |
| CHAPTER 6 General Provisions .....                                                                                                 | 39-59"   |

2. Section 1 of the principal Act is hereby amended—

- (a) by the insertion of subsection (iA) before subsection (i):

"(iA) 'advisory committee for regional training centres' a committee established in terms of the provisions of section 31B; (iA)";

- (b) by amending subsection (iii) as follows:

"(iii) 'area of jurisdiction', in relation to any [committee] industry training board, means the area in respect of which that [committee has been established] industry training board has been accredited [and, in relation to any sub-committee 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)";

- (c) by amending subsection (iv) as follows:

"(iv) 'authorized person' means any person authorized [in terms of the provisions of section 45 (2)] by an accredited industry training board to perform any of the functions or to exercise any of the powers [of a training adviser] of that industry training board; (xi)";

- (d) deur subartikel (xii) in sy geheel te skrap;
- (e) deur subartikel (xiv) in sy geheel te skrap;
- (f) deur na subartikel (xxi) die volgende nuwe subartikels (xxiA) en (xxiB) in te voeg:

“(xxiA) ‘nywerheidsopleidingsraad’ of ‘opleidingsraad’, behalwe waar dit onbestaanbaar met die samehang of duidelik onvanpas is, ’n nywerheidsopleidingsraad wat ingevolge hierdie Wet geakkrediteer is; (xxA)

(xxiB) ‘nywerheidsopleidingsentrum’ ’n sentrum wat ingevolge die bepalings van artikel 34 as ’n nywerheidsopleidingsentrum geregistreer is; (xxB)”;

- (g) deur subartikel (xxiii) in sy geheel te skrap;
- (h) deur subartikel (xxvii) in sy geheel te skrap;
- (i) deur subartikel (xxxiii) soos volg te wysig:

“(xxxiii) ‘regsgebied’ met betrekking tot ’n **[komitee]** nywerheidsopleidingsraad die gebied ten opsigte waarvan daardie **[komitee ingestel]** nywerheidsopleidingsraad ingevolge hierdie Wet geakkrediteer 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); en

- (j) deur na subartikel (xxxiii) die volgende nuwe subartikel (xxxiiiA) in te voeg:

“(xxxiiiA) ‘streeksopleidingsentrum’ ’n sentrum wat ingevolge die bepalings van artikel 31 (2) as ’n streeksopleidingsentrum geregistreer is of wat geag word ingevolge daarvan as sodanig geregistreer te wees; (xxviiA)”

- 3. Die opskrif by artikel 3 van die Hoofwet word hierby soos volg gewysig:

“**NATIONALE OPLEIDINGSRAAD [ , KOMITEES EN VERWANTE AANGELEENTHEDE]**”

- 4. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (10) daarvan soos volg te wysig:

“(10) Aan ’n lid, met inbegrip van ’n lid bedoel in subartikel (5), **[en]** ’n plaasvervangende lid en ’n lid (met inbegrip van ’n gekoopteerde lid) van ’n komitee 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.”

- 5. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (2) soos volg te wysig:

“(a) op sy eie of in samewerking met **[die Nasionale Mannekragkommissie]** wie hy ookal nodig mag ag, navorsing doen of laat doen in verband met opleiding en die behoeftes op die gebied van opleiding;”;

- (d) by the deletion of subsection (vi);
- (e) by the deletion of subsection (xvi);
- (f) by the insertion of the following new subsections (xxA) and (xxB) after subsection (xx):

“(xxA) ‘industry training board’ or ‘training board’, except where it is inconsistent with the context or clearly inappropriate, means an industry training board accredited in terms of this Act; (xxiA)

(xxB) ‘industry training centre’ means a centre registered as an industry training centre in terms of section 34; (xxiB)”;

- (g) by the insertion of subsection (xxviiiA) after subsection (xxviii):

“(xxviiiA) ‘regional training centre’ means a centre registered or deemed to be registered as a regional training centre in terms of section 31 (2); (xxxiiiA);”

- (h) by the deletion of subsection (xxxii);
- (i) by the substitution for subsection (xxxii) of the following subsection:

“(xxxii) ‘the committee in question’ means a committee established by an accredited industry training board in terms of section 10 (2) read with the provisions of its constitution, and to whom it delegated all or certain of its powers and functions to be performed in the industry and area stipulated by it or, in the absence of such committee, the industry training board concerned;” (vii); and

- (j) by the deletion of subsection (xxxix).

- 3. The heading of section 3 of the principal Act is hereby amended as follows:

“**NATIONAL TRAINING BOARD [ , COMMITTEES AND RELATED MATTERS]**”

- 4. Section 3 of the principal Act is hereby amended by the substitution for subsection (10) of the following subsection:

“(10) There shall be paid to a member, including any member referred to in subsection (5), **[and]** an alternate member and a member (including a co-opted member) of a committee 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.”

- 5. Section 4 of the principal Act is hereby amended—

- (a) by amending paragraph (a) of subsection (2) as follows:

“(a) by itself or in collaboration with **[the National Manpower Commission]** whomsoever it may deem necessary, do research work or let such research work be done in connection with training and the needs in the field of training;”;

- (b) deur in paragraaf (b) van subartikel (2) die woorde "stappe doen vir" met die woorde "advies lewer in verband met" te vervang;
- (c) deur in paragraaf (c) van subartikel (2) die woorde "en advies lewer oor" tussen die woorde "na" en "die" in te voeg;
- (d) deur paragraaf (d) van subartikel (2) soos volg te wysig:
- “(d) saamwerk met die Departement [.] en ander Staatsdepartemente, owerheidsinstansies en statutêre liggame in verband met aangeleenthede wat met mannekragopleiding verband hou [.]”;
- (e) deur paragrawe (e) en (f) van subartikel (2) te skrap;
- (f) deur subartikel (3) met die volgende subartikel te vervang:
- “(3) Die raad kan, vir die doeleindes van die verrigting van enige van sy werksaamhede, met die goedkeuring van die Minister gegee met die instemming van die Minister van Finansies, ’n kontrak vir die verrigting van ’n besondere handeling of besondere werk of die lewering van besondere dienste aangaan met enigiemand wat na die oordeel van die raad geskik is om sodanige handeling of werk te verrig of sodanige dienste te lewer.”; en
- (g) deur die volgende subartikels na subartikel (3) in te voeg:
- “(4) (a) Die raad moet so gou doenlik na 31 Desember in elke jaar aan die Minister ’n verslag verstrek ten opsigte van sy bedrywighede en die opleidingsituasie in die Republiek gedurende die jaar wat op daardie datum eindig.
- (b) Elke sodanige verslag wat volgens die oordeel van die Minister sonder benadeling van die openbare belang bekend gemaak kan word, moet so gou doenlik in die Parlement ter tafel gelê word.
- (5) Die bepalings van artikel 49 is *mutatis mutandis* van toepassing ten opsigte van enige lid van die raad en enige lid van ’n komitee van die raad vir sover sodanige bepalings aldus toegepas kan word.”.
6. Artikel 5 van die Hoofwet word hierby gewysig deur die kanttekening en die artikel met die volgende te vervang:
- “Ondersoeke deur raad.
5. (1) Behoudens die bepalings van hierdie artikel kan die raad by die verrigting van sy werksaamhede—
- (a) te eniger tyd enige plek binnegaan met die doel om ’n ondersoek ter plaatse daarop of daarin uit te voer vir die ver-
- (b) by the substitution in paragraph (b) of subsection (2) for the words "take steps for" of the words "give advice in connection with";
- (c) by the insertion of the words "and give advice on" between the words "investigate" and "the";
- (d) by amending paragraph (d) of subsection (2) as follows:
- “(d) collaborate with the Department and other Departments of State, government authorities and statutory bodies in connection with matters pertaining to manpower training [.]”;
- (e) by the deletion of paragraphs (e) and (f) of subsection (2);
- (f) by the substitution for subsection (3) of the following subsection:
- “(3) The board may, for the purposes of the performance of any of its functions, with the approval of the Minister granted with the concurrence of the Minister of Finance, enter into any contract for the performance of any particular act or particular work or the rendering of particular services, with any person who is in the opinion of the board fit to perform such act or work or to render such service.”; and
- (g) by the insertion of the following subsections after subsection (3):
- “(4) (a) The board shall as soon as possible after 31 December in each year furnish the Minister with a report in respect of its activities and the training situation in the Republic during the year ending on that date.
- (b) Every such report which in the opinion of the Minister may be made known without detriment to the public interest, shall as soon as practicable be tabled in Parliament.
- (5) The provisions of section 49 shall *mutatis mutandis* apply in respect of any member of the board and any member of any committee of the board in so far as such provisions can be so applied.”.
6. Section 5 of the principal Act is hereby amended by the substitution for the section and its side-note of the following:
- “Investigations by board.
5. (1) Subject to the provisions of this section, the board may, in the performance of its functions—
- (a) at any time enter any premises whatsoever for the purpose of making an investigation in loco thereon or therein

kryging van inligting wat die raad benodig vir die doeleindes van of in verband met enige ondersoek of navor-sing wat hy kragtens hierdie wet doen en die eienaar of okkupeerder van enige sodanige plek, en elke persoon deur hom in diens geneem, moet te alle tye die fasiliteite verskaf wat die raad vir die binnegaan van sodanige plek en die uitvoering van sodanige ondersoek nodig mag hê;

- (b) enigeen wat na sy mening moontlik in staat is om inligting van wesenlike belang te verstrek omtrent 'n onderwerp wat ondersoek word, of wat hy vermoed of glo enige boek, stuk of ding wat betrekking het op die onderwerp wat ondersoek word, in sy besit of bewaring of onder sy beheer het, as getuie dagvaar om op 'n in die subpoena vermelde tyd en plek voor hom te verskyn om ondervra te word of om daardie boek, stuk of ding voor te lê: Met dien verstande dat as 'n betrokke persoon of liggaam die raad oortuig dat daar redelike grond bestaan om te veronderstel dat 'n persoon in staat is om sodanige inligting te verstrek of so 'n boek, stuk of ding in sy besit of bewaring of onder sy beheer het, moet by daardie persoon aldus as getuie dagvaar.
- (2) 'n Subpoena wat by die uitoefening van genoemde bevoegdhede uitgereik word, moet onderteken word deur die voorsitter of die ondervoorsitter of deur 'n amptenaar deur die voorsitter daartoe gemagtig.
- (3) Wanneer die raad by die uitoefening van genoemde bevoegdhede 'n by sy verrigtinge aanwesige persoon wat as getuie gedagvaar is of kon geword het, oproep—
  - (a) kan die eed aan daardie persoon opgelê word of 'n bevestiging van hom aange-neem word deur die voorsitter of die ondervoorsitter of deur 'n amptenaar wat deur die voorsitter daartoe gemagtig is; en
  - (b) kan die voorsitter, ondervoorsitter en enige lid wat teenwoordig is by die verrigtinge waarby daardie persoon opgeroep is, daarna enige vraag aan genoemde persoon stel: Met dien verstande dat die voorsitter of, in sy afwesigheid, die ondervoorsitter, na goeddunke enige vraag kan afwys wat na sy mening nie ter sake is by die ondersoek wat deur die raad ingestel word nie.

for the obtaining of information re-quired by the board for the purposes of or in connection with any investigation or research work being conducted or done in terms of this Act, and the owner or occupier of any such premises, and every person employed by him shall at all times furnish such facilities as the board may require for entering such premises and for making such investigation;

- (b) require any person, which in its opinion is in a position to do so, to furnish it with any information relating to the subject of the enquiry, or if it suspects or believes any book, document or thing relating to the subject of the enquiry is in the possession or custody of such person, subpoena such person as a witness to appear before the board on the time and place specified in the subpoena to be questioned or to produce such book, document or thing: Provided that if a relevant person or body convinces the board that there exists reasonable grounds to believe that a person is in a position to furnish the board with such information or such book, document or thing in his possession or custody or control, the board must subpoena such person as a witness.
- (2) A subpoena issued in the exercise of the said powers shall be signed by the chairman or vice-chairman or by an officer authorized thereto by the chairman.
- (3) Whenever the board, in the exercise of the said powers, calls any person present at its proceedings who was or might have been subpoenaed—
  - (a) the oath may be administered to that person or an affirmation may be accepted from him by the chairman or the vice-chairman or by an officer authorized thereto by the chairman; and
  - (b) the chairman, vice-chairman and any member who is present at the proceedings at which that person has been called, may thereafter put any question to the said person: Provided that the chairman, or, in his absence, the vice-chairman, may in his discretion disallow any question which in his opinion is not relevant to the investigation which is being made by the board.

(4) (a) Enige persoon wat kragtens subartikel (1) (b) as getuie gedagvaar is en wat sonder voldoende rede versuim om op die in die subpoena vermelde tyd en plek te verskyn, is aan 'n misdryf skuldig.

(b) Enige persoon wat kragtens subartikel (1) (b) as getuie gedagvaar of kragtens subartikel (3) opgeroep is en wat weier om as 'n getuie ingesweer te word of te bevestig of versuim om op alle aan hom wettiglik gestelde vrae volledig en op bevredigende wyse volgens sy hele kennis en oortuiging te antwoord of om enige boek, stuk of ding in sy besit of bewaring of onder sy beheer voor te lê wanneer hy wettiglik vereis word om dit te doen of wat versuim om aanwesig te bly totdat die raad hom van verdere bywoning vrystel, is aan 'n misdryf skuldig: Met dien verstande dat die regsreëls betreffende privilegie soos van toepassing op 'n getuie wat as getuie gedagvaar is om voor 'n geregshof getuienis af te lê of 'n boek, stuk of ding voor te lê, in verband met die ondervraging van so 'n persoon of die voorlegging van so 'n boek, stuk of ding van toepassing is.

(5) Die ondervraging van 'n getuie deur die raad moet agter geslote deure plaasvind, tensy die raad anders besluit: Met dien verstande dat op versoek van 'n getuie die ondervraging van daardie getuie agter geslote deure moet plaasvind: Met dien verstande voorts dat die raad na goeë dunde en met toestemming van die getuie, die teenwoordigheid van 'n vermelde persoon by die ondervraging van daardie getuie kan magtig.

(6) Aan enige persoon wat as getuie gedagvaar is om voor die raad te verskyn, kan as die raad oortuig is dat hy weens sy verskyning ooreenkomstig die subpoena enige geldelike verlies gely het of enige kostes moes aangaan, die toelaes wat die Minister met die instemming van die Minister van Finansies van tyd tot tyd bepaal of die bedrag van sodanige verlies en onkoste, na gelang van watter die minste is, uit geld deur die Parlement beskikbaar gestel, betaal word: Met dien verstande dat indien die persoon wat as getuie gedagvaar is, in die voltydse diens van die Staat is, die toelae of die bedrag aan hom betaalbaar ooreenkomstig die wetsbepalings wat sy diens reël, bepaal moet word.

(4) (a) Any person who has been subpoenaed in terms of subsection (1) (b) as a witness and who fails, without sufficient cause, to attend at the time and place specified in the subpoena, shall be guilty of an offence.

(b) Any person who has been subpoenaed in terms of subsection (1) (b) as a witness or who has been called in terms of section (3) and who refuses to be sworn in or to be affirmed as a witness, or fails 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 thing in his possession or custody or under his control when lawfully required to do so, or who fails to remain in attendance until excused from further attendance by the board, shall be guilty of an offence: Provided that in connection with the interrogation of any such person or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

(5) The interrogation of any witness by the board shall be conducted in private unless the board otherwise decides: Provided that at the request of any witness the interrogation of that witness shall be conducted in private: Provided further, that the board may, in its discretion, and with the consent of the witness, authorize the presence of any specified person at the interrogation of that witness.

(6) Any person subpoenaed to appear before the board may if the board 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 from moneys appropriated by Parliament such allowances as the Minister may with the concurrence of the Minister of Finance from time to time determine or the amount of such loss and expense, whichever is the lesser: Provided that if the person subpoenaed is in the full-time employment of the State the allowances or the amount payable to him shall be determined in accordance with the laws governing his employment.

- (7) Enige persoon wat die raad in die uitoefening van enigeen van die bevoegdhede wat aan hom deur of kragtens hierdie artikel verleen of opgelê word, opsetlik hinder, is aan 'n misdryf skuldig."

7. Artikel 6 van die Hoofwet word hierby gewysig deur sy kanttekening en die artikel met die volgende te vervang:

"Instelling van komitees deur raad.

6. (1) Die raad kan komitees, met inbegrip van 'n uitvoerende komitee, instel om hom by die verrigting van sy werksaamhede by te staan.
- (2) So 'n komitee bestaan geheel en al uit die getal lede van die raad wat die raad bepaal: Met dien verstande dat so 'n komitee, maar uitgesonderd die uitvoerende komitee, met die toestemming van die voorsitter van die raad een of meer ander persone vir 'n bepaalde tydperk of 'n bepaalde doel as 'n lid of lede van die komitee kan koöpteer.
- (3) Die raad wys 'n lid van die raad wat 'n lid van so 'n komitee is, aan as voorsitter van die komitee.
- (4) Die raad kan, onderworpe aan enige voorwaardes wat hy goedvind, 'n bevoegdheid of plig ingevolge hierdie Wet aan hom verleen of hom opgelê, aan so 'n komitee in die algemeen of met betrekking tot 'n bepaalde aangeleentheid oordra: Met dien verstande dat die raad 'n beslissing deur so 'n komitee geneem by die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig wat aldus oorgedra is, te eniger tyd kan verander of tersyde stel.
- (5) Die raad kan reëls maak betreffende die byeenroeping van, die bepaling van 'n kworum vir en die prosedure by 'n vergadering van die raad of enige komitee ingestel kragtens subartikel (1) van hierdie artikel, 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: Met die verstande dat geen lid van 'n komitee ingestel kragtens subartikel (1) van hierdie artikel wat nie 'n lid van die raad is nie, geregtig is om te stem nie, en geen sodanige lid het toegang tot die stukke van die raad behalwe met die toestemming van die voorsitter van die raad nie.
- (6) Indien daar na die oordeel van die raad gegronde en voldoende rede daarvoor bestaan om dit te doen, kan hy onderworpe aan die bepalings van artikel 3 (4) (b) te eniger tyd die lidmaatskap van 'n lid van 'n komitee of 'n gekoöpteerde lid van 'n komitee beeindig.

- (7) Any person who wilfully hinders the board in the exercise of any of the powers conferred upon it by this section, shall be guilty of an offence."

7. Section 6 of the principal Act is hereby amended by the substitution for the section and its side-note of the following:

"Establishment of committees by board.

6. (1) The board may establish committees, including an executive committee, to assist it in the execution of its functions.
- (2) Any such committee shall consist wholly of such number of members of the board as the board may determine: Provided that any such committee, but excluding the executive committee, may with the consent of the chairman of the board co-opt one or more other persons as a member or members of the committee for a specific period or a particular purpose.
- (3) The board shall designate any member of the board who is a member of any such committee as chairman of the committee.
- (4) The board may, subject to such conditions as it may deem fit, either generally or in relation to any particular matter, assign to any such committee any power conferred or duty imposed upon it in terms of this Act: Provided that the board may at any time vary or set aside any decision made by such a committee in the exercise of any power or the execution of any duty so assigned: Provided that a decision by any such committee in the exercise of a power or the execution of a duty conferred on it may at any time be set aside or varied by the board.
- (5) The board may make rules relating to the calling of, the fixing of a quorum for and the procedure at a meeting of the board or any committee established in terms of subsection (1) of this section, 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: Provided that no member of a committee established in terms of subsection (1) of this section and who is not a member of the board shall be entitled to vote, and no such member shall have access to the records of the board except with the consent of the chairman of the board.
- (6) If in the discretion of the board, there exists good and sufficient reasons for doing so, it may, subject to the provisions of section 3 (4) (b), at any time terminate the membership of a member of a committee or a co-opted member of a committee.

- (7) Indien 'n lid of 'n gekoöpteerde lid van 'n komitee sterf of voor die verstryking van sy ampstermyn sy amp as lid van die komitee om 'n ander rede ontruim, word die vakan-  
ture gevul deur die aanstelling, op die wyse  
waarop die uitgetrede lid aangestel was,  
van 'n ander lid of gekoöpteerde lid, en die  
lid of gekoöpteerde lid wat aldus aangestel  
word, beklee sy amp as lid van die komitee  
vir die onverstreke gedeelte van die tydperk  
waarvoor die uitgetrede lid aangestel was.
- (8) Die bepalinge van artikel 3 (9) (b) is *muta-  
tis mutandis* van toepassing met betrekking  
tot 'n besluit van toepassing met betrekking  
tot 'n besluit deur 'n komitee geneem of 'n  
handeling op gesag van 'n komitee verrig.
- (9) Die bepalinge van artikel 5 is *mutatis  
mutandis* van toepassing by komitees van  
die raad."

8. Die volgende opskrif word voor artikel 7 van die  
Hoofwet ingevoeg en die opskrif voor artikel 13 word  
geskrap:

#### "HOOFSTUK 2

Registrateur van Mannekragopleiding, Nywerheids-  
opleidingsrade, Opleiding van Vakleerlinge en Ver-  
werwing van Ambagsmanstatus."

9. Artikels 7 en 12 van die Hoofwet word hierby gewysig deur artikel 7 te skrap en artikel 12 na 7 te her-  
nommer.
10. Artikel 8 van die Hoofwet word hierby gewysig deur sy kanttekening en die artikel met die volgende ver-  
vang:

#### "Stigting van nywerheidsopleidingsraad.

8. (1) Enige—

- (a) groep werkgewers; of
- (b) werkgewersorganisasie; of
- (c) groep werkgewersorganisasies; of
- (d) groep van een werkgewer en een of  
meer werkgewersorganisasies; of
- (e) groep werkgewers en een of meer  
werkgewersorganisasie,

kan 'n nywerheidsopleidingsraad stig deur  
die konstitusie waarop hulle vir die bestuur  
van die nywerheidsopleidingsraad ooreen-  
gekom het, te onderteken of dit namens  
hulle te laat onderteken: Met dien verstande  
dat niks in hierdie Wet vertolk moet word  
as synde een of meer van die groepe hierbo  
genoem te verbied om 'n nywerheidsoplei-  
dingsraad te stig saam met enige—

- (i) vakvereniging; of
- (ii) groep vakverenigings.

(7) If a member or a co-opted member of a  
committee dies or before the expiry of his  
term of office for any other reason vacates  
his office as member of the committee, the  
vacancy shall be filled by the appointment  
of another member or co-opted member, in  
the same manner in which the vacating  
member was appointed, and the member or  
co-opted member so appointed shall hold  
office for the unexpired portion of the pe-  
riod for which the vacating member was  
appointed.

(8) The provisions of section 3 (9) (b) shall  
*mutatis mutandis* apply in respect of a deci-  
sion taken by a committee or any act per-  
formed under the authority of a committee.

(9) The provisions of section 5 shall *mutatis  
mutandis* apply to committees of the  
board."

8. The following heading is inserted before section 7 of  
the principal Act and the heading before section 13 is  
deleted:

#### "CHAPTER 2

Registrar of Manpower Training, Industry Training  
Boards, Training of Apprentices and attainment of  
Artisan Status"

9. Sections 7 and 12 of the principal Act are hereby  
amended by the deletion of section 7 and the renum-  
bering of section 12 to section 7.
10. Section 8 of the principal Act is hereby amended by  
the substitution for the section and its side-note of the  
following:

#### "Establishment of industry training board.

8. (1) Any—

- (a) group of employers; or
- (b) employers' organization; or
- (c) group of employers' organizations; or
- (d) group of one employer and one or  
more employers' organizations; or
- (e) group of employers and one or more  
employers' organizations,

may establish an industry training board by  
signing the constitution agreed to by them  
for the management of the industry training  
board, or causing it to be signed on their  
behalf: Provided that nothing in this Act  
shall be construed as prohibiting one or  
more of the abovementioned groups to es-  
tablish an industry training board together  
with any—

- (i) trade union; or
- (ii) group of trade unions.

- (2) Die werkgewers, werkgewersorganisasies en vakverenigings, na gelang van die geval, deur of namens wie die konstitusie van die nywerheidsopleidingsraad onderteken is, en enige werkgewers, werkgewersorganisasies en vakverenigings wat volgens die konstitusie van tyd tot tyd toegelaat word tot deelname aan die nywerheidsopleidingsraad en wat hulle nie aan die nywerheidsopleidingsraad onttrek het nie, word in hierdie Wet die partye by die nywerheidsopleidingsraad genoem."

11. Artikel 9 van die Hoofwet word hierby gewysig deur sy kanttekening en die artikel met die volgende te vervang:

"Akkreditering van nywerheidsopleidingsraad.

9. (1) 'n Nywerheidsopleidingsraad wat akkreditering verlang moet aan die registrateur—
- (a) sy konstitusie deur of namens die partye onderteken; en
  - (b) sy aansoek om akkreditering, stuur en moet aan die registrateur sodanige nadere inligting verstrek as wat hy mag vereis.
- (2) Indien die registrateur na oorweging van die aansoek en enige ander tersaaklike inligting deur hom aangevra, oortuig is dat—
- (a) die hoofdoelstelling van dienywerheidsopleidingsraad is om opleiding te bevorder; en
  - (b) die konstitusie met hierdie Wet bestaanbaar is en nie bepalinge bevat wat met enige wetsbepaling strydig is of bereken is om die bereiking van die oogmerke van enige wetsbepalinge te verhinder nie; en
  - (c) daar nie 'n nywerheidsopleidingsraad bestaan wat ten opsigte van die betrokke nywerheid en ten opsigte van die betrokke gebied geakkrediteer is nie; en
  - (d) die partye by die nywerheidsopleidingsraad binne 'n gebied voldoende verteenwoordigend van die betrokke nywerheid is,
- kan hy die betrokke nywerheidsopleidingsraad ten opsigte van die in paragraaf (d) bedoelde gebied en nywerheid akkrediteer.
- (3) By die bepaling van die mate waarin die partye by die nywerheidsopleidingsraad verteenwoordigend is—
- (a) moet die registrateur, vir sover die getal lede van enige vakvereniging of werkgewersorganisasie ter sake is, slegs volwaardige lede op die datum waarop die betrokke aansoek op die voorgeskrewe wyse ingedien is, in aanmerking neem; en

- (2) The employers, employers' organizations and trade unions, as the case may be, by or on behalf of whom or which the constitution was signed, and any employers, employers' organizations and trade unions who or which in terms of the constitution are from time to time admitted to participation in the industry training board and who or which have not withdrawn from the industry training board, are in this Act referred to as the parties to the industry training board."

11. Section 9 of the principal Act is hereby amended by the substitution for the section and its side-note of the following:

"Accreditation of industry training board.

9. (1) An industry training board desiring accreditation shall submit to the registrar—
- (a) its constitution, signed by or on behalf of the parties; and
  - (b) its application for accreditation, and shall furnish to the registrar such further information as he may require.
- (2) If the registrar, after considering the application and any other information required, is satisfied that—
- (a) the main objective of the industry training board is to promote training; and
  - (b) the constitution is consistent with this Act and does not contain provisions which are contrary to the provisions of any law or are calculated to hinder the attainment of the objects of any law; and
  - (c) there is not in existence an industry training board which is accredited in respect of the industry and in respect of the area concerned; and
  - (d) the parties to the industry training board are sufficiently representative within any area, of the industry concerned,
- he may accredit the industry training board in respect of the area and industry referred to in paragraph (d).
- (3) In determining the representativeness of the parties to the industry training board the registrar—
- (a) shall, in so far as the number of members of any trade union or employers' organization is relevant, take into consideration only members in good standing at the date on which the relevant application was lodged in the manner prescribed; and

- (b) kan die registrateur, met inagneming van die aard van die nywerheid en die ligging van die gebied ten opsigte waarvan akkreditering verlang word, die partye by die nywerheidsopleidingsraad as voldoende verteenwoordigend ten opsigte van die geheel van sodanige gebied beskou, niteenstaande die feit dat 'n vakvereniging of werkgewersorganisasie wat 'n party by die nywerheidsopleidingsraad is, geen lede in 'n gedeelte van daardie gebied het nie; en
- (c) kan die registrateur, niteenstaande die feit dat die vakverenigings wat partye by die nywerheidsopleidingsraad is nie ingevolge die Wet op Arbeidsverhoudinge, 1956, geregistreer is nie ten opsigte van alle kategorieë van werknemers in diens in die betrokke nywerheid of, indien aldus geregistreer, geen lede het wat tot sekere kategorieë van sodanige werknemers behoort nie, die partye by die nywerheidsopleidingsraad as voldoende verteenwoordigend van die nywerheid beskou, mits die werkgewers wat in die nywerheidsopleidingsraad verteenwoordig is, werknemers in hulle diens het wat tot al daardie kategorieë behoort.
- (4) (a) Indien die registrateur voornemens is om nie die nywerheidsopleidingsraad te akkrediteer nie of om hom ten opsigte van 'n kleiner gebied of nywerheid as dié waarvoor aansoek gedoen is, te akkrediteer, moet hy die nywerheidsopleidingsraad in kennis laat stel van sy voorneme en van die redes daarvoor en moet hy hom 'n geleentheid gee om skriftelike vertoë aan hom voor te lê of om die aansoek om akkreditering te wysig.
- (b) By ontvangs van so 'n gewysigde aansoek, kan die registrateur, indien hy oortuig is ten opsigte van die in subartikel (2) bedoelde aangeleentheid, die nywerheidsopleidingsraad ooreenkomstig die gewysigde aansoek akkrediteer.
- (5) Wanneer die registrateur 'n nywerheidsopleidingsraad geakkrediteer het, moet hy aan sodanige nywerheidsopleidingsraad 'n sertifikaat van sy akkreditering stuur, saam met een afskrif van die konstitusie.
- (6) Sodra 'n nywerheidsopleidingsraad geakkrediteer is, besit hy al die bevoegdhede en pligte wat deur hierdie Wet aan 'n nywerheidsopleidingsraad verleen en opgelê word en tree sy konstitusie in werking.
- (b) may, having regard to the nature of the industry and the situation of the area in respect of which accreditation is sought, regard the parties to the industry training board as sufficiently representative in respect of the whole of such area, notwithstanding the fact that a trade union or employers' organization which is a party to the industry training board may have no members in part of that area; and
- (c) may, notwithstanding the fact that the trade unions which are parties to the industry training board are not registered in terms of the Labour Relations Act, 1956, in respect of all categories of employees employed in the relevant industry, or, if so registered, have no members belonging to certain categories of such employees, regard the parties to the industry training board as sufficiently representative of the industry, provided that the employers represented on the industry training board have in their employ employees belonging to all such categories.
- (4) (a) If the registrar proposes not to accredit the industry training board or to accredit it in respect of an area or an industry which is less than that applied for, he shall cause the industry training board to be notified of his intention and of the reasons therefore and shall afford it an opportunity of submitting written representations to him, or of amending the application for accreditation.
- (b) Upon receipt of such an amended application, the registrar may, if he is satisfied in respect of the matters referred to in subsection (2) accredit the industry training board in accordance with the amended application.
- (5) Whenever the registrar has accredited the industry training board he shall forward to such industry training board a certificate of its accreditation together with one copy of the constitution.
- (6) Upon the accreditation of an industry training board it shall have all the powers and duties which by this Act are conferred and imposed upon an industry training board and its constitution shall take effect.

## (7) Wanneer die registrateur oortuig is—

- (a) dat die gebied ten opsigte waarvan 'n nywerheidsopleidingsraad geakkrediteer is nie dieselfde is nie as die gebied waarbinne hy voldoende verteenwoordigend is van die nywerheid ten opsigte waarvan hy geakkrediteer is; of
- (b) dat die nywerheid ten opsigte waarvan 'n nywerheidsopleidingsraad geakkrediteer is nie dieselfde is nie as die nywerheid waarvan hy voldoende verteenwoordigend is binne die gebied ten opsigte waarvan hy geakkrediteer is; of
- (c) dat 'n ooreenkoms aangegaan is deur 'n nywerheidsopleidingsraad en 'n werkgewer, werkgewersorganisasie of vakvereniging wat nie 'n party by die nywerheidsopleidingsraad is nie vir die toelating van daardie werkgewer, organisasie of vereniging as 'n party by die nywerheidsopleidingsraad, en dat indien daardie werkgewer, organisasie of vereniging aldus toegelaat sou word, die nywerheidsopleidingsraad voldoende verteenwoordigend sal wees binne 'n gebied of van 'n nywerheid ten opsigte waarvan hy geakkrediteer is nie,

kan hy uit eie beweging na oorlegpleging met die nywerheidsopleidingsraad of versoek van daardie nywerheidsopleidingsraad, die gebied of nywerheid ten opsigte waarvan die nywerheidsopleidingsraad geakkrediteer is, met ingang van 'n deur hom bepaalde datum, verander.

- (8) Die bepalinge van subartikels (2) (c) en (3) is *mutatis mutandis* van toepassing ten opsigte van enige voorgename verandering kragtens subartikel (7).
- (9) Indien die registrateur die gebied of die nywerheid ten opsigte waarvan 'n nywerheidsopleidingsraad geakkrediteer is, verander het, moet die sekretaris van die nywerheidsopleidingsraad binne veertien dae nadat hy aldus deur die registrateur aangesê is om dit te doen die akkrediteringssertifikaat wat aan die nywerheidsopleidingsraad uitgereik is, aan die registrateur stuur; en as die sekretaris, sonder redelike verontskuldiging, versuim om dit te doen, is hy aan 'n misdryf skuldig.
- (10) Die registrateur moet by ontvangs deur hom van die akkrediteringssertifikaat die nodige veranderinge daarin aanbring en dit aan die nywerheidsopleidingsraad terugbesorg, of 'n nuwe sertifikaat uitreik.

## (7) Whenever the registrar is satisfied—

- (a) that the area in respect of which an industry training board is accredited is not the same as the area within which it is sufficiently representative of the industry in respect of which it is accredited; or
- (b) that the industry in respect of which an industry training board is accredited is not the same as the industry of which it is sufficiently representative within the area in respect of which it is accredited; or
- (c) that an agreement has been entered into by an industry training board and any employer, employers' organization or trade union which is not a party to the industry training board for the admission of that employer, organization or union as a party to the industry training board and that if that employer, organization or union were so admitted, the industry training board would be sufficiently representative, within an area or of an industry in respect of which it is not accredited,

he may of his own motion after consultation with the industry training board or at the request of such industry training board, vary the area or industry in respect of which the industry training board is accredited with effect from a date determined by him.

- (8) The provisions of subsections (2) (c) and (3) shall *mutatis mutandis* apply in respect of any proposed variation in terms of subsection (7).
- (9) If the registrar has varied the area or the industry in respect of which an industry training board is accredited, the secretary of the industry training board shall transmit to him the certificate of accreditation issued to the industry training board within fourteen days of being called upon by the registrar to do so; and if, without reasonable excuse, the secretary fails to do so, he shall be guilty of an offence.
- (10) The registrar shall, upon receipt by him of the certificate of accreditation, make the necessary alterations therein and return it to the industry training board, or issue a fresh certificate.

- (11) By die toepassing van hierdie Wet word 'n lid van 'n vakvereniging of 'n werkgeversorganisasie geag volwaardig te wees as hy enige intreegeld wat in die konstitusie van die vakvereniging of werkgeversorganisasie, na gelang van die geval, voorgeskryf word, betaal het en nie meer as drie maande agterstallig is nie met die betaling van die ledegeld, indien enige, wat ingevolge bedoelde konstitusie betaalbaar is."

12 Artikel 10 van die Hoofwet word hierby gewysig deur sy kanttekening en die artikel met die volgende te vervang:

"Konstitusies van nywerheidsopleidingsrade.

10. (1) Die konstitusie van 'n geakkrediteerde nywerheidsopleidingsraad moet, behoudens die bepalings van hierdie artikel, vir onderstaande aangeleenthede voorsiening maak—

- (a) die aanstelling van lede en plaasvervangers uit die geledere van verteenwoordigers van die partye;
- (b) die instelling van 'n fonds vir die finansiering van opleiding deur die opleidingsraad in die nywerheid en gebied ten opsigte waarvan hy geakkrediteer is, die betaling van bydraes aan die fonds, die instelling van 'n komitee om die fonds te bestuur en die aanstelling van lede om in die bestuur te dien;
- (c) die aanstelling, ontslag en bevoegdhede van ampsdraers, beamptes en gemagtigde persone;
- (d) die tye wanneer of die omstandighede waarin verteenwoordigers hul setels moet ontruim;
- (e) die belê en bestuur van vergaderings;
- (f) die hou van notule van vergaderings;
- (g) die prosedure vir die behandeling van alle geskille wat met opleiding verband hou in die nywerheid en gebied ten opsigte waarvan die nywerheidsopleidingsraad geakkrediteer is, soos van tyd tot tyd verander;
- (h) die toelating van addisionele werkgevers, groepe werkgevers, werkgeversorganisasies of vakverenigings as partye;
- (i) die hou van behoorlike rekeningboeke en die ouditering van sodanige rekeningboeke en verwante stukke minstens eenmaal elke kalenderjaar deur 'n openbare rekenmeester en die beskikbaarstelling aan die partye of aan hul verteenwoordigers en aan die registrateur van afskrifte van die rekeninge en state en die ouditeursverslag daaroor;

- (11) For the purposes of this Act a member of a trade union or an employers' organization shall be deemed to be in good standing if he has paid any entrance fee laid down in the constitution of the union or organization, as the case may be, and is not more than three months in arrear with the payment of the membership fees, if any, payable in terms of the said constitution."

12. Section 10 of the principal Act is hereby amended by the substitution for the section and its side-note of the following:

"Constitutions of industry training boards.

10. (1) The constitution of an accredited industry training board shall, subject to the provisions of this section, provide for the following matters—

- (a) the appointment of members and alternates from the ranks of representatives of the parties;
- (b) the establishment of a fund for the financing of the training by the training board in the industry and area in respect of which it is accredited, the payment of contributions to the fund, the establishment of a committee to manage the fund and the appointment of members to serve in the management;
- (c) the appointment, removal, duties and powers of office-bearers, officers and authorized persons;
- (d) the times when or the circumstances in which representatives shall vacate their seats;
- (e) the calling and conduct of meetings;
- (f) the keeping of minutes of meetings;
- (g) the procedure for dealing with all disputes in connection with training in the industry and area in respect of which the industry training board is accredited, as varied from time to time;
- (h) the admission of additional employers, groups of employers, employers' organizations or trade unions as parties;
- (i) the keeping of proper books of account and the auditing of such books of account and relative documents at least once every calendar year, by the public accountant and the making available to the parties or to their representatives and to the registrar of copies of the accounts and statements and the auditor's report thereon;

- (j) die doeleindes waarvoor die fondse aangewend kan word;
  - (k) die wyse waarop die fondse wat die benodigdhede vir uitgawes te bowe gaan, belê moet word;
  - (l) die verandering van die konstitusie;
  - (m) die likwidasië van die nywerheidsopleidingsraad; en
  - (n) enige ander aangeleentheid wat voorgeskryf word.
- (2) Benewens die in subartikel (1) bedoelde aangeleenthede en behoudens die bepalings van hierdie artikel kan die nywerheidsopleidingsraad in sy konstitusie voorsiening maak vir die instelling van 'n uitvoerende komitee en ander komitees aan wie hy enige van sy bevoegdhede en werksaamhede in sy konstitusie en in hierdie Wet uiteengesit, kan deleger om namens hom te verrig in die nywerheid en gebied waarvoor die betrokke komitee ingestel is, welke delegasie na goeddunke van die betrokke nywerheidsopleidingsraad te enige tyd in sy geheel of gedeeltelik verander of ingetrek kan word. Voorts kan die konstitusie voorsiening maak vir die belê en bestuur van vergaderings van komitees en vir enige ander tersaaklike aangeleentheid.
- (3) Die geld van 'n fonds soos bedoel in subartikel (1) (b) wat meer is as sodanige fondse se benodigdhede vir uitgawes, moet nie belê word nie behalwe in—
- (i) Binnelandse geregistreerde effekte ooreenkomstig die bedoeling van artikel 21 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975);
  - (ii) Nasionale Spaarsertifikate;
  - (iii) Posspaarbankrekeninge of -sertifikate;
  - (iv) spaarrekeninge, permanente aandele of vaste deposito's in bougenootskappe of banke;
- of op enige ander goedgekeurde wyse deur die registrateur in oorleg met die raad bepaal.
- (4) Elke nywerheidsopleidingsraad moet sy konstitusie aan die partye in albei amptelike tale beskikbaar stel."

13. Artikel 11 van die Hoofwet word hierby gewysig deur sy kanttekening en die artikel met die volgende te vervang:

"Pligte en bevoegdhede van nywerheidsopleidingsrade.

- (j) the purposes for which the funds may be applied;
  - (k) the manner of investment of funds which are in excess of its requirements for expenses;
  - (l) the alteration of the constitution;
  - (m) the winding-up of the industry training board; and
  - (n) any other prescribed matter.
- (2) In addition to the matters referred to in subsection (1) and subject to the provisions of this section, the industry training board may provide in its constitution for the establishment of an executive committee and other committees, to which it may delegate any of its powers and duties outlined in its constitution and this Act, to perform on its behalf in the industry and area for which such committee has been established, which delegation may in the discretion of the relevant training board at any time, wholly or partly, be varied or withdrawn. Furthermore, the constitution may make provision for the calling and conduct of meetings of committees and for any other relevant matter.
- (3) The moneys of a fund as provided for in subsection (1) (b) surplus to its requirements for expenses shall not be invested otherwise than in—
- (i) internal registered stock within the meaning of section 21 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975);
  - (ii) National Savings Certificates;
  - (iii) Post Office savings accounts or certificates;
  - (iv) savings accounts, permanent shares or fixed deposits in building societies or banks;
- or in any other approved manner as determined by the registrar in conjunction with the board.
- (4) Every industry training board shall make its constitution available to the parties in both official languages."

13. Section 11 of the principal Act is hereby amended by the substitution for the section and its side-note of the following:

"Duties and powers of industry training boards.

11. (1) 'n Nywerheidsopleidingsraad wat ingevolge hierdie Wet geakkrediteer is, moet in die nywerheid en die gebied ten opsigte waarvan hy geakkrediteer is—

- (a) die werksaamhede verrig wat by hierdie Wet aan hom opgedra word;
- (b) leervooraardes vir vakleerlingopleiding opstel wat die behoeftes van die nywerheid ten opsigte waarvan die nywerheidsopleidingsraad geakkrediteer is, die beste sal dien, en aan die registrateur voorlê vir publikasie deur die Minister in die *Staatskoerant*;
- (c) verantwoordelikheid vir die administrasie van vakleerlingopleiding aanvaar;
- (d) ondersoek instel na en aan die registrateur aanbevelings doen oor enige aangeleentheid wat ingevolge die bepalings van hierdie Wet binne die bevoegdheid van die registrateur val;
- (e) ondersoek instel na enige geskil wat voortspruit uit—
  - (i) 'n kontrak van vakleerlingskap;
  - (ii) die toepassing van die voorbehoudsbepaling by artikel 13 (11), 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;
- (f) gemagtigde persone aanstel;
- (g) ambagskwalifikasies wat buite die Republiek van Suid-Afrika verwerf is, evalueer;
- (h) in samewerking met die Departement 'n oorhoofse beherende en kontrolerende stelsel vir ambagstoetsing instel;
- (i) opleiding in die beginsels en tegnieke van evaluering aan ambagstoetsbeampies en alle persone wat die opleiding van vakleerlinge evalueer en toetsing uitvoer, beskikbaar stel;
- (j) gekwalifiseerde ambagsmanne voortdurend deur opleiding opgradeer;
- (k) enige beperkende faktore op die toevloei van genoegsame kandidate vir opleiding as ambagsmanne teenwerk;
- (l) in samewerking met die Departement voorskrifte oor keuring van kandidate vir vakleerlingskap daarstel en werkgewers aanmoedig om persone wat keuring doen, die nodige opleiding te laat ondergaan;

11. (1) An industry training board accredited in terms of this Act, must in the industry and area in which it has been accredited—

- (a) perform the duties as conferred on it by this Act;
- (b) compile conditions of apprenticeship which shall best serve the needs of the industry in respect of which an industry training board has been accredited, and submit to the Minister for publication in the *Gazette*;
- (c) accept responsibility for the administration of apprenticeship training;
- (d) inquire into and make recommendations to the registrar with regard to any matter which in terms of the provisions of this Act, falls within the powers of the registrar;
- (e) inquire into any dispute arising out of—
  - (i) any contract of apprenticeship;
  - (ii) the application of the proviso to section 13 (11), 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;
- (f) appoint authorized persons;
- (g) evaluate trade qualifications obtained outside the Republic of South Africa;
- (h) in collaboration with the Department, establish an overhead governing and controlling system for trade testing;
- (i) make available training in the principles and techniques of evaluation to all trade test officers and all persons evaluating the training and conducting the testing of apprentices;
- (j) by a continuous process of training upgrade qualified artisans;
- (k) counter any limiting factors on the flow of sufficient candidates for training as artisans;
- (l) in collaboration with the Department, determine directives on the selection of candidates for apprenticeship and encourage employers to provide persons doing the selection with the necessary training;

- (m) in samewerking met die Departement voorligting aan voornemende vakleerlinge oor beroepskeuses en beroepsinhoud gee;
- (n) inligting deurlopend aan die raad voorsien wat dit deurvoer aan die Departement en instansies wat hy nodig ag met betrekking tot die tegniese beroepswêreld en die moontlikhede wat dit vir die kind inhou sowel as die landsbehoefte in hierdie verband, ter bevordering van die status van die ambagsman;
- (o) in oorleg met die raad nouer samewerking tussen die formele en nie-formele onderwys ten opsigte van kurrikulum inhoud en ontwerp handhaaf;
- (p) maatreëls vir die opleiding van vakleerlinge gedurende laagkonjunkturfases tref en administreer;
- (q) opleidingsprogramme inisieer en monitor;
- (r) opleiding van vakleerlinge en verbandhoudende aangeleenthede uit eie fondse finansier,

en kan opleidingsentrums soos bedoel in artikels 31, 32 en 34 akkrediteer om opleiding ten behoeve van werkgewers in die betrokke nywerheid en gebied te verskaf, welke akkreditering moet geskied op die voorwaardes soos van tyd tot tyd deur die registrateur bepaal.

- (2) (a) By die uitvoering van enige plig of die uitoefening van enige bevoegdheid aan hom opgelê of verleen deur sy konstitusie of kragtens hierdie Wet, besit 'n geakkrediteerde nywerheidsopleidingsraad en die uitvoerende komitee of enige ander komitee van daardie opleidingsraad ingestel ingevolge sy konstitusie al die bevoegdhede wat deur subartikels (1), (3), (5) en (6) van artikel 5 aan die raad verleen word en die bepalinge van subartikels (4), (5) en (7) van daardie artikel is *mutatis mutandis* van toepassing op die uitoefening van daardie bevoegdhede deur die nywerheidsopleidingsraad of komitee: Met dien verstande dat 'n persoon nie kragtens subartikel (1) van artikel 5 soos toegepas deur hierdie subartikel, gedagvaar mag word nie as die doel is om ondersoek in te stel of sodanige persoon 'n misdryf begaan het: Met dien verstande voorts dat enige bedrag betaalbaar kragtens subartikel (6) van artikel 5 soos toegepas deur hierdie subartikel, uit die fondse van die nywerheidsopleidingsraad betaal moet word.

- (m) in collaboration with the Department, furnish prospective apprentices with vocational guidance on career selection and career content;
- (n) furnish the board with information on a continuous basis who will then pass it on to the Department and bodies it deems necessary regarding the technical field of study and the possibilities available to the child as well as the needs of the country in this regard to promote the status of the artisan;
- (o) in collaboration with the board, maintain closer co-operation between formal and non-formal education with regard to curriculum design and content;
- (p) take and administer precautionary measures for the training of apprentices during downswings in the economy;
- (q) initiate and monitor training programmes;
- (r) finance the training of apprentices and related matters out of own funds,

and may accredit training centres as contemplated in sections 31, 32 and 34 to provide training on behalf of employers in the industry and area concerned, which accreditation shall be provided on the conditions determined by the registrar from time to time.

- (2) (a) In the performance of any duty or the exercise of any power imposed or conferred upon it by its constitution or under this Act, an accredited industry training board and the executive committee or any other committee of that training board, shall have all the powers conferred upon the board by subsections (1), (3), (5) and (6) of section 5 and the provisions of subsections (4), (5) and (7) of that section shall *mutatis mutandis* apply to the exercising of those powers by the industry training board or committee: Provided that a person shall not be subpoenaed under subsection (1) of section 5, as applied by this subsection, if the object is to investigate whether such person has committed an offence: Provided further that any amount payable under subsection (6) of section 5 as applied by this subsection, shall be paid from the funds of the industry training board.

(b) 'n Subpoena wat by die uitoefening van bedoelde bevoegdheid uitgereik word, moet deur die voorsitter of ondervoorsitter of sekretaris van die betrokke nywerheidsopleidingsraad of komitee onderteken word.

(c) Die eed kan opgelê word op, of 'n bevestiging kan aangeneem word van, 'n getuie deur die persoon wat voorsit op die vergadering van die nywerheidsopleidingsraad of komitee waarop die getuie verskyn."

14. Artikel 12 van die Hoofwet word na artikel 7 hernoem en die volgende word as artikel 12 ingevoeg:

"Nywerheidsopleidingsrade regspersone te wees en aanspreeklikheid van partye beperk te wees.

12. (1) Elke nywerheidsopleidingsraad word by akkreditering kragtens hierdie Wet, met regspersoonlikheid bekleed en is bevoeg om in regte as eiser of verweerder op te tree, en, behoudens die bepalings van hierdie Wet, en van enige ander wet wat die verkryging of besit van grond soos omskryf vir die doeleindes van daardie ander wet verbied of beperk, om roerende of onroerende eiendom te koop of andersins te verkry, te besit en te vervreem en om enige ander handeling te verrig wat hy volgens sy konstitusie moet of kan verrig.

(2) Tensy die konstitusie van 'n nywerheidsopleidingsraad anders bepaal, is geen werkgewer, werkgewersorganisasie of vakvereniging vir enige van die verpligtings van daardie opleidingsraad aanspreeklik bloot om rede van die feit dat hy 'n party tot daardie opleidingsraad is nie."

15. Artikel 13 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) soos volg te wysig:

"(1) Die Minister kan, met inagneming van die bepalings van subartikel (4), op aanbeveling van die **[raad]** betrokke nywerheidsopleidingsraad **[en na oorleg met die betrokke komitee]** by kennisgewing in die *Staatskoerant*—

(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 saamgestel is of die soort of kategorie perseel waarop die werk of werksaamhede verrig word."

(b) A subpoena issued in the exercising of the said powers shall be signed by the chairman or vice-chairman or secretary of the industry training board or committee in question.

(c) The oath may be administered to or an affirmation may be accepted from any witness by the person presiding over the meeting of the industry training board or committee at which the witness appears."

14. Section 12 of the principal Act is renumbered to section 7 and the following is inserted as section 12:

"Industry training boards to be bodies corporate and liability of parties to be limited.

12. (1) Every industry training board shall upon accreditation under this Act become a body corporate and shall be capable in law of suing and being sued, and subject to the provisions of this Act and of any other law prohibiting or restricting the acquisition or holding of land as defined for the purposes of such other law, of purchasing or otherwise acquiring, holding and alienating property, movable or immovable, and of doing any other act which its constitution requires or permits it to do.

(2) Unless it is otherwise provided by the constitution of an industry training board no employer, employers' organization or trade union shall, by reason only of the fact that he or it is a party to that training board be liable for any of the obligations of that training board."

15. Section 13 of the principal Act is hereby amended—

(a) by amending subsection (1) as follows:

"(1) The Minister may, subject to the provisions of subsection (4), on the recommendation of the **[board]** industry training board concerned, **[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 the Act shall apply in the area specified in the notice;

(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."

- (b) deur paragraaf (b) van subartikel (2) met die volgende paragrawe te vervang:

“(b) die bekwaamheidsstandaard met inbegrip van die vlak van teoretiese opleiding en die minimum tydperk van praktiese opleiding in die werklike produksie en instandhoudingsomstandighede wat vereis word alvorens ’n vakleerling tot ’n finale ambagstoets toegelaat word;

- (bA) die grondslag waarop erkenning, in die vorm van vrystelling van ’n bepaalde module of bepaalde modules, wat alreeds voltooi is, verleen sal word—

(i) in die geval waar ’n voornemende vakleerling teoretiese en/of praktiese ervaring voor die aangaan van sy kontrak van vakleerlingskap opgedoen het;

(ii) in die geval waar ’n vakleerling se kontrak van vakleerlingskap om welke rede ookal beeindig is voordat hy die bekwaamheidsstandaard bereik het wat ingevolge paragraaf (b) van hierdie subartikel bepaal word;”;

- (c) deur paragraaf (c) van subartikel (2) soos volg te wysig:

“(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 en die erkenningsgrondslag, by wyse van hoër lone, vir ’n eerste tydperk van opleiding of diens ingevolge die bepalings van die Verdedigingswet, 1957 (Wet No. 44 van 1957), of artikel 34 (a) (11) van die Polisiewet, 1958 (Wet No. 7 van 1958): Met dien verstande dat geen skaal wat op die hoeveelheid verrigte werk 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;”;

- (d) deur in paragraaf (d) van subartikel (2) die woord “leertyd” met die woord “opleiding” te vervang;

- (e) deur paragraaf (f) van subartikel (2) soos volg te wysig:

“(f) die voltydse **[tegniese]** opleidingskurse **[of ander kursusse]** wat vakleerlinge moet bywoon, die tydperk of tydperke van die bywoning en die tussenpose waarmee daardie kurse bygewoon moet word;”;

- (b) by the substitution for paragraph (b) of subsection (2) of the following paragraphs:

“(b) the requirement as to the standard of proficiency including the level of theoretical training and the minimum period of practical training in the actual production and maintenance situation, before an apprentice is permitted to undergo a final trade test;

- (bA) the basis on which recognition in the form of exemption from a specific module or specific modules already completed, will be granted—

(i) in the case where a prospective apprentice has attained theoretical and/or practical experience before entering into a contract of apprenticeship;

(ii) in the case of the rescission of an apprentice's contract of apprenticeship for any reason whatsoever before attaining the standard of proficiency as determined in paragraph (b) of this subsection;”;

- (c) by amending paragraph (c) or subsection (2) as follows:

“(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 and the basis of recognition, by means of higher wages, for a first period of training or service in terms of the provisions of the Defence Act, 1957 (Act No. 44 of 1957), or section 34 (A) (11) of the Police Act, 1958 (Act No. 7 of 1958): 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;”;

- (d) by the substitution for the words “period of apprenticeship” in paragraph (d) of the subsection (2) of the word “training”;

- (e) by amending paragraph (f) of subsection (2) as follows:

“(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;”;

- (f) deur paragraaf (h) van subartikel (2) soos volg te wysig:

“(h) die modulêre toetse [of eksamens], hetsy prakties of teoreties of albei, [met inbegrip van] asook kwalifiserende ambagstoetse, wat vakleerlinge moet of kan aflê, die stadium of stadiums gedurende die [leertyd] opleiding 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, die herhaling van modules waarin gedruip word en die aantal herhalings van modulêre toetse waarop ’n vakleerling geregtig is ten einde met sy vakleerlingskap te kan voortgaan;”;

- (g) deur in paragraaf (i) van subartikel (2) die woorde “of eksamen” te skrap;
- (h) deur in paragraaf (n) van subartikel (2) die woord “komitee” met die woord “nywerheidsopleidingsraad” te vervang;
- (i) deur in subartikel (6) die woorde “komitee ingestel” met die woorde “nywerheidsopleidingsraad geakkrediteer” te vervang;
- (j) deur in subartikel (8) die woorde “Die registrateur” met die woorde “’n Nywerheidsopleidingsraad” te vervang;
- (k) deur in subartikel (11) die woord “registrateur” met die woord “nywerheidsopleidingsraad” te vervang;
- (l) deur subartikel (12) soos volg te wysig:

“(12) Indien ’n vakleerling in ’n kwalifiserende ambagstoets [of eksamen] voorgeskryf ingevolge subartikel (2) (h) slaag, moet die registrateur in samewerking met die betrokke nywerheidsopleidingsraad ’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 eksamen].”; en

- (m) deur die volgende subartikel in te voeg:

“(13) Die Minister kan enige bevoegdheid wat by subartikels (1) en (2) van hierdie artikel aan hom verleen is, skriftelik en op die voorwaardes wat hy goedvind, aan ’n beampte in diens van die Departement deleger, en kan te eniger tyd so ’n delegasie intrek.”.

16. Artikel 14 van die Hoofwet word hierby soos volg gewysig:

“14. Wanneer daar in verband met ’n gebied ten opsigte waarvan twee of meer [komitees] nywerheidsopleidingsrade ten opsigte van

- (f) by amending paragraph (h) of subsection (2) as follows:

“(h) the modular tests [or examinations], either practical or theoretical or both, [including] as well as qualifying trade tests, which apprentices shall or may undergo, the stage or stages during the [apprenticeship period] training 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, the repetition of modules failed and the number of repetitions an apprentice will be allowed in order to continue with his apprenticeship;”;

- (g) by the deletion of the words “or examination” in paragraph (i) of subsection (2);
- (h) by the substitution for the word “committee” in paragraph (n) of subsection (2) of the words “industry training board”;
- (i) by the substitution for the words “committee in question was established” in subsection (6) of the words “industry training board accredited”;
- (j) by the substitution for the words “The registrar” and “he” in subsection 8 of the words “An industry training board” and “it”, respectively”;
- (k) by the substitution for the word “registrar” in subsection (11) of the words “industry training board”; and
- (l) by amending subsection (12) as follows:

“(12) If an apprentice passes a qualifying trade test [or examination] prescribed under subsection 2 (h), the registrar in collaboration with the industry training board in question 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].”; and

- (m) by the insertion of the following subsection:

“(13) The Minister may delegate any power conferred upon him in terms of subsections (1) and (2) of this section in writing and on the conditions which he may deem necessary to an officer in the service of the Department and may at any time withdraw such delegation.”.

16. Section 14 of the principal Act is hereby amended as follows:

“14. Whenever in connection with any area in respect of which two or more [committees] industry training boards have been [estab-

verskillende nywerhede **[ingestel]** geakkrediteer is, na die mening van die Minister twyfel bestaan of die een of ander werksaamheid binne die bestek val van 'n aangewese ambag in 'n nywerheid ten opsigte waarvan een van daardie **[komitees ingestel]** nywerheidsopleidingsrade geakkrediteer is, of binne die bestek val van 'n aangewese ambag in 'n nywerheid ten opsigte waarvan 'n ander van daardie **[komitees ingestel]** nywerheidsopleidingsrade geakkrediteer is, moet die Minister na raadpleging met die raad en die betrokke **[komitees]** nywerheidsopleidingsrade, die saak beslis, en die Minister kan op dieselfde wyse so 'n beslissing wysig."

17. Artikel 15 van die Hoofwet word hierby gewysig deur die woord "leertyd" in subartikel (3) met die woord "opleiding" te vervang.

18. Artikel 16 van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) van subartikel (2) die woord "registrateur" met die woorde "betrokke komitee" te vervang;
- (b) deur in paragraaf (b) van subartikel (2) die woord "registrateur" met die woorde "betrokke nywerheidsopleidingsraad" te vervang;
- (c) deur in paragraaf (a) van subartikel (3) die woord "registrateur" met die woorde "betrokke komitee" te vervang;
- (d) deur in paragraaf (b) van subartikel (3) die woord "registrateur" met die woorde "betrokke nywerheidsopleidingsraad" te vervang en die woorde "by hom" te skrap;
- (e) deur in paragraaf (c) van subartikel (3) die woord "registrateur" met die woorde "betrokke komitee" te vervang;
- (f) deur paragraaf (d) van subartikel (3) soos volg te wysig:

"(d) Die **[registrateur]** betrokke nywerheidsopleidingsraad moet enige kontrak wat ingevolge paragraaf (c) **[by hom]** ingelewer is, registreer, en die voornemende vakleerling kan na goeddunke van die nywerheidsopleidingsraad vrygestel word van enige module of modules of enige gedeelte daarvan, wat deur hom voltooi is gedurende die tydperk **[of enige gedeelte daarvan]** waartydens **[die minderjarige]** hy 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 betrokke gebied voorgeskryf is]**."; en

- (g) deur in paragraaf (a) van subartikel (4) die woord "leertyd" met die woord "opleiding" te vervang.

**[lished]** accredited 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]** industry training board has been accredited, or within a designated trade in an industry in respect of which any other of those **[committees has been established]** industry training boards has been accredited, the Minister shall after consultation with the board and the **[committees]** industry training boards in question, determine the matter, and the Minister may in the same manner vary any such determination."

17. Section 15 of the principal Act is hereby amended by the substitution for the words "period of apprenticeship" in subsection (3) of the word "training".

18. Section 16 of the principal Act is hereby amended—

- (a) by the substitution for the word "registrar" in paragraph (a) of subsection (2) of the words "industry training board concerned";
- (b) by the substitution for the word "registrar" in paragraph (b) of subsection (2) of the words "industry training board concerned";
- (c) by the substitution for the word "registrar" in paragraph (a) of subsection (3) of the words "committee in question";
- (d) by the substitution for the word "registrar" in paragraph (b) of subsection (3) of the words "industry training board concerned" and the deletion of the words "with him";
- (e) by the substitution for the word "registrar" in paragraph (c) of subsection (3) of the words "committee in question";
- (f) by amending paragraph (d) of subsection (3) as follows:

"(d) The **[registrar]** industry training board concerned shall register any contract lodged **[with him]** under paragraph (c), and the apprentice may be exempted in the discretion of the industry training board from any module or modules or any part thereof completed by him during the period **[during which the minor]** he was employed without a written contract of apprenticeship **[, or any part thereof, may, with the 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]**."; and

- (g) by the substitution for the words "period of apprenticeship" in paragraph (a) of subsection (4) of the word "training".

## 19. Artikel 17 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (3) die woord “leertyd” met die woord “opleiding” te vervang; en
- (b) deur subartikel (4) soos volg te wysig:

“(4) Enigiemand wat hom ingevolge subartikel (1), (2) of (3) as vakleerling kan verbind, kan hom, met die goedkeuring van die **[registrateur]** betrokke nywerheidsopleidingsraad, aldus verbind by meer as een werkgever, mits in die kontrak van vakleerlingskap die voorwaardes betreffende die onderskeie verpligtings van die verskillende werkgevers opgeneem word wat **[die registrateur]** daardie nywerheidsopleidingsraad na oorleg met die betrokke komitee en indien daar nie een is nie, die betrokke werkgevers bepaal.”.

## 20. Artikel 18 van die Hoofwet word hierby gewysig—

- (a) deur in sy kanttekening die woorde “en verkorting van leertyd” te skrap;
- (b) deur in paragraaf (c) van subartikel (1) die woord “registrateur” met die woorde “betrokke nywerheidsopleidingsraad” te vervang;
- (c) deur in subartikel (2) die woord “registrateur” met die woorde “betrokke komitee” te vervang;
- (d) deur subartikel (3) soos volg te wysig:

“(3) Ondanks andersluidende bepalings van hierdie Wet, kan **[die registrateur, na oorleg met die betrokke komitee en]** ’n nywerheidsopleidingsraad op aansoek van ’n werkgever in ’n nywerheid en gebied ten opsigte waarvan die betrokke nywerheidsopleidingsraad geakkrediteer is maar daar geen ambag kragtens hierdie Wet aangewys is nie, ’n kontrak van vakleerlingskap wat gesluit is tussen sodanige 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 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.”;
- (e) deur in subartikel (4) die woord “registrateur” met die woord “nywerheidsopleidingsraad” te vervang;

## 19. Section 17 of the principal Act is hereby amended—

- (a) by the substitution for the words “period of apprenticeship” in subsection 3 of the word “training”; and
- (b) by the amending of subsection (4) as follows:

“(4) With the approval of the **[registrar]** industry training board in question, 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]** that industry training board after consultation with the committee in question and in the absence of such committee, with the employers in question.”.

## 20. Section 18 of the principal Act is hereby amended—

- (a) by the deletion of the words “and reduction of periods of apprenticeship” in its side-note;
- (b) by the substitution for the word “registrar” in paragraph (c) of subsection (1) of the words “industry training board concerned”;
- (c) by the substitution for the word “registrar” in subsection (2) of the words “committee in question”;
- (d) by the amending of subsection (3) as follows:

“(3) Notwithstanding anything to the contrary contained in this Act **[the registrar may, after consultation with the committee in question and]** an industry training board may, upon the application of an employer in an industry and area in respect of which the industry training board in question has been accredited but 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—

- (a) was reduced to writing at the time it was entered into; and
- (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.”;
- (e) by the substitution for the word “registrar” in subsection (4) of the words “industry training board”;

(f) deur in subartikel (5) die woorde "die registrateur" met die woorde " 'n nywerheidsopleidingsraad" te vervang; en

(g) deur subartikel (6) te skrap.

21. Artikel 19 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) soos volg te wysig:

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

(b) deur in subartikel (2) die woord "registrateur" met die woorde "betrokke nywerheidsopleidingsraad" te vervang.

22. Artikel 20 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woord "registrateur" met die woorde "betrokke nywerheidsopleidingsraad" te vervang; en

(b) deur in subartikel (2) die woord "registrateur" met die woorde "betrokke nywerheidsopleidingsraad" te vervang.

23. Artikel 21 van die Hoofwet en sy kanttekening word hierby in sy geheel deur die volgende vervang:

"Afwesigheid uit werk of van kursusse.

21. Elke werkgever moet enige afwesigheid uit werk van 'n vakleerling in sy diens, om watter rede ookal, behalwe 'n afwesigheid wat toe te skryf is aan 'n skorsing ingevolge artikel 23, asook enige versuim om sonder grondige redes 'n opleidingskursus wat hy verplig is of was om by te woon ingevolge 'n leervoorskrif voorgeskryf ingevolge artikel 13 (2) 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."

24. Artikel 22 van die Hoofwet word hierby soos volg gewysig:

"22. (1) 'n Werkgever 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,

(f) by the substitution for the words "the registrar" and "he" in subsection (5) of the words "an industry training board" and "it", respectively; and

(g) by the deletion of subsection (6).

21. Section 19 of the principal Act is hereby amended—

(a) by amending subsection (1) as follows:

"(1) If in the opinion of **[the registrar]** an industry training board any apprentice is not receiving adequate training, **[the registrar]** that industry training board 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]** industry training board deems necessary to ensure that the apprentice will receive adequate training at the expense of the employer, and the **[registrar]** industry training board may withdraw or amend any such order."

(b) by the substitution for the word "registrar" in subsection (2) of the words "industry training board concerned".

22. Section 20 of the principal Act is hereby amended—

(a) by the substitution for the words "registrar" and "he" in subsection (1) of the words "industry training board concerned" and "it", respectively; and

(b) by the substitution for the words "registrar", "he" and "his" in subsection (2) of the words "industry training board concerned", "it" and "its", respectively.

23. Section 21 of the principal Act and its side-note is hereby replaced by the following:

"Absence from work or courses.

21. Every employer shall 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, as well as any failure without good reason to attend a training course which he is or was required to attend in terms of any condition of apprenticeship prescribed in terms of section 13 (2), 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."

24. Section 22 of the principal Act is hereby amended as follows:

"22. (1) An employer may send or transfer an apprentice from one place to another in the course of the ordinary practising of the

maar mag nie sonder die voorafgaande toestemming van die **[registrateur]** betrokke nywerheidsopleidingsraad 'n vakleerling aldus stuur of verplaas nie—

- (a) indien dit nie vir die vakleerling redelik gerieflik sal wees nie om daaglik 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 betrokke komitee **[of onderkomitee]** na die regsgebied van **[; onderskeidelik,]** 'n ander betrokke komitee **[of onderkomitee]**.
- (2) Die regte en verpligtinge van 'n werkgewer kragtens 'n kontrak van vakleerlingskap kan met die voorafgaande toestemming van die **[registrateur]** betrokke nywerheidsopleidingsraad aan 'n ander werkgewer oorgedra word, maar so 'n oordrag is nie voltooi voordat dit deur **[die registrateur]** daardie nywerheidsopleidingsraad geregistreer is nie.
- (3) (a) Die **[registrateur]** nywerheidsopleidingsraad kan na goeddunke 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 **[registrateur]** nywerheidsopleidingsraad 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]** komitees geraadpleeg het.
- (4) Indien 'n vakleerling ingevolge hierdie artikel verplaas word van die regsgebied van een betrokke komitee **[of onderkomitee]** na die regsgebied van **[onderskeidelik]** 'n ander betrokke komitee **[of onderkomitee]**, is enige leervoorswaarde wat ten opsigte van die betrokke ambag in laasgenoemde regsgebied van toepassing is, vanaf die datum van die verplasing ten opsigte van die vakleerling van toepassing en hou sodanige voorwaardes wat in eersgenoemde regsgebied op hom van toepassing was, vanaf daardie datum op om aldus van toepassing te wees.

trade in question by such apprentice, but shall not without the prior consent of the **[registrar]** industry training board concerned so send or transfer an apprentice—

- (a) if it would not be reasonably convenient for such 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 sub-committee]** to the area of jurisdiction of another committee in question **[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]** industry training board concerned be transferred to another employer, but no such transfer shall be complete until it has been registered by **[the registrar]** that industry training board.
- (3) (a) The **[registrar]** industry training board may in **[his]** its discretion grant or withhold **[his]** its consent referred to in subsection (1) or (2), and may when granting **[his]** its consent referred to in subsection (1), impose such conditions as **[he]** it may deem necessary.
- (b) The **[registrar]** industry training board shall not grant **[his]** its consent referred to in subsection (1) (b) or (2) unless—
- (i) **[he]** it is satisfied that all parties to the contract of apprenticeship have agreed to the proposed action; and
  - (ii) **[he]** it has consulted the **[committee]** committees in question.
- (4) If an apprentice is transferred in terms of this section from the area of jurisdiction of one committee in question **[or sub-committee]** to the area of jurisdiction of another committee in question **[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) (a) Indien iemand by 'n vennootskap as 'n vakleerling in diens is, word sy kontrak van vakleerlingskap nie uit hoofde van die dood of uitrede van 'n vennoot beëindig indien die saak van dié vennootskap deur 'n 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.

(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 uitrede, by die **[regis-trateur]** betrokke komitee vir registrasie van die oordrag inlewer.

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

25. Artikel 23 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woord "komitee" met die woord "nywerheidsopleidingsraad" te vervang;

(b) deur in paragraaf (a) van subartikel (2) die woord "registrateur" waar dit ookal in die paragraaf voorkom, met die woord "nywerheidsopleidingsraad" te vervang;

(c) deur paragraaf (b) van subartikel (2) soos volg te wysig:

"(b) **[Die registrateur]** 'n Nywerheidsopleidingsraad kan die bevoegdheid by paragraaf (a) aan hom verleen, skriftelik en onderworpe aan die voorwaardes wat hy bepaal aan enige **[komitee of onderkomitee]** van sy betrokke komitees deleger, om onderworpe aan die voorskrifte van die **[registrateur]** nywerheidsopleidingsraad deur die betrokke komitee **[of onderkomitee]** uitgeoefen te word ten opsigte van vakleerlinge binne **[die]** daardie komitee **[of onderkomitee]** se regsgebied."

(d) deur in paragraaf (c) van subartikel (2) die woord "registrateur" met die woord "nywerheidsopleidingsraad" te vervang;

(e) deur subartikel (4) soos volg te wysig:

"(4) Die betrokke komitee moet so spoedig doenlik 'n skorsing ingevolge subartikel (1) ondersoek, en dit **[bekragtig, wysig of tersyde stel]** aan die betrokke nywerheidsopleidingsraad voorlê vir bekragtiging, wysiging of tersydestelling: Met dien verstande dat die tydperk van 'n skorsing aldus gewysig nie dertig werksdae mag oorskry nie."

(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.

(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]** committee in question for registration of the transfer.

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

25. Section 23 of the principal Act is hereby amended—

(a) by the substitution for the word "committee" in subsection (1) of the words "industry training board";

(b) by the substitution for the word "registrar" wherever it appears in paragraph (a) of subsection (2) of the words "industry training board";

(c) by amending paragraph (b) of subsection (2) as follows:

"(b) **[The registrar]** An industry training board may in writing and subject to such conditions as **[he]** it may determine, delegate the powers conferred upon **[him]** it by paragraph (a) to any **[committee or sub-committee]** of its committees in question to be exercised, subject to the directions of the **[registrar]** industry training board by the committee in question **[or sub-committee]** in respect of apprentices within **[the]** that committee's **[or sub-committee's]** area of jurisdiction."

(d) by the substitution for the word "registrar" in paragraph (c) of subsection (2) of the words "industry training board";

(e) by amending subsection (4) as follows:

"(4) The committee in question shall, as soon as may be, inquire into and **[confirm, amend or set aside]** submit any suspension in terms of subsection (1) to the industry training board concerned for confirmation, amendment or setting aside: Provided that the period of any suspension as so amended shall not exceed thirty working days."

(f) deur in subartikel (5) die woord "komitee" waar dit ookal in daardie subartikel voorkom, met die woord "nywerheidsopleidingsraad" te vervang;

(g) deur subartikel (7) soos volg te wysig:

"(7) Indien 'n werkgewer of 'n vakleerling veronreg voel deur 'n beslissing van 'n **[komitee of 'n onderkomitee]** nywerheidsopleidingsraad ingevolge hierdie artikel, of indien 'n **[komitee of onderkomitee]** nywerheidsopleidingsraad 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]** nywerheidsopleidingsraad die beslissing van die **[komitee of onderkomitee]** nywerheidsopleidingsraad bekrachtig of die ander beslissing gee wat die **[komitee of onderkomitee]** nywerheidsopleidingsraad na sy mening moes gegee het, of die saak beslis, na gelang van die geval."

26. Artikel 24 van die Hoofwet word hierby gewysig deur die woord "registrateur" in subartikels (a) en (b) met die woorde "betrokke nywerheidsopleidingsraad" te vervang.

27. Artikel 25 van die Hoofwet word hierby gewysig deur die woord "registrateur", waar dit ookal in subartikels (1) en (2) voorkom, met die woord "nywerheidsopleidingsraad" te vervang.

28. Artikel 26 van die Hoofwet word hierby soos volg gewysig:

"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].**"

29. Artikel 27 van die Hoofwet met sy kanttekening word hierby geskrap.

(f) by the substitution for the word "committee" wherever it appears in subsection (5) of the words "industry training board";

(g) by amending subsection (7) as follows:

"(7) If an employer or an apprentice feels aggrieved by any decision of **[a committee or a sub-committee]** an industry training board in terms of this section, or if **[a committee or sub-committee]** an industry training board 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]** industry training board in question, confirm the decision of the **[committee or sub-committee]** industry training board or give such other decision as, in his opinion, the **[committee or sub-committee]** industry training board ought to have given, or decide the matter, as the case may be."

26. Section 24 of the principal Act is hereby amended by the substitution for the word "registrar" in subsections (a) and (b) of the words "industry training board concerned", and the substitution for the words "his", and "he" in subsection (b) of the words "its" and "it", respectively.

27. Section 25 of the principal Act is hereby amended by the substitution for the word "registrar" wherever it appears in subsections (1) and (2) of the words "industry training board" and the substitution for the word "he" in subsection (1) of the word "it".

28. Section 26 of the principal Act is hereby amended as follows:

"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].**"

29. Section 27 of the principal Act with its side-note is hereby deleted.

30. Artikel 28 van die Hoofwet word hierby soos volg gewysig:

“28. (1) Wanneer daar na die mening van **[die registrator]** ’n nywerheidsopleidingsraad voldoende voorsiening gemaak is vir die aflegging, in enige ambag in die nywerheid en gebied ten opsigte waarvan hy geakkrediteer is, van ’n kwalifiserende ambagstoets ooreenkomstig standarde deur die **[raad]** registrator en die betrokke nywerheidsopleidingsraad erken, kan **[die registrator]** daardie nywerheidsopleidingsraad enige persoon wat ingevolge hierdie Wet of die Wet op Opleiding van Ambagsmanne, 1951 (Wet No. 38 van 1951), as 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 **[registrator]** nywerheidsopleidingsraad 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 **[registrator]** nywerheidsopleidingsraad voldoende is, op aansoek op die voorgeskrewe vorm deur sodanige persoon en by betaling deur hom van die voorgeskrewe gelde, toegelaat om ’n ambagstoets ooreenkomstig bedoelde standarde af te lê.

(2) ’n Ambagstoets bedoel in subartikel (1) word op die tyd en plek wat die betrokke nywerheidsopleidingsraad in oorleg met die registrator bepaal, afgeleë.

(3) Indien die aansoeker in so ’n ambagstoets slaag, reik die registrator in samewerking met die betrokke nywerheidsopleidingsraad, **[in die voorgeskrewe vorm]** ’n sertifikaat te dien effekte aan hom uit.”

31. Artikel 29 van die Hoofwet en sy kanttekening word hierby soos volg gewysig:

“Raadpleging met **[raad]** registrator deur **[registrator]** nywerheidsopleidingsrade.

29. **[Die registrator]** Nywerheidsopleidingsrade moet van tyd tot tyd met die **[raad]** registrator **[raadpleeg]** oorleg pleeg 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.”

30. Section 28 of the principal Act is hereby amended as follows:

“28. (1) Whenever in the opinion of **[the registrar]** an industry training board adequate provision has been made in the industry and area in respect of which it has been accredited, for a qualifying trade test to be undergone in any trade in accordance with standards recognised by the **[board]** registrar, the **[registrar]** industry training board 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]** industry training board 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]** industry training board is adequate, and on payment by such 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 industry training board, in collaboration with the registrar may determine.

(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 collaboration with the industry training board concerned **[in the prescribed form]**.”

31. Section 29 of the principal Act and its side-note is hereby amended as follows:

“Consultation with **[board]** registrar by **[registrar]** industry training boards.

29. **[The registrar]** Industry training boards shall from time to time consult the **[board]** registrar as to the standards to be applied in determining the training and **[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.”

## 32. Artikel 30 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) soos volg te wysig:

“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]** die voorskrifte en voorwaardes uitvaardig **[betreffende—]** wat hy vir sodanige opleiding nodig ag:

- [(a) die vereiste kwalifikasies vir sodanige opleiding;**
- (b) die tydperk van opleiding, welke 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 gelde deur die Parlement 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**

## 32. Section 30 of the principal Act is hereby amended—

(a) by amending subsection (1) as follows:

“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, 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]** the directions and conditions which he deems necessary for such training **[relating to—]**:

- [(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;**
- (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;**
- (d) the allowances and facilities which may, with the concurrence of the Minister of Finance, be paid or 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);**
  - (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**

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 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.”; en

- (b) deur subartikels (2), (3), (4), (5), (6), (7) en (8) te skrap.

33. Artikel 31 van die Hoofwet met sy kanttekening word hierby soos volg gewysig:

“**[Groepopleidingsentrums]** Streeksopleidingsentrums.

31. (1) 'n Groep of vereniging van werkgewers wat in 'n **[bepaalde]** gebied **[in 'n bepaalde nywerheid]** ingevolge subartikel (10) vasgestel 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 bestuur van daardie sentrum deur 'n beheerliggaam saamgestel soos in daardie konstitusie bepaal]** daarstelling bestuur en bedryf van 'n sentrum vir die opleiding van werknemers en ander persone deur 'n beheerliggaam, kan by die registrateur aansoek doen om die registrasie van daardie sentrum as 'n **[groepopleidingsentrum]** streeksopleidingsentrum.

- (2) (a) Die registrateur kan op die voorwaardes wat hy goedvind 'n sentrum waarop 'n aansoek beoog in subartikel (1) betrekking het, as 'n **[groepopleidingsentrum]** streeksopleidingsentrum registreer.

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 cost incidental to the provisions 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).”; and

- (b) by the deletion of subsections (2), (3), (4), (5), (6), (7) and (8).

33. Section 31 of the principal Act and its side-note is hereby amended as follows:

“**[Group]** Regional training centres.

31. (1) Any group or association of employers engaged in **[a particular industry in a particular]** an area determined in accordance with subsection (10) 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]** establishment and operation of a centre for the training of employees and other persons by the governing body, may apply to the registrar for the registration of that centre as a **[group training centre]** regional 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]** regional training centre.

- (b) By die registrasie ingevolge paragraaf (a) van 'n sentrum as 'n **[groeppopleidingsentrum]** streeksopleidingsentrum word **[die beheerliggaam wat ingevolge subartikel (1) vir]** daardie sentrum **[ingestel is,]** 'n regspersoon **[en kan die betrokke groep of vereniging van werkgewers die groeppopleidingsentrum 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 **[groeppopleidingsentrum]** streeksopleidingsentrum 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 **[groeppopleidingsentrum]** streeksopleidingsentrum te ondergaan;
  - (iv) die vereistes met betrekking tot hul kwalifikasies en ondervinding waaraan persone wat by die betrokke **[groeppopleidingsentrum]** streeksopleidingsentrum onderrig sal verskaf, moet voldoen;
  - (ivA) die persele, toerusting, fasiliteite en materiaal wat vir die doeleindes van opleiding deur die betrokke streeksopleidingsentrum gebruik of verskaf moet word;
  - (v) enige ander aangeleentheid wat met so 'n **[groeppopleidingsentrum]** streeksopleidingsentrum 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 **[groeppopleidingsentrum]** streeksopleidingsentrum moet aan die registrateur die inligting
- (b) On the registration in terms of paragraph (a) of a centre as a **[group training centre, the governing body established for]** regional training centre, 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 the governing body].**
- (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]** regional training centre in question;
  - (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]** regional training centre in question;
  - (iv) the requirements relating to their qualifications and experience with which persons who will provide instruction at the **[group training centre]** regional training centre in question, shall comply;
  - (ivA) the premises, equipment, facilities and materials used or provided for the purposes of training by the regional training centre in question;
  - (v) any other matter connected with such a **[group training centre]** regional 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.
- (4) The governing body of a **[group training centre]** regional training centre shall furnish the registrar with such in-

met betrekking tot daardie sentrum of die beheer, bestuur of funksionering daarvan verstrek wat die registrateur van tyd tot tyd vereis.

- (5) Die Minister kan, op versoek van die beheerliggaam van 'n **[groepopleidingsentrum]**—

(a) ten einde geld te verkry wat nodig is om die koste te bestry wat voortspruit uit die bedryf van sodanige groepopleidingsentrum, ooreenkomstig die bepalinge van artikel 39, 'n heffing ten bate van daardie groepopleidingsentrum oplei; en

(b) **[streeksopleidingsentrum]**, op die voorwaardes wat die Minister goedvind en op die grondslag wat hy met die instemming van die Minister van Finansies bepaal, uit geld deur die Parlement vir dié doel bewillig, geldelike hulp aan daardie **[groepopleidingsentrum]** streeksopleidingsentrum verleen.

- (6) 'n Werkgewer wat nie in die betrokke gebied **[in die nywerheid]** ten opsigte waarvan 'n **[groepopleidingsentrum]** streeksopleidingsentrum 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]** streeksopleidingsentrum en onderworpe aan die voorwaardes wat die **[beheerliggaam]** registrateur 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.]**

- (7) (a) Wanneer die registrateur ten opsigte van 'n streeksopleidingsentrum rede het om te vermoed dat—

(i) hy gelikwideer is; of

formation relating to that centre or the control, management or functioning thereof as the registrar may from time to time require.

- (5) The Minister may, on the request of the governing body of a **[group training centre]**—

(a) for the purposes of raising money required to defray the expenses arising from the conduct of a group training centre, impose a levy for the benefit of that group training centre in accordance with the provisions of section 39; and

(b) **[regional training centre]**, on such conditions as the Minister may deem fit and on such basis as he may determine with the concurrence of the Minister of Finance, out of money appropriated by Parliament for that purpose, provide financial assistance to the **[group training centre]** regional training centre.

- (6) Any employer not engaged in the area in question **[in the industry]** in respect of which a **[group training centre]** regional 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]** regional training centre and subject to such conditions as he the **[governing body]** registrar may determine—

- (a) cause employees or other persons to be trained at the said centre; or  
(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.]**

- (7) (a) Whenever the registrar, in respect of a regional training centre, has reason to believe that—

(i) it has been liquidated; or

- (ii) enige voorwaarde wat in-  
gevolge subartikel (2) ten  
opsigte van daardie sentrum  
opgelê is of wat geag word in-  
gevolge daarvan opgelê te  
gewees het, nie nagekom is  
nie; of
- (iii) daar nie langer opleiding by  
daardie sentrum verskaf word  
nie, kan hy 'n geregistreerde  
brief aan daardie sentrum by  
sy hoofkantoor of laasbe-  
kende hoofkantoor rig waarin  
die sentrum aangesê word om  
binne in daardie brief vasge-  
stelde tydperk, wat nie min-  
der as dertig (30) dae moet  
wees nie, redes aan te voer  
waarom sy registrasie nie in-  
getrek moet word nie.
- (b) By verstryking van die ingevolge  
paragraaf (a) vasgestelde tydperk  
kan die registrateur, tensy redes  
daarteen tot sy bevrediging eerder  
aangevoer is, die registrasie van die  
sentrum intrek.
- (c) Sodra die registrasie van 'n sentrum  
ingevolge paragraaf (b) ingetrek is,  
hou daar die sentrum op om 'n  
regspersoon te wees. Met dien  
verstande dat die aanspreeklikheid  
(indien enige) van elke persoon wat  
met die likwidasie van die sentrum  
belas is, bly voortbestaan en af-  
gedwing kan word asof die sentrum  
se registrasie nie ingetrek was nie.
- (8) Die registrateur moet van tyd tot tyd aan  
die raad verslag doen oor al die aan-  
soeke wat hy ingevolge subartikel (1)  
ontvang het.
- (9) Die bepalinge van hierdie artikel is nie  
van toepassing ten opsigte van opleiding  
in verband waarmee die bepalinge van  
'n ooreenkoms ingevolge artikel 48 van  
die Wet op Arbeidsverhoudinge, 1956  
(Wet No. 28 van 1956), bindend ver-  
klaar is nie.
- (10) **['n Heffing ingevolge subartikel (5)  
opgelê, is betaalbaar aan die betrokke  
beheerliggaam.]** Die Minister kan  
vir die doeleindes van subartikel (1)  
gebiede vasstel en kan verskillende  
gebiede vasstel ten opsigte van ver-  
skillende kategorieë werk wat deur hom  
vir dié doel bepaal word.
- (10A) 'n Streeksopleidingsentrum word bedryf  
op die plek of plekke wat die betrokke  
beheerliggaam met die goedkeuring van  
die registrateur bepaal.
- (ii) any condition conferred on  
that centre in terms of subsec-  
tion (2) or deemed to be con-  
ferred in terms thereof, has  
not been met; or
- (iii) training is no longer being  
provided at that centre, he  
may send a registered letter to  
the head office or last known  
head office of that centre re-  
quiring that centre to show  
cause within the period men-  
tioned in that letter, not being  
less than thirty (30) days,  
why its registration shall not  
be withdrawn.
- (b) At the expiry of the period fixed in  
terms of paragraph (a), the registrar  
may, unless cause to the contrary to  
his satisfaction has previously been  
shown, withdraw the registration of  
the centre.
- (c) Upon the withdrawal of the regis-  
tration of a centre in terms of pa-  
graph (b), that centre shall cease to  
be a body corporate: Provided that  
the liability (if any) of every person  
charged with the winding-up of the  
centre, shall continue and may be  
enforced as if the registration of the  
centre had not been cancelled.
- (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 connec-  
tion 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.
- (10) **[Any levy imposed in terms of subsec-  
tion (5) shall be payable to the govern-  
ing body in question.]** The Minister  
may for the purposes of subsection (1)  
determine areas and may determine dif-  
ferent areas in respect of different cate-  
gories of work determined by him for  
this purpose.
- (10A) A regional training centre is conducted  
at the place or places determined by the  
governing body concerned with the  
approval of the registrar.

(11) Enige opleiding ingevolge hierdie artikel waarvan die koste bestem is om vir die doeleindes van 'n werknemersopleidingvermindering 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.

(12) Vanaf die datum van inwerkingtreding van die Wysingswet op Mannekragopleiding, 1988—

- (a) word sentrums wat voor bedoelde datum as groepopleidingsentrums geregistreer was, geag streeksopleidingsentrums te wees wat kragtens hierdie Wet geregistreer is;
- (b) word elke persoon wat onmiddellik voor bedoelde datum in diens van die beheerliggaam van 'n groepopleidingsentrum was, 'n werknemer van die betrokke streeksopleidingsentrum;
- (c) gaan alle goed, roerend of onroerend, wat onmiddellik voor bedoelde datum aan die beheerliggaam van 'n groepopleidingsentrum behoort het, sonder betaling van hereregte, seëlregte of ander gelde oor op en behoort dit aan die betrokke streeksopleidingsentrum, met behoud van enige las waarmee dit beswaar is: Met dien verstande dat alle geld wat onmiddellik voor bedoelde datum aan die beheerliggaam van 'n groepopleidingsentrum behoort het uit hoofde van 'n trust, skenking of bemaking, deur die betrokke streeksopleidingsentrum ooreenkomstig die voorwaardes van die trust, skenking of bemaking gebruik moet word;
- (d) neem 'n streeksopleidingsentrum alle wettige skulde en verpligtings van die beheerliggaam van die groepopleidingsentrum waarvan hy die opvolger is, oor en is hy daarvoor aanspreeklik, met behoud van alle wettige voorwaardes waarop daardie skulde en verpligtings aangegaan is;
- (e) moet 'n Registrateur van Aktes op die skriftelike versoek van 'n streeksopleidingsentrum die feit dat die regspersoonlikheid van die beheerliggaam van 'n groepopleidingsentrum oorgaan na die streeksopleidingsentrum wat hom opvolg,

(11) Any training in terms of this section, the cost of which is intended to be considered for the purposes of an employees 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.

(12) From the date of commencement of the Manpower Training Amendment Act, 1988—

- (a) centres which had been registered as group training centres shall be deemed to be regional training centres registered in terms of this Act;
- (b) every person in the employ of the governing body of a group training centre, prior to the said date, becomes an employee of the regional training centre concerned;
- (c) all property, movable or immovable, which immediately before the said date was vested in the governing body of a group training centre shall, without payment of transfer duty, stamp duty or other fees, accrue to and vest in the regional training centre concerned, subject to any charge with which such property may be burdened: Provided that all funds which immediately before the said date were vested in any governing body of a group training centre by trust, donation or bequest, shall be applied by the regional training centre concerned in accordance with the conditions of the trust, donation or bequest;
- (d) any regional training centre shall assume and be liable for all lawful debts and liabilities of the governing body of the group training centre of which it is the successor, subject to all lawful conditions under which those debts and liabilities were incurred;
- (e) a Registrar of Deeds shall at the written request of any regional training centre note in any title deed, document or record registered or kept in the deeds registry concerned the fact that the body cor-

aanteken op enige titelbewys, dokument of oorkonde wat in die betrokke registrasiekantoor geregistreer of bewaar word;

- (f) word 'n verwysing in 'n wet of 'n dokument na 'n groeopleidingsentrum of na die beheerliggaam van sodanige groeopleidingsentrum geag 'n verwysing na onderskeidelik 'n streeksopleidingsentrum of die beheerliggaam van 'n streeksopleidingsentrum te wees."

34. Die Hoofwet word hierby gewysig deur die volgende artikels 31A en 31B na artikel 31 in te voeg:

"Konstitusies van streeksopleidingsentrums.

31A. (1) 'n In artikel 31 (1) bedoelde konstitusie van 'n streeksopleidingsentrum moet voorsiening maak vir, onder andere—

- (a) die samestelling van sy beheerliggaam;
  - (b) die verkiesing of aanstelling van lede van sy beheerliggaam;
  - (c) die ampstermyn van en die ontruiming van amp deur sodanige lede;
  - (d) die byeenroeping van, die kworum vir en die prosedure by vergaderings van sy beheerliggaam;
  - (e) die boekjaar van die sentrum;
  - (f) die likwidasie van die sentrum: Met dien verstande dat indien daar bates oorbly nadat alle skulde en verpligtings van die sentrum vereffen is, waaroor daar nie ingevolge die konstitusie van die sentrum beskik kan word nie, moet daar oor beskik word ooreenkomstig lasgewings van die registrateur; en
  - (g) enige ander aangeleentheid wat nodig is vir die doeltreffende verrigting of uitoefening van die werksaamhede, pligte en bevoegdhede van die beheerliggaam.
- (2) Die beheerliggaam van 'n streeksopleidingsentrum kan in oorleg met die registrateur die konstitusie van die sentrum van tyd tot tyd wysig of vervang.
- (3) Die beheerliggaam van 'n streeksopleidingsentrum kan behoudens die bepalings van hierdie Wet en 'n voorwaarde wat ingevolge artikel 31 (2) opgelê is—
- (a) die diensstaat van daardie sentrum bepaal;
  - (b) enige persoon by daardie sentrum aanstel, bevorder of ontslaan;

porate of the governing body of a group training centre has been transferred to the regional training centre in succession;

- (f) a reference in any law or document to a group training centre or to the governing body of such group training centre shall be deemed to be a reference to a regional training centre or to the governing body of a regional training centre, respectively."

34. The principal Act is hereby amended by the insertion of sections 31A and 31B after section 31:

"Constitutions of regional training centres.

31A. (1) A constitution of a regional training centre as referred to in section 31 (1) shall *inter alia* provide for—

- (a) the composition of its governing body;
  - (b) the election or appointment of the members of its governing body;
  - (c) the term of office and vacation of office by such members;
  - (d) the calling of, the quorum for and the procedure at meetings of its governing body;
  - (e) the financial year of the centre;
  - (f) the liquidation of the centre: Provided that if after all liabilities and obligations of the centre have been discharged there remain assets which cannot be disposed of in terms of the constitution of the centre, it shall be disposed of in accordance with directions of the registrar; and
  - (g) any other matter necessary for the effective execution or performance of the functions, duties and powers of that governing body.
- (2) The governing body of a regional training centre may in consultation with the registrar, from time to time amend or substitute the constitution of the centre.
- (3) The governing body of a regional training centre may, subject to the provisions of this Act and any condition imposed in terms of section 31 (2)—
- (a) determine the staff establishment of that centre;
  - (b) appoint, promote or discharge any person at that centre;

- (c) die diensvoorwaardes, verlof- en ander voorregte, salarisse, salarisskale, uitdienststeding- en pensioenvoordele en ander voordele van alle persone in diens by daardie sentrum, bepaal;
- (d) roerende en onroerende goed wat vir die bestuur en bedryf van daardie sentrum nodig is, verkry, en sodanige goed wat nie meer vir daardie doeleindes nodig is nie, verkoop of op 'n ander wyse daarvoor beskik;
- (e) 'n rekening by 'n bankinstelling geregistreer ingevolge die Bankwet, 1965 (Wet No. 23 van 1965), open;
- (f) geld wat nie vir onmiddellike gebruik nodig is nie moet nie belê word nie behalwe in—
  - (i) Binnelandse geregistreerde effekte ooreenkomstig die bedoeling van artikel 21 van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975);
  - (ii) Nasionale Spaarsertifikate;
  - (iii) Posspaarbankrekening of -sertifikate;
  - (iv) Spaarrekeninge, permanente aandele of vaste deposito's in bougenootskappe of banke,
 of enige ander deur die registrateur goedgekeurde wyse;
- (g) geld leen;
- (h) in die algemeen, enigiets doen wat redelikerwys beskou kan word as nodig of wenslik vir die doeltreffende bestuur van en beheer oor daardie sentrum.

“Instelling van adviserende komitee vir streeksopleidingsentrums.

31B. (1) Die Minister stel 'n komitee in wat die adviserende komitee vir streeksopleidingsentrums heet.

(2) Die adviserende komitee bestaan uit—

- (a) een persoon wat deur elk van die streeksopleidingsentrums aangewys word;
- (b) een persoon wat deur die raad aangewys word; en
- (c) een persoon wat deur die Departement aangewys word.

(3) Die Minister stel uit die persone in subartikel (2) vermeld 'n persoon as voorsitter van die adviserende komitee en 'n ander persoon as vise-voorsitter van die adviserende komitee aan.

- (c) determine the conditions of service, leave and other privileges, salaries, salary scales, retirement and pension benefits and other benefits of all persons employed at that centre;
- (d) acquire movable and immovable property required for the management and conduct of that centre, and sell or otherwise dispose of such property no longer required for such purposes;
- (e) open an account with a banking institution registered in terms of the Banks Act, 1965 (Act No. 23 of 1965);
- (f) moneys surplus to its requirements shall not be invested otherwise than in—
  - (i) Internal registered stock within the meaning of section 21 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975);
  - (ii) National Savings Certificates;
  - (iii) Post Office savings accounts or certificates;
  - (iv) Savings accounts, permanent shares or fixed deposits in building societies or banks,
 or in any other manner approved by the registrar;
- (g) borrow money;
- (h) generally, do anything which can reasonably be regarded as necessary or desirable for the effective management and control of that centre.

“Establishment of advisory committee for regional training centres.

31B. (1) The Minister shall establish a committee to be known as the advisory committee for regional training centres.

(2) The advisory committee shall consist of—

- (a) one person nominated by each of the regional training centres;
- (b) one person nominated by the board; and
- (c) one person nominated by the Department.

(3) The Minister shall from the persons referred to in subsection (2) appoint a person as chairman of the advisory committee and another person as vice-chairman of the advisory committee.

- (4) Die voorsitter van die adviserende komitee het by 'n staking van stemme oor enige aangeleentheid wat op 'n vergadering van die adviserende komitee oorweeg word, 'n beslissende stem benewens sy beraadslagende stem.
- (5) Wanneer die voorsitter van die adviserende komitee van 'n vergadering van die adviserende komitee afwesig is, neem die vise-voorsitter as voorsitter waar, en wanneer die voorsitter sowel as die vise-voorsitter afwesig is, kies die lede van die adviserende komitee wat op daardie vergadering aanwesig is een uit hul midde om op daardie vergadering voor te sit, en terwyl hy as voorsitter waarneem het die persoon wat ingevolge hierdie subartikel aldus waarneem al die bevoegdhede en verrig hy al die werksaamhede van die voorsitter.
- (6) Die adviserende komitee kan reëls maak betreffende—
  - (a) die byeenroeping van, die bepaling van 'n kworum vir en die prosedure by vergaderings;
  - (b) enige ander aangeleentheid wat nodig is vir die doeltreffende verrigting of uitoefening van sy werksaamhede, pligte en bevoegdhede.
- (7) Die adviserende komitee dien die registrateur met advies oor—
  - (a) aangeleenthede soos in artikel 31 (3) beoog; en
  - (b) enige ander aangeleentheid betreffende die opleiding van werknemers of ander persone wat die registrateur na hom verwys.
- (8) Die sekretariële werk van die adviserende komitee word verrig deur beamptes en werknemers in die Staatsdiens in diens by die Departement wat vir dié doel deur die Direkteur-generaal aangewys word."

35. Artikel 32 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) soos volg te wysig:

"(1) 'n Werkgewer of 'n persoon wat 'n opleidingsentrum, uitgesonderd 'n **[groeopleidingsentrum]** streeksopleidingsentrum, 'n nywerheidsopleidingsentrum of 'n opleidingsentrum waarvoor voorsiening 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]** werknemers **[van]** of ander persone verskaf word, kan **[ongegag of, in die geval waar eersgenoemde persoon 'n werk-**

**gewer is, daar by so 'n opleidingsentrum**

- (4) The chairman of the advisory committee shall in the event of an equality of votes on any matter considered at any meeting of the advisory committee have a casting vote in addition to his deliberative vote.
- (5) When the chairman of the advisory committee is absent from any meeting of the committee, the vice-chairman shall act as chairman, and when both the chairman and vice-chairman are absent, the members of the advisory committee present at that meeting shall elect one of their number to preside at such meetings, and the person acting as chairman in terms of this subsection shall, while so acting, have all the powers and perform all the functions of the chairman.
- (6) The advisory committee may make rules as to—
  - (a) the calling of, the fixing of a quorum for and the procedure at meetings;
  - (b) any other matter which may be necessary for the efficient carrying out or exercise of its functions, duties and powers.
- (7) The advisory committee shall advise the registrar on—
  - (a) matters as contemplated in section 31 (3); and
  - (b) any other matter relating to the training of employees or other persons referred to it by the registrar.
- (8) The secretarial work of the advisory committee shall be performed by officers and employees in the Public Service serving in the Department, designated for this purpose by the Director General."

35. Section 32 of the principal Act is hereby amended—

(a) by amending subsection (1) as follows:

"(1) Any person or employer who conducts a training centre, excluding a **[group training centre]** regional training centre, industry 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]** or other persons, may **[regardless of whether, in the case where such first-**

**mentioned person is an employer, train-**

ook aan sy eie werknemers opleiding verskaf word,] by die registrateur aansoek doen om die registrasie van so 'n opleidingsentrum as 'n private opleidingsentrum.'";

(b) deur subartikel (4) soos volg te wysig:

"(4) Die werkgewer of persoon op wie se aansoek 'n private opleidingsentrum as sodanig geregistreer is, 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."; en

(c) deur na subartikel (5) die volgende nuwe subartikel by te voeg:

"(6) Enige opleidingskema wat ingevolge artikel 34 van Wet 56 van 1981 geregistreer is, sal met ingang van die inwerkingtreding van die Wysigingswet op Mannekragopleiding, 1988, geag word 'n private opleidingsentrum te wees."

36. Artikel 33 van die Hoofwet en sy kanttekening word hierby soos volg gewysig:

**"[Registrasie as private opleidingsentrum vereis in sekere gevalle]** Vereistes vir verskaffing van opleiding in arbeidsverhoudinge.

33. Geen persoon, uitgesonderd 'n vakvereniging, werkgewersorganisasie, federasie, nywerheidsraad of opvoedkundige inrigting, mag 'n in artikel 31 (1), 32 (1) of 34 (1) bedoelde opleidingsentrum waar opleiding in arbeidsverhoudinge verskaf word, bedryf tensy daardie opleidingsentrum ingevolge artikel 31 (2), 32 (2) of 34 (2) as 'n streeksopleidingsentrum, private opleidingsentrum of nywerheidsopleidingsentrum, na gelang van die geval, geregistreer is en bedoelde opleiding ooreenkomstig kursusse deur die registrateur goedgekeur, geskied nie."

37. Artikel 34 van die Hoofwet en sy kanttekening word hierby met die volgende vervang:

**"Opleidingsentrums.**

34. (1) 'n Persoon wat 'n opleidingsentrum, uitgesonderd 'n streeksopleidingsentrum, private opleidingsentrum of 'n opleidingsentrum waarvoor voorsiening gemaak word in 'n ooreenkoms wat ingevolge artikel 48 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), bindend verklaar is, in 'n bepaalde gebied en nywerheid bedryf waar opleiding aan werknemers of ander persone verskaf word, kan by die registrateur aansoek doen om die registrasie van so 'n opleidingsentrum as 'n nywerheidsopleidingsentrum.

(2) Die registrateur kan op die voorwaardes wat hy goedvind 'n opleidingsentrum waarop 'n aansoek beoog in subartikel (1) betrekking het, as 'n nywerheidsopleidingsentrum registreer.

ing 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.'";

(b) by amending subsection (4) as follows:

"(4) The employer or 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."; and

(c) by the insertion of the following new subsection after subsection (5):

"(6) Any training scheme registered in terms of section 34 of Act 56 of 1981, shall, as from the date of commencement of the Manpower Training Amendment Act, 1988, be deemed to be a private training centre."

36. Section 33 of the principal Act and its side-note is hereby amended as follows:

**"[Registration as private training centre required in certain cases]** Requirements for provision of training in labour relations.

33. No person, excluding a trade union, employers' organization, federation, industrial council or educational institution, may conduct a training centre referred to in section 31 (1), 32 (1) or 34 (1) where training in labour relations is provided unless that training centre has been registered in terms of section 31 (2), 32 (2) or 34 (2) as a regional training centre, private training centre or industry training centre, as the case may be, and the said training is provided in accordance with courses approved by the registrar."

37. Section 34 of the principal Act and its side-note is hereby replaced by the following:

**"Training centres.**

34. (1) Any person who conducts a training centre excluding a regional training centre, private 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, in a particular area and industry at which training is provided to employees or other persons, may apply to the registrar for the registration of such a training centre as an industry training centre.

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

- (3) Die voorwaardes in subartikel (2) beoog, kan ook betrekking hê op enige aangeleentheid in artikel 31 (3) (a) 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 nywerheidsopleidingsentrum as sodanig geregistreer is, 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) Die bepalinge van artikel 31 (3) (6), (7), (8) en (11) is *mutatis mutandis* ten opsigte van 'n nywerheidsopleidingsentrum van toepassing."

38. Artikel 35 van die Hoofwet word hierby gewysig deur sy kanttekening sowel as subartikels (1) en (2) soos volg te wysig:

"Hulptoelae ten opsigte van **[sekere opleidingskemas]** opleiding in arbeidsverhoudinge.

- (1) Die Minister kan op die voorwaardes wat hy goedvind en op die grondslag wat hy met die instemming van die Minister van Finansies bepaal, uit geld deur die Parlement vir dié doel bewillig hulptoelae toeken aan—

**[(a) enige werkgever wat 'n opleidingskema bedryf in 'n gebied wat die Minister met die instemming van die Minister van Nywerheidswese, Handel en Toerisme as 'n ekonomiese ontwikkelingsgebied aanwys;**

- (b) [(a) 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) (b) 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] aanbieding van sodanige opleiding [van die betrokke opleidingskema]** voortspruit, te bestry."

- (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 an industry 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), (6), (7), (8) and (11) shall *mutatis mutandis* apply in respect of an industry training centre."

38. Section 35 of the principal Act is hereby amended by amending its side-note as well as subsections (1) and (2) as follows:

"Grants-in-aid in respect of **[certain training schemes]** training in labour relations.

- (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 the Minister with the concurrence of the Minister of Industries, Commerce and Tourism;**

- (b) [(a) any trade union or employer's organization which [conducts a training scheme under which] provides 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) (b) any federation which provides [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]** presentation of such training."

39. Die Hoofwet word hierby gewysig deur die volgende artikel na artikel 36 in te voeg:

"Instelling van Fonds vir die Opleiding van Werklose Persone, en verwante aangeleenthede.

36A. (1) Die reëlings waarna in artikel 36 verwys word, sluit die instelling van 'n fonds genoem die Fonds vir die Opleiding van Werklose Persone in, waarin gestort word—

- (a) geld wat die Parlement van tyd tot tyd vir die fonds bewillig;
- (b) geld wat belangegroep in die privaatsektor van tyd tot tyd vir die fonds bewillig;
- (c) ander geld wat die fonds uit enige ander bron toeval;
- (d) rente wat ingevolge subartikel (9) verdien is.

(2) Die geld in die fonds word aangewend om die opleiding waardeur werklose persone met werkvaardighede vir toetreding tot die arbeidsmark toegesien word, te finansier.

(3) Die beheer en bestuur van sodanige fonds berus by 'n komitee van sewe lede wat deur die Minister aangestel word en soos volg saamgestel is:

- (a) Die Direkteur-generaal, wat die voorsitter is;
- (b) drie lede wat belangegroep in die privaatsektor verteenwoordig;
- (c) twee beamptes van die Departement; en
- (d) die voorsitter van die raad.

(4) Die funksies van sodanige komitee is om te besin oor die opleiding waardeur werklose persone met werkvaardighede vir toetreding tot die arbeidsmark toegesien word en om die Direkteur-generaal van advies te dien oor—

- (a) werkkategorieë waarin werklose persone opgelei behoort te word;
- (b) die toekenning van kontrakte vir die opleiding van werklose persone;
- (c) die standaarde wat vir die opleiding van werklose persone sal geld;
- (d) die indiensplasing van opgeleide werklose persone;
- (e) sodanige ander sake wat met die opleiding van werklose persone, hulle indiensplasing en die verkryging van inkomste genererende geleenthede verband hou.

39. The principal Act is hereby amended by the insertion of the following section after section 36:

"Establishment of Fund for the Training of Unemployed Persons.

36A. (1) The arrangements contemplated in section 36 shall include the establishment of a fund to be known as the Fund for the Training of Unemployed Persons, into which shall be paid—

- (a) money appropriated by Parliament for the fund from time to time;
- (b) money appropriated by interest groups in the private sector for the fund from time to time;
- (c) any other money which may accrue to the fund from any other source;
- (d) any interest earned in terms of subsection (9).

(2) The money in the fund shall be utilized for financing the training whereby unemployed persons shall be equipped with working skills to enter the labour market.

(3) The control and administration of such a fund shall be under the control of a committee consisting of seven members appointed by the Minister and shall be constituted as follows:

- (a) The Director General who is the chairman;
- (b) three members representing interest groups in the private sector;
- (c) two officers from the Department; and
- (d) the chairman of the board.

(4) The functions of such a committee shall be to apply its mind to training whereby unemployed persons shall be equipped with working skills to enter the labour market and to advise the Director General on—

- (a) the workcategories in which unemployed persons should be trained;
- (b) the granting of contracts for the training of unemployed persons;
- (c) the standards relevant to the training of unemployed persons;
- (d) the placement in employment of trained unemployed persons;
- (e) such other matters in relation to the training of unemployed persons, their placement in employment and the attainment of income generating opportunities.

- (5) Die ampstermyn van die lede gemeld in subartikels (3) (b) en (3) (c) is een jaar en hulle kan by die verstryking van hulle ampstermyn deur die Minister heraan-gestel word.
- (6) Vakatures wat in so 'n komitee ontstaan, word deur persone wat deur die Minister aangestel word, gevul. 'n Persoon wat aangestel word om 'n vaka-ture te vul, beklee die amp vir die on-verstreke gedeelte van sy voorganger se ampstermyn en kan by die verstryking van sy ampstermyn deur die Minister heraan-gestel word.
- (7) Die Direkteur-generaal bepaal in oorleg met die ander komiteelede die tye en plekke van vergaderings van die komi-tee en die prosedure wat tydens verga-derings gevolg moet word, en hy moet by elke vergadering van die komitee verslag doen oor—
  - (a) betalings uit die fonds; en
  - (b) die invordering van geld wat aan die fonds bewillig is of verskuldig is of wat die fonds toeval en is by die toepassing van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), en die regulasies daarkrag-tens uitgevaardig, die rekenpligtige beampte met betrekking tot die sake van die fonds.
- (8) Die Direkteur-generaal moet behoorlik aantekeninge hou van alle gelde wat in die fonds inbetaal en daaruit betaal word, en die rekeninge wat op die fonds betrekking het moet deur die Ouditeur-generaal geoudit word.
- (9) Geld in die fonds wat nie vir onmiddellike gebruik nodig is nie, moet by die Staatskuldkommissaris se belê word en kan opgevra word wanneer dit vir ge-bruik nodig is.
- (10) 'n Onbestede saldo in die fonds aan die einde van 'n boekjaar word as 'n krediet in die fonds na die daaropvolgende boekjaar oorgedra.
- (11) Die betrokke komitee moet sesmaande-lik aan die Minister 'n verslag verstrek ten opsigte van sy bedrywighede en die stand van die fonds."

40. Artikel 37A van die Hoofwet word hierby gewysig deur paragrawe (a) en (c) van subartikel (1) soos volg te wysig:

- "(a) 'n **[groeopleidingsentrum]** streeksopleiding-sentrum;
- (c) 'n **[opleidingskema]** nywerheidsopleidingsen-trum;".

- (5) The period of office of the members mentioned in subsections (3) (b) and (3) (c) shall be one year and they may at the expiry of their period of office be re-appointed by the Minister.
- (6) A vacancy which may occur in such a committee shall be filled by a person appointed by the Minister who shall hold office for the unexpired portion of the period of office of his predecessor and may on expiry of his period of office be re-appointed by the Minister.
- (7) The Director General shall determine, in collaboration with the other members of the committee, the times and venues of meetings of the committee and the procedure to be followed at meetings and he shall report at each meeting of the committee on—
  - (a) payments from the fund; and
  - (b) the collection of money appro-priated to, owed to or accrued by 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.
- (8) The Director General shall keep a proper record of all money paid into and out of the fund, and the accounts relat-ing to the fund shall be audited by the Auditor-General.
- (9) Any money in the fund which is not required for immediate use shall be in-vested with the Public Debt Commis-sioners and may be withdrawn when required for use.
- (10) 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.
- (11) The committee concerned shall furnish the Minister on a six monthly basis with a report on the activities and the balance of the fund."

40. Section 37A of the principal Act is hereby amended by amending paragraphs (a) and (c) of subsection (1) as follows:

- "(a) a **[group training centre]** regional training centre;
- (c) **[a training scheme]** an industry training centre;".

41. Artikel 38 van die Hoofwet word hierby gewysig deur subartikel (4) soos volg te wysig:

“(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]** streeksopleidingsentrum, private opleidingsentrum, **[Opleidingskema]** nywerheidsopleidingsentrum of skema bedoel in artikel 39 (4), of van ’n skema vir die 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.”.

42. Artikel 41 van die Hoofwet word hierby gewysig—

(a) deur sy kanttekening en subartikel (1) soos volg te wysig:

“Appelle **[na Minister]**.

(1) ’n Werkgewer, voornemende werkgewer, vakleerling, voornemende vakleerling of ’n minderjarige (hierna die appellant genoem) wat veronreg voel deur ’n beslissing van **[die registrator]** ’n nywerheidsopleidingsraad 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 skriftelik na die **[Minister]** registrator appelleer, en die **[Minister]** registrator kan, na oorleg met die **[raad en die]** betrokke **[komitee]** nywerheidsopleidingsraad die beslissing van die **[registrator]** nywerheidsopleidingsraad bekragtig of die ander beslissing gee wat die **[registrator]** nywerheidsopleidingsraad volgens die oordeel van die **[Minister]** registrator behoort te gegee het.”;

(b) deur die volgende nuwe subartikel (1A) na subartikel (1) in te voeg:

“(1A) ’n Appellant wat verontreg voel deur ’n beslissing van die registrator op ’n appel ingevolge subartikel (1), kan binne 30 dae na die datum van die beslissing skriftelik na die Minister appelleer en die Minister kan na oorleg met die raad, die beslissing van die registrator bekragtig of die ander beslissing gee wat die registrator volgens die oordeel van die Minister behoort te gegee het.”;

(c) deur subartikel (2) soos volg te wysig:

“(2) Iemand wie se aansoek ingevolge artikel 31 (1), **[of]** 32 (1) of 34 (1) om die registrasie van ’n **[groeopleidingsentrum]** streeksopleidingsentrum, ’n private opleidingsentrum of ’n nywerheidsopleidingsentrum, na gelang van die geval deur die registrator geweier is, **[of enige werkgewer wie se]**

41. Section 38 of the principal Act is hereby amended by amending subsection (4) as follows:

“(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]** regional training centre, private training centre, **[training scheme]** industry training centre 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.”.

42. Section 41 of the principal Act is hereby amended—

(a) by amending subsection (1) and its side-note as follows:

“Appeals **[to Minister]**.

(1) Any employer, prospective employer, apprentice, prospective apprentice or minor, (hereinafter referred to as the appellant) who feels aggrieved by a decision of **[the registrar]** an industry training board 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 in writing to the **[Minister]** registrar, and the **[Minister]** registrar may, after consultation with **[the board and]** the **[committee]** industry training board in question, confirm the **[registrar's]** industry training board's decision or give such other decision as in the opinion of **[the Minister]** the registrar the training board ought to have given.”.

(b) by the insertion of the following new subsection (1A) after subsection (1):

“(1A) An appellant who feels aggrieved by any decision of the registrar on an appeal in terms of subsection (1) may appeal in writing to the Minister within 30 days after the date of the decision and the Minister may, after consultation with the board, confirm the decision of the registrar or give such other decision as in the opinion of the Minister, the registrar ought to have given.”;

(c) by amending subsection (2) as follows:

“(2) Any person whose application in terms of section 31 (1), **[or]** 32 (1) or 34 (1) for the registration of a **[group training centre]** regional training centre, a private training centre or an industry training centre, as the case may be, has been refused by the registrar **[or any employer whose application]**

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 skriftelik na die Minister appelleer, en die Minister kan, na 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, behoudends die bepalings van artikel 31 (2), 32 (2) of 34 (2), na gelang van die geval, die betrokke [groepopleidingsentrum] streeksopleidingsentrum, private opleidingsentrum of [opleidingskema] nywerheidsopleidingsentrum te registreer."

43. Artikel 42 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) soos volg te wysig:

"(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] enige voorskrifte of voorwaardes uitgevaardig ingevolge artikel 30 of wat geag word ingevolge daarvan [bestel] uitgevaardig te gewees het, aan die werkgewer betaal of terugbetaal nie,"

44. Artikel 43 van die Hoofwet word hierby soos volg gewysig:

"43. Ondanks andersluidende bepalings van die een of ander wet, is die bepalings van 'n loonreëlende maatregel 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)] enige voorskrifte of voorwaardes wat ingevolge artikel 30 uitgevaardig is of wat geag word ingevolge daarvan [gepubliseer of bestel] uitgevaardig te gewees het, en wat op die werkgewer, vakleerling, minderjarige of kwekeling van toepassing is om met 'n bepaling van 'n kontrak van vakleerlingskap wat deur 'n vakleerling 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."

45. Artikel 44 van die Hoofwet word hierby gewysig deur in paragraaf (a) van subartikel (2) die woorde "of gemagtigde persoon" tussen die woorde "opleidingsadviseur" en "skriftelik" in te voeg.

46. Artikel 45 van die Hoofwet en sy kanttekening word hierby soos volg gewysig:

"Aanstelling van opleidingadviseurs [en gemagtigde persone].

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 in writing 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,] regional training centre, private training centre [or training scheme] or industry training centre in question."

43. Section 42 of the principal Act is hereby amended by amending paragraph (b) of subsection (1) as follows:

"(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)] any directions or conditions issued in terms of section 30 or deemed to have been issued in terms thereof."

44. Section 43 of the principal Act is hereby amended as follows:

"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 any directions or conditions issued or deemed to have been issued in terms of section 30 of the Act [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."

45. Section 44 of the principal Act is hereby amended by the insertion of the words "or authorized person" between the words "training adviser" and "may in writing" in paragraph (a) of subsection (2).

46. Section 45 of the principal Act and its side-note is hereby amended as follows:

"Appointment of training advisers [and authorised persons].

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

[(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 vermelde nywerheid en gebied daardie werksaamhede of bevoegdhede van 'n opleidingsadviseur wat die Minister bepaal, te verrig of uit te oefen.]

[(3)] (2) Elke opleidingsadviseur [en gemagtigde persoon] word voorsien van 'n sertifikaat, deur die registrateur onderteken, wat meld dat hy as opleidingsadviseur [of gemagtigde persoon, na 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 in die nywerheid en gebied ten opsigte waarvan hy daardie werksaamhede of bevoegdhede mag verrig of uitoefen, vermeld word.].

[(4)] (3) 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."

47. Artikel 46 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (2) soos volg te wysig:

"(a) ten einde vas te stel of daar voldoen word of voldoen is aan enige bepaling van hierdie Wet of aan enige leervoordes of aan enige **[bepaling van 'n kennisgewing wat ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) bestel]** voorskrifte of voorwaardes wat ingevolge artikel 30 uitgevaardig is of wat geag word ingevolge daarvan **[bestel]** uitgevaardig 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 artikel 31 (2) (a), 32 (2) of 34 (2) opgelê is of wat geag word ingevolge daarvan opgelê te gewees het;"

(b) deur paragrafe (b) en (c) van subartikel (2) soos volg te wysig:

"(b) na die doeltreffendheid van die opleiding wat by 'n **[groeppopleidingsentrum]**

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

[(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.]

[(3)] (2) 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.]**

[(4)] (3) 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."

47. Section 46 of the principal Act is hereby amended by amending—

(a) paragraph (a) of subsection (2) as follows:

"(a) in order to ascertain whether any provision of this Act or any condition of apprenticeship, or any directions or conditions issued or deemed to have been issued in terms of section 30 **[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;"

(b) by amending paragraphs (b) and (c) of subsection (2) as follows:

"(b) into the effectiveness of the training provided at any **[group training**

streeksopleidingsentrum of 'n private opleidingsentrum of **[onder]** 'n **[opleidingskema]** nywerheidsopleidingsentrum of deur 'n werkgewer aan vakleerlinge of kwekelinge in sy diens, verskaf word;

- (c) na enige ander aangeleentheid wat met 'n **[groepopleidingsentrum]** streeksopleidingsentrum, 'n private opleidingsentrum of 'n **[opleidingsentrum]** nywerheidsopleidingsentrum 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,

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 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 mikroformreproduksie 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, 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.”; en

(c) deur subartikel (5) te skrap.

48. Artikel 47 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) soos volg te wysig:

“(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]** nywerheidsopleidingsraad by kennisgewing in die *Staatskoerant* enige kategorie, groep, afdeling of soort werkgewers of werknemers in die kennisgewing vermeld, of in die algemeen of met die beperking wat hy goedvind, en onderworpe aan die voorwaardes, as daar is, wat hy in die kennisgewing opleë, vrystel van enige van

**centre]** regional training centre or private training centre or **[under]** any **[training scheme]** industry training centre or by any employer to apprentices or trainees in his employ;

- (c) into any other matter connected with any **[group training centre]** regional training centre, private training centre or **[training scheme]** industry training centre with the training of apprentices, trainees or other persons and which in the opinion of the registrar should be investigated,

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;
- (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;
- (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;
- (iv) make extracts from or copies of any book, record, other document or reproduction referred to in paragraph (iii).”;

(c) by the deletion of subsection (5).

48. Section 47 of the principal Act is hereby amended—

(a) by amending subsection (1) as follows:

“(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]** industry training board 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**

of al die bepalings van hierdie Wet of van enige **[bepalings van 'n kennisgewing wat ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4) bestel]** voorskrifte of voorwaardes wat ingevolge artikel 30 uitgevaardig is of wat geag word ingevolge daarvan **[bestel]** uitgevaardig 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 gewees het, of van enige leervoortwaarde, 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.”;

(b) deur subartikel (3) soos volg te wysig:

“(3) Die Minister kan, na oorleg met die betrokke **[komitee]** nywerheidsopleidingsraad, indien daar na sy oordeel spesiale omstandighede bestaan wat vrystelling regverdig, enige persoon, deur middel van 'n sertifikaat deur 'n beampde onderteken, of in die algemeen of met die beperkings wat hy goetvind en onderworpe aan die voorwaardes wat hy ople en vir die tydperk deur hom vermeld, 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]** voorskrifte of voorwaardes wat ingevolge artikel 30 uitgevaardig is wat geag word ingevolge daarvan **[bestel]** uitgevaardig 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 gewees het, of van enige leervoortwaarde of van enige voorwaarde wat in 'n kragtens subartikel (1) gepubliseerde kennisgewing voorgeskryf is.”; en

(c) deur subartikel (5) soos volg te wysig:

“(5) Die Minister kan te eniger tyd na oorleg met die betrokke **[komitee]** nywerheidsopleidingsraad enige vrystelling wat ingevolge subartikel (3) verleen is, intrek of die voorwaardes waarop dit verleen is, wysig.”.

49. Artikel 48 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) soos volg te wysig:

“(a) daardie persoon aan die Minister, **[of]** die raad of 'n nywerheidsopleidingsraad of 'n opleidingsadviseur, beampde, gemagtigde per-

a notice served or deemed to have been served in terms of section 30 (3) or 30 (3) read with 30 (4)] directions or conditions issued or deemed to have been issued in terms of section 30 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.”;

(b) by amending subsection (3) as follows:

“(3) The Minister may, after consultation with the **[committee]** industry training board 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 **[provisions of a notice served or deemed to have been served in terms of section 30 (3) or 30 (3) read with 30 (4)]** directions or conditions issued or deemed to have been issued in terms of section 30 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).”; and

(c) by amending subsection (5) as follows:

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

49. Section 48 of the principal Act is hereby amended by amending paragraph (a) of subsection (1) as follows:

“(a) that person has given to the Minister, **[or]** the board of an industry training board or a training adviser, officer, authorized person or a committee **[or sub-committee]** in question any infor-

soon, of 'n betrokke 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 nywerheidsopleidingsraad, 'n opleidingsadviseur, 'n gemagtigde persoon **[,]** of 'n betrokke komitee **[of 'n onderkomitee]** voldoen het, of voor 'n geregshof of die nywerheidshof getuienis afgelê het;”

50. Artikel 49 van die Hoofwet word hierby soos volg gewysig:

“49. Geen lid of plaasvervangende lid van die raad, 'n komitee van die raad, 'n nywerheidsopleidingsraad of 'n betrokke komitee **[of 'n onderkomitee]**, geen opleidingsadviseur, gemagtigde persoon of beampte en geen persoon wat toegelaat word om by 'n vergadering van die raad, 'n komitee van die raad, 'n nywerheidsopleidingsraad of 'n betrokke komitee **[of 'n onderkomitee]**, of by 'n ondervraging deur 'n ondersoekbeampte bedoel in artikel **[10] 5**, 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 geregshof.”

51. Artikel 50 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) van subartikel (1) soos volg te wysig:

“(b) 'n **[bepaling van 'n kennisgewing]** voorskrif of voorwaarde wat ingevolge artikel **[30 (3) of 30 (3) saamgelees met 30 (4) bestel]** 30 uitgevaardig is of wat geag word ingevolge daarvan **[bestel]** uitgevaardig 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;”

(b) deur paragraaf (e) van subartikel (1) soos volg te wysig:

“(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;”

mation which he is by or in terms of this Act or 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, an industry training board, a training adviser, an authorized persons **[,]** or a committee **[or a sub-committee]** in question or has given evidence before a court of law or the industrial court;”

50. Section 49 of the principal Act is hereby amended as follows:

“49. No member or alternate member of the board, a committee of the board, an industry training board or a committee **[or a sub-committee]** in question, no training adviser, authorized person or officer and no person allowed to be present at any meeting of the board, a committee of the board, an industry training board or a committee **[or a sub-committee]** in question or at any interrogation by an investigating officer referred to in section **[10] 5**, 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—

- (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
- (c) in the course of proceedings in the industrial court or a court of law.”

51. Section 50 of the principal Act is hereby amended—

(a) by amending paragraph (b) of subsection (1) as follows:

“(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)]** directions or conditions issued or deemed to have been issued in terms of section 30 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);”

(b) by amending paragraph (e) of subsection (1) as follows:

“(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;”

- (c) deur paragraaf (a) van subartikel (2) soos volg te wysig:

“(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 in gevolge artikel 30 (4) of (5) (b) uitgereik is]** 4 (1) (b);”;

- (d) deur subartikel (5) soos volg te wysig:

“(5) Die bepalings van artikel 57 van die Strafproseswet, 1977 (Wet No. 51 van 1977), is nie van toepassing nie ten opsigte van ’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 bepalings van artikel 31 (5) of]** ingevolge artikel 39 opgelê is of wat geag word **[uit hoofde of]** ingevolge daarvan opgelê te gewees het.”.

52. Artikel 52 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) soos volg te wysig:

“(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 (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 **[die beheerliggaam van die betrokke groeopleidingsentrum 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 paaiemente of andersins, na gelang die hof bepaal, en binne ’n tydperk wat die hof bepaal aan die betrokke **[beheerliggaam,]** persoon, beampte of liggaam, na gelang van die geval, te betaal.”;

- (b) deur subartikel (4) soos volg te wysig:

“(4) ’n Werkgewer wat deur **[die beheerliggaam van ’n groeopleidingsentrum]** ’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 kennisgewing ingevolge hierdie Wet waarby ’n heffing

- (c) by amending paragraph (a) of subsection (2) as follows:

“(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)]** 4 (1) (b);”;

- (d) by amending subsection (5) as follows:

“(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 section 31 (5) or]** in terms of section 39.”.

52. Section 52 of the principal Act is hereby amended—

- (a) by amending subsection (1) as follows:

“(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.”;

- (b) by amending subsection (4) as follows:

“(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

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.”

53. Artikel 54 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) soos volg te wysig:

“(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 bepalinge van hierdie Wet met betrekking tot aangeleenthede wat die publikasie van die kennisgewing voorafgaan of daarmee in verband staan, voldoen is.”;

(b) deur paragraaf (c) van subartikel (8) met die volgende paragraaf te vervang:

“(c) enige voorskrifte of voorwaardes wat ingevolge artikel 30 uitgevaardig is of wat geag word ingevolge daarvan uitgevaardig te wees; of”;

(c) deur subartikel (11) soos volg te wysig:

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

(d) deur paragraaf (a) van subartikel (13) soos volg te wysig:

“(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]** die betrokke nywerheidsopleidingsraad of van die betrokke komitee, na gelang van die geval, waarin verklaar word dat op die datum of tussen die datums in die beëdigde verklaring vermeld—

- (i) die Minister of die registrateur, na gelang van die geval, by ’n appêl ingevolge artikel 41 ’n besluit geneem het; of
- (ii) die Minister of bedoelde beampte ingevolge artikel 47 (3) ’n vrystelling verleen het; of

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.”.

53. Section 54 of the principal Act is hereby amended—

(a) by amending subsection (1) as follows:

“(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.”;

(b) by the substitution for paragraph (c) of subsection (8) of the following:

“(c) any directions or conditions issued or deemed to have been issued in terms of section 30; or”;

(c) by amending subsection (11) as follows:

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

(d) by amending paragraph (a) of subsection (13) as follows:

“(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 the industry training board concerned or the committee in question [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 or the registrar, as the case may be, 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) 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) die betrokke nywerheidsopleidingsraad kragtens hierdie Wet, sy konstitusie of leervoerwaardes 'n besluit geneem of 'n magtiging verleen het of 'n lasgewing of bevel uitgereik of gewysig het, na gelang van die geval; of
- [(iv)]** (v) 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 werkgever 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]** betrokke nywerheidsopleidingsraad 'n bevel ingevolge artikel 19 **[of 21]** deur hom uitgereik, ingetrek of gewysig het; of
- (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
- (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 artikel 13 (2) **[(a)]** (e) 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 (ix) besonderhede van die

- (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 industry training board concerned in terms of this Act, its constitution or its conditions of apprenticeship reached a decision or gave any authority or issued or varied any direction or order, as the case may be; or
- [(iv)]** (v) 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]** industry training board concerned withdrew or amended any order issued by **[him]** it in terms of section 19 **[or 21]**; or
- (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)]** (e), 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

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.”.

54. Artikel 57 van die Hoofwet word hierby gewysig deur subartikel (1) met die volgende subartikel te vervang:

“(1) Die Minister kan regulasies uitvaardig wat voorskryf—

(a) enige aangeleentheid wat volgens hierdie Wet voorgeskryf moet of kan word; en

(b) oor die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf sodat die oogmerke van hierdie Wet bereik kan word.”.

#### OORGANGSBEPALINGS

55. Enige komitee van die raad wat ingevolge artikel 5 (2) van die Wet op Mannekragopleiding, 1981 (hierna verwys as die oorspronklike Wet) voor die datum van inwerkingtreding van die Wysigingswet op Mannekragopleiding, 1988 (hierna verwys as die Wysigingswet) vir 'n bepaalde nywerheid in 'n bepaalde gebied ingestel is en op sodanige datum gefunksioneer het, en enige onderkomitee wat ingevolge artikel 7 (2) van die oorspronklike Wet voor sodanige datum deur 'n komitee van die raad ingestel is en op daardie datum gefunksioneer het, bly ondanks die inwerkingtreding van die Wysigingswet voortbestaan en die toepaslike bepalings van die oorspronklike Wet wat by ontstentenis van die Wysigingswet van toepassing sou gewees het, bly van toepassing asof daardie Wysigingswet nie in werking getree het nie: Met dien verstande dat enige sodanige komitee en enige onderkomitee wat deur hom ingestel is, ontbind met ingang vanaf die datum waarop 'n nywerheidsopleidingsraad ingevolge artikel 9 van die Wysigingswet geakkrediteer word vir die nywerheid in die gebied ten opsigte waarvan sodanige komitee ingestel is. By sodanige ontbinding van 'n komitee van die raad word enige verwysing na daardie komitee in enige leervooraarde of kontrak van vakleerlingskap wat dan nog van krag is of geag word van krag te wees, uitgelê as 'n verwysing na die betrokke nywerheidsopleidingsraad: Met dien verstande ook dat indien geen nywerheidsopleidingsraad voor 'n datum wat die Minister by proklamasie in die *Staatskoerant* bepaal vir die nywerheid in die gebied waarvoor 'n komitee van die raad ingestel is, geakkrediteer word nie, sodanige komitee en enige onderkomitee wat deur hom ingestel is, met ingang vanaf voormelde datum ontbind in welke geval enige kennisgewing ingevolge artikel 13 (1) en (2) van die oorspronklike Wet gepubliseer en wat van toepassing is op die nywerheid in die gebied wat onder die jurisdiksie van so 'n komitee val, met ingang vanaf dieselfde datum geag word ingetrek te wees: Met dien

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.”.

54. Section 57 of the principal Act is hereby amended by the substitution of subsection (1) with the following:

“(1) The Minister may make regulations prescribing—

(a) any matter which by this Act is required or permitted to be prescribed; and

(b) generally all matters which he considers it necessary or expedient to prescribe in order that the objects of this Act may be achieved.”.

#### TRANSITIONAL PROVISIONS

55. Any committee of the board established in terms of section 5 (2) of the Manpower Training Act, 1981 (hereinafter referred to as the original Act) before the date of commencement of the Manpower Training Amendment Act, 1988 (hereinafter referred to as the amending Act) in respect of a particular industry in a particular area and which as at that date was functioning, and any subcommittee established in terms of section 7 (2) of the original Act by a committee of the board before that date and which as at that date was functioning, shall notwithstanding the commencement of the amending Act continue to function and the relevant provisions of the original Act which but for the amending Act would have been applicable, shall continue to be applicable as if the amending Act had not come into operation: Provided that any such committee and any subcommittee established by it, shall disestablish with effect from the date on which an industry training board is accredited in terms of section 9 of the amending Act for the industry in the area in respect of which such a committee has been established. In the event of a committee of the board being disestablished in such circumstances, any reference to such a committee in any conditions of apprenticeship or contract of apprenticeship which is still applicable or deemed to be applicable, shall be deemed to be a reference to the industry training board concerned: Provided also, that if no industry training board is accredited in respect of the industry in the area for which a committee of the board has been established before a date fixed by the Minister by proclamation in the *Gazette*, such a committee and any subcommittee established by it, as from that date shall disestablish in which event any notice published in terms of section 13 (1) and (2) of the original Act or the original Act as amended by the amending Act and which is applicable in the industry in the area falling

verstande verder dat 'n kontrak van vakleerlingskap wat voor die datum van inwerkingtreding van die Wysigingswet ingevolge artikel 16 (3) (d) of artikel 18 (1) (c) of (3) van die oorspronklike Wet geregistreer is of geag word ingevolge daarvan geregistreer te wees, na daardie datum bindend bly vir die partye daarby, en enige kennisgewing wat voor gemelde datum gepubliseer is ingevolge artikel 13 (1) en (2) van die oorspronklike Wet of die oorspronklike Wet soos deur die Wysigingswet gewysig, en op sodanige partye van toepassing is, na daardie datum van toepassing bly, maar sodanige partye moet die registrateur nie later nie as 90 dae na die akkreditering van 'n nywerheidsopleidingsraad soos bedoel by die eerste voorbehoudsbepaling van hierdie artikel, skriftelik in kennis stel of hulle verkies dat die toepaslike bepalinge van die oorspronklike Wet en enige kennisgewings wat op hulle van toepassing is, wat by ontstentenis van die Wysigingswet en enige kennisgewing ingevolge artikel 13 (3) van die oorspronklike Wet van toepassing sou gewees het, van toepassing moet bly asof die Wysigingswet nie in werking getree en laasgemelde kennisgewing nie gepubliseer is nie, en of die kontrak geag moet word geregistreer te wees ingevolge die ooreenstemmende bepalinge van die oorspronklike Wet soos deur die Wysigingswet gewysig.

#### KORT TITEL EN INWERKINGTREDING

56. Hierdie Wet heet die Wysigingswet op Mannekragopleiding, 1988, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

under the jurisdiction of such a committee, as from the same date shall be regarded as having been withdrawn: Provided, further, that a contract of apprenticeship registered or deemed to be registered under section 16 (3) (d) or section 18 (1) (c) or (3) of the original Act before the date of commencement of the amending Act, shall after that date continue to be binding on the parties thereto, and any notice published in terms of section 13 (1) and (2) of the original Act prior to the aforementioned date and which applies to such parties, shall after that date continue to be applicable but such parties shall not later than 90 days after the accreditation of an industry training board as contemplated by the first proviso to this section, notify the registrar in writing whether they prefer that the relevant provisions of the original Act and any notice which applies to them, which but for the amending Act and any notice in terms of section 13 (3) of the original Act would have been applicable, should continue to be applicable as if the amending Act had not come into operation and the lastmentioned notice had not been published, or whether the contract should be deemed to have been entered into under the corresponding provisions of the original Act as amended by the amending Act.

#### SHORT TITLE AND COMMENCEMENT

56. This Act shall be called the Manpower Training Amendment Act, 1988, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

### PHYTOPHYLACTICA

Hierdie publikasie bevat artikels oor plantpatologie, mikologie, mikrobiologie, entomologie, nematologie en ander dierkundige plantplae. Vier dele van die tydskrif word per jaar gepubliseer.

Verdienstelike landboukundige bydraes van oorspronklike wetenskaplike navorsing word vir plasing in hierdie tydskrif verwelkom. Voorskrifte vir die opstel van sulke bydraes is verkrygbaar van die Direkteur, Landbou-inligting, Privaatsak X144, Pretoria, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

Die tydskrif is verkrygbaar van bogenoemde adres teen R5 plus AVB per eksemplaar of R20 per jaar, posvry (Buitelands R6,25 per eksemplaar of R25 per jaar).

### PHYTOPHYLACTICA

This publication deals with plant pathology, mycology, microbiology, entomology, nematology, and other zoological plant pests. Four parts of the journal are published annually.

Contributions of scientific merit on agricultural research are invited for publication in this journal. Directions for the preparation of such contributions are obtainable from the Director, Agricultural Information, Private Bag X144, Pretoria, to whom all communications in connection with the journal should be addressed.

The journal is obtainable from the above-mentioned address at R5 plus GST per copy or R20 per annum, post free (Other countries R6,25 per copy or R25 per annum).

# **NOU BESKIKBAAR**

## **VERSLAE VAN DIE APPÈLHOWE VIR KOMMISSARISHOWE**

(In boekvorm)

1972–1974 (484 bladsye)

1975–1977 (338 bladsye)

Verkoopprys (AVB uitgesluit)

1972–1974: Plaaslik, R9,20; buitelands, R10,90; posvry

1975–1977: Plaaslik, R7,40; buitelands, R8,70; posvry

—oOo—

# **NOW AVAILABLE**

## **REPORTS OF THE APPEAL COURTS FOR COMMISSIONERS' COURTS**

(In book form)

1972–1974 (484 pages)

1975–1977 (338 pages)

Selling price (GST excluded)

1972–1974: Local, R9,20; other countries, R10,90; post free

1975–1977: Local, R7,40; other countries, R8,70; post free

# BELANGRIK!!

## Plasing van tale:

### *Staatskoerante*

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1987 tot 30 September 1988 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*



# IMPORTANT!!

## Placing of languages:

### *Government Gazettes*

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1987 to 30 September 1988, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Acts of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

| INHOUD                            |                                                              |                           | CONTENTS                       |                                        |                |
|-----------------------------------|--------------------------------------------------------------|---------------------------|--------------------------------|----------------------------------------|----------------|
| No.                               | Bladsy<br>No.                                                | Staats-<br>koerant<br>No. | No.                            | Page<br>No.                            | Gazette<br>No. |
| <b>ALGEMENE KENNISGEWING</b>      |                                                              |                           | <b>GENERAL NOTICE</b>          |                                        |                |
| <b>Mannekrag, Departement van</b> |                                                              |                           | <b>Manpower, Department of</b> |                                        |                |
| <i>Algemene Kennisgewing</i>      |                                                              |                           | <i>General Notice</i>          |                                        |                |
| 113                               | Konsep wysigingswetsontwerp op Manne-<br>kragopleiding ..... | 1 11149                   | 113                            | Manpower Training Draft Amendment Bill | 1 11149        |