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STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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No. 12474

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1115.

23 Mei 1990

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

No. 39 van 1990: Wysigingswet op Mannekragopleiding, 1990.

No. 1115.

23 May 1990

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

No. 39 of 1990: Manpower Training Amendment Act, 1990.

Wet No. 39, 1990

WYSIGINGSWET OP MANNEKRAGOPLEIDING, 1990

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Mannekragopleiding, 1981, ten einde sekere woordomskrywings te skrap en sekere uitdrukkings te omskryf of nader te omskryf; die bepaling dat die voorsitter en ondervoorsitter van die Nasionale Opleidingsraad hul ampte op 'n voltydse grondslag beklee, te skrap; die werksaamhede en bevoegdhede van genoemde raad nader te omskryf, en sodanige werksaamhede en bevoegdhede in sekere opsigte opnuut te reël; nuwe voorsiening te maak betreffende die instelling van komitees deur genoemde raad; voorsiening te maak vir die stigting, akkreditering, konstitusies en werksaamhede van opleidingsrade; nuwe voorsiening te maak betreffende die aanwysing van ambagte en leervoorwaardes; sekere bepalings wat van toepassing is op die opleidingsvoorwaardes van persone in bepaalde ambagte of beroepe wat nie vakleerlinge of minderjariges is nie, te skrap; voorsiening te maak vir streeksopleidingsentrums in die plek van groepopleidingsentrums; vir die instelling en werksaamhede van 'n adviserende komitee vir streeksopleidingsentrums; vir die aanpassing van registrasievereistes van private opleidingsentrums om opleidingskemas te inkorporeer, en die uitbreiding van die opleidingsbevoegdheid van sodanige sentrums om ook ander persone as werknemers in te sluit; en vir die registrasie van nywerheidsopleidingsentrums wat deur opleidingsrade bedryf kan word; die magtiging vir die toekenning van hulptoelaes aan sekere opleidingskemas te skrap, en nuwe voorsiening te maak vir hulptoelaes ten opsigte van opleiding in arbeidsverhoudinge; voorsiening te maak vir die instelling van 'n fonds vir die opleiding van werklose persone; vir die aanteken van appèlle ook na die registrateur van mannekragopleiding en in sekere nuwe gevalle na die Minister; en vir nuwe voorskrifte vir die byhou van aantekeninge; die aanstelling van opleidingsadviseurs opnuut te reël; en die aangeleenthede waaroor die Minister regulasies mag uitvaardig, opnuut te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 15 Mei 1990.)

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

Wysiging van artikel 1 van Wet 56 van 1981, soos gewysig deur artikel 1 van Wet 88 van 1982

1. Artikel 1 van die Wet op Mannekragopleiding, 1981 (hieronder die Hoofwet 5 genoem), word hierby gewysig—

(a) deur na die omskrywing van “aangewese ambag” die volgende omskrywing in te voeg:

“‘adviserende komitee’ die adviserende komitee vir streeksopleidings-
entrums wat kragtens artikel 31B ingestel is;”;

(b) deur die omskrywing van “die betrokke komitee” te skrap;

10

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Manpower Training Act, 1981, so as to delete certain definitions and define or further define certain expressions; to delete the provision that the chairman and vice-chairman of the National Training Board hold their offices on a full-time basis; to further define the functions and powers of the said board, and to regulate such functions and powers anew in certain respects; to make new provision regarding the establishment of committees by the said board; to provide for the establishment, accreditation, constitutions and functions of training boards; to make new provision regarding the designation of trades and conditions of apprenticeship; to delete certain provisions pertaining to the conditions of training of persons in specific trades or occupations who are not apprentices or minors; to provide for regional training centres in the place of group training centres; for the establishment and functions of an advisory committee for regional training centres; for the adjustment of registration requirements of private training centres to incorporate training schemes, and the extension of the training powers of such centres also to include persons other than employees; and for the registration of industry training centres which may be conducted by training boards; to delete the authorization for the awarding of grants-in-aid to certain training schemes, and make new provision for grants-in-aid in respect of training in labour relations; to provide for the establishment of a fund for the training of unemployed persons; for the noting of appeals also to the registrar of manpower training and in certain new cases to the Minister; and for new provisions for the keeping of records; to regulate anew the appointment of training advisers; and to regulate anew the matters for which the Minister may make regulations; and to provide for matters connected therewith.

(Afrikaans text signed by the Acting State President.)
(Assented to 15 May 1990.)

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

Amendment of section 1 of Act 56 of 1981, as amended by section 1 of Act 88 of 1982

1. Section 1 of the Manpower Training Act, 1981 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion before the definition of “apprentice” of the following definition:

“‘advisory committee’ means the advisory committee for regional training centres which has been established under section 31B;”;
- 10 (b) by the substitution for the definition of “area of jurisdiction” of the following definition:

“‘area of jurisdiction’, in relation to any [committee] training board, means the area in respect of which that [committee has been established] training board has in terms of this Act been accredited by the registrar

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- (c) deur die omskrywing van "gemagtigde persoon" deur die volgende omskrywing te vervang:
 "‘gemagtigde persoon’ **[iemand]** ’n persoon bedoel in artikel 12D (1) (f) wat **[ingevolge die bepalings van artikel 45 (2)]** deur ’n geakkrediteerde opleidingsraad gemagtig is om enige werksaamhede **[of bevoegdheid]** van **[’n opleidingsadviseur]** daardie opleidingsraad te verrig **[of uit te oefen]**,”; 5
- (d) deur die omskrywing van "groepopleidingsentrum" te skrap;
- (e) deur die omskrywing van "komitee" deur die volgende omskrywing te vervang: 10
 "‘komitee’ ’n komitee wat ingevolge die bepalings van artikel **[5 (1)]** 6 (1) deur die raad ingestel is **[of wat geag word ingevolge daarvan ingestel te gewees het, en ook die beampte of beamptes aan wie die bevoegdheid en werksaamhede van ’n komitee ingevolge die bepalings van artikel 9 opgedra is of geag word opgedra te gewees het]**,”; 15
- (f) deur paragraaf (c) van die omskrywing van "loonreëlende maatreël" deur die volgende paragraaf te vervang:
 "‘(c) ’n kennisgewing wat ingevolge artikel 30 **[(3) of 30 (3) saamgelees met 30 (4) bestel]** uitgevaardig is of wat geag word ingevolge daarvan **[bestel]** uitgevaardig te gewees het,”; 20
- (g) deur die omskrywing van "Nasionale Mannekragkommissie" te skrap;
- (h) deur na die omskrywing van "nywerheidshof" die volgende omskrywing in te voeg:
 "‘nywerheidsopleidingsentrum’ ’n opleidingsentrum wat ingevolge artikel 34 (2) as ’n nywerheidsopleidingsentrum geregistreer is,”; 25
- (i) deur die omskrywing van "onderkomitee" te skrap;
- (j) deur die omskrywing van "opleidingskema" te skrap;
- (k) deur voor die omskrywing van "opvoedkundige inrigting" die volgende omskrywings in te voeg:
 "‘opleidingskomitee’ ’n komitee wat uit hoofde van artikel 12C (1) (n) deur ’n geakkrediteerde opleidingsraad kragtens sy konstitusie as ’n opleidingskomitee ingestel is of, indien so ’n komitee nie ingestel is nie, die betrokke opleidingsraad;
 ‘opleidingsraad’ of ‘geakkrediteerde opleidingsraad’ ’n opleidingsraad bedoel in artikel 12A wat ingevolge artikel 12B deur die registrateur ten opsigte van ’n bepaalde nywerheid en ’n bepaalde gebied geakkrediteer is,”; 30 35
- (l) deur die omskrywing van "regsgebied" deur die volgende omskrywing te vervang:
 "‘regsgebied’, met betrekking tot ’n **[komitee]** opleidingsraad, die gebied ten opsigte waarvan daardie **[komitee ingestel]** opleidingsraad ingevolge hierdie Wet deur die registrateur 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]**,”; 40
- (m) deur na die omskrywing van "regsgebied" die volgende omskrywing in te voeg: 45
 "‘streeksopleidingsentrum’ ’n sentrum wat ingevolge artikel 31 (2) van hierdie Wet as ’n streeksopleidingsentrum geregistreer is of wat geag word ingevolge daarvan as sodanig geregistreer te wees,”; en
- (n) deur die omskrywing van "werksoeker" deur die volgende omskrywing te vervang: 50
 "‘werksoeker’ en ‘werklose persoon’ iemand bo die ouderdom van vyftien jaar wat nie in diens is nie, nie volgens wet verplig is om ’n skool by te woon nie, nie ’n leerling by of student aan ’n opvoedkundige inrigting is nie, nie wag op toelating tot ’n opvoedkundige inrigting nie en wat werk soek.”. 55

Wysiging van artikel 3 van Wet 56 van 1981

2. Artikel 3 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang: 60
 "‘(a) twee lede, deur die Minister aangestel, wat onderskeidelik die voorsitter en die ondervoorsitter van die raad is **[en hul ampte as sodanig op ’n heeltydse grondslag beklee]**; en”; en

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[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];”;

5 (c) by the substitution for the definition of “authorized person” of the following definition:

“‘authorized person’ means any person referred to in section 12D (1) (f) who has been authorized **[in terms of the provisions of section 45 (2)]** by an accredited training board to perform any of the functions **[or to exercise any of the powers]** of **[a]** that training **[adviser]** board;”;

10 (d) by the substitution for the definition of “committee” of the following definition:

“‘committee’ means a committee established **[or deemed to have been established]** in terms of the provisions of section **[5 (1)]** 6 (1) by the board **[, and includes the officer or officers to whom the powers and functions of a committee have been assigned or are deemed to have been assigned in terms of the provisions of section 9];”;**

15 (e) by the deletion of the definition of “group training centre”;

(f) by the insertion after the definition of “industry” of the following definition:

20 “‘industry training centre’ means a training centre which has been registered as an industry training centre in terms of section 34 (2);”;

(g) by the deletion of the definition of “National Manpower Commission”;

25 (h) by the insertion after the definition of “private training centre” of the following definition:

“‘regional training centre’ means a centre which has in terms of section 31 (2) of this Act been registered as a regional training centre or which is deemed to have been registered thereunder as such;”;

30 (i) by the deletion of the definition of “sub-committee”;

(j) by the deletion of the definition of “the committee in question”;

(k) by the insertion after the definition of “training adviser” of the following definitions:

35 “‘training board’ or ‘accredited training board’ means a training board referred to in section 12A which has in terms of section 12B been accredited by the registrar in respect of a specific industry and a specific area;

40 “‘training committee’ means a committee established by an accredited training board by virtue of section 12C (1) (n) under its constitution as a training committee or, if no such committee has been established, the training board concerned;”;

(l) by the deletion of the definition of “training scheme”;

(m) by the substitution for paragraph (c) of the definition of “wage regulating measure” of the following paragraph:

45 “(c) a notice **[served]** issued or deemed to have been **[served]** issued in terms of section 30 **[(3) or 30 (3) read with 30 (4)]**;”;

(n) by the substitution for the definition of “workseeker” of the following definition:

50 “‘workseeker’ and ‘unemployed person’ means a person over the age of fifteen years who is unemployed, is not required by law to attend school, is not a pupil or a student at an educational institution, is not awaiting admission to an educational institution and who is seeking work.”.

Amendment of section 3 of Act 56 of 1981

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

55 (a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

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

- (b) deur subartikel (10) deur die volgende subartikel te vervang:

“(10) Aan die voorsitter en ondervoorsitter, ’n lid, met inbegrip van ’n lid bedoel in subartikel (5), en ’n plaasvervangende lid van die raad, en ’n lid (met inbegrip van ’n gekoopteerde lid) van ’n komitee, 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.”

Wysiging van artikel 4 van Wet 56 van 1981

3. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang: 10

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

- (a) **[op sy eie of in samewerking met die Nasionale Mannekragkommissie navorsing doen in verband met opleiding en die behoeftes op die gebied van opleiding;]** met die oog op die verrigting van sy werksaamhede, die navorsing en ondersoeke doen wat hy nodig ag; en 15

- (b) **[stappe doen vir die totstandbrenging van eenvormige standaarde van opleiding met die oog op die beheer van en die bevordering van die doeltreffendheid van opleiding;]** 20

- (c) **[ondersoek instel na die wenslikheid en uitvoerbaarheid van ’n stelsel waarvolgens verskillende grade van opleiding verskaf word en persone op verskillende stadiums van hul opleiding aan toetsing onderwerp word;]**

- (d) **[saamwerk met die Departement, ander Staatsdepartemente en statutêre liggame in verband met aangeleenthede wat met mannekragopleiding verband hou;]** 25

- (e) **[reëls maak betreffende die byeenroeping van, die bepaling van ’n kworum vir en die prosedure by ’n vergadering van die raad, en oor die algemeen betreffende alle aangeleenthede wat nodig is vir die doeltreffende verrigting van die werksaamhede of die uitoefening van die bevoegdhede van die raad of, behoudens artikel 6 (2), van ’n komitee];]** 30

- (f) **[skriftelik, onder die handtekening van die voorsitter of die ondervoorsitter of van ’n beampte wat deur die voorsitter daartoe gemagtig is, enige persoon wat na sy mening in staat is om enige inligting te verstrek wat die raad verlang om te verkry vir die doeleindes van of in verband met enige ondersoek of navorsing wat hy kragtens hierdie Wet doen, en wat sodanige persoon verplig kon geword het om te verstrek indien hy voor die raad verskyn het ingevolge ’n dagvaarding uitgereik kragtens artikel 10, gelas om sodanige inligting aan die raad te verstrek binne die tydperk en in die vorm wat hy vereis].”;** 35 40

- (b) deur subartikel (3) deur 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 **[verleen]** en met die instemming van die Minister van Finansies, **[vir die doeleindes van die verrigting van ’n werksaamheid bedoel in subartikel (1) of die bereiking van ’n oogmerk bedoel in subartikel (2),]** ’n ooreenkoms vir die verrigting van ’n besondere handeling of besondere werk of die lewering van besondere dienste, op die voorwaardes en teen die vergoeding waartoe ooreengekom word, aangaan met **[enige persoon of organisasie]** enigiemand wat na die oordeel van die raad geskik is om sodanige handeling of werk te verrig of sodanige dienste te lewer.”; en 45 50

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

“(4) (a) Die raad moet so gou doenlik na 31 Desember van elke jaar aan die Minister ’n verslag verstrek ten opsigte van sy werksaamhede gedurende die jaar wat op daardie datum eindig, en die algemene stand van sake met betrekking tot opleiding in die Republiek op daardie datum. 55

- (b) Die Minister kan, indien hy dit in die openbare belang wenslik ag, so ’n verslag in die Parlement ter Tafel lê.” 60

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(b) by the substitution for subsection (10) of the following subsection:

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

Amendment of section 4 of Act 56 of 1981

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

(a) by the substitution for subsection (2) of the following subsection:

“(2) The board [shall perform its functions with a view to the co-ordination, encouragement and facilitation, or the promotion in any other manner, of training and] may—

(a) [by itself or in collaboration with the National Manpower Commission do research work in connection with training and the needs in the field of training;] with a view to the performance of its functions, do the research and conduct the investigations which it deems necessary; and

(b) [take steps for the establishment of uniform standards of training with a view to the control of and the promotion of the effectiveness of training;

(c) investigate the desirability and feasibility of a system according to which different grades of training are provided and persons are subjected to testing at different stages of their training;

(d) collaborate with the Department and other Departments of State and statutory bodies in connection with matters pertaining to manpower training;

(e) make rules relating to the calling of, the fixing of a quorum for and the procedure at a meeting of the board, and generally relating to all matters which may be necessary for the effective performance of the functions or the exercising of the powers of the board or, subject to section 6 (2), of a committee [;

(f) in writing under the hand of the chairman or the vice-chairman or of an officer authorized thereto by the chairman, direct any person who in its opinion will be able to furnish any information which the board desires to obtain for the purposes of or in connection with any investigation or research work being conducted or done by it under this Act, and which such person could have been compelled to furnish if he had appeared before the board in terms of a subpoena issued under section 10, to furnish the board with such information within such period and in such form as it may require].”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) The board may, for the purposes of the performance of any of its [function] functions [referred to in subsection (1) or the attainment of any object referred to in subsection (2)], with the approval of the Minister [granted] and with the concurrence of the Minister of Finance, enter into any agreement for the performance of a particular act or of particular work or for the rendering of particular services, on such conditions and at such remuneration as may be agreed upon, with [any person] anybody who [or organization which] is in the opinion of the board fit to perform such act or work or to render such services.”; and

(c) by the addition of the following subsection:

“(4) (a) The board shall as soon as possible after 31 December of each year furnish the Minister with a report in respect of its activities during the year ending on that date, and the general state of affairs as regards training in the Republic as at that date.

(b) The Minister may, if he deems it desirable in the public interest, table such report in Parliament.”.

Vervanging van artikel 5 van Wet 56 van 1981

4. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

“Ondersoeke deur raad

5. (1) Behoudens die bepalings van hierdie artikel en met die oog op die doeltreffende verrigting van die werksaamhede van die raad— 5
- (a) kan die raad of enige lid van die raad te eniger redelike tyd enige perseel of plek waar opleiding ingevolge artikel 31, 32, 34, 36 of 37 verskaf word, betree of binnegaan met die doel om inligting wat die raad verlang om te verkry vir die doeleindes van of in verband met enige ondersoek of navorsing wat hy ingevolge hierdie Wet uitvoer of doen, in te win, en die eienaar of okkupeerder van enige sodanige perseel of plek, en elke persoon in sy diens, moet te alle tye die redelike fasiliteite verskaf wat nodig is om die raad of so 'n lid in staat te stel om die perseel of plek te betree of binne te gaan, en moet aldus alle redelikerwys aangevraagde inligting verstrek; 10 15
- (b) kan die raad enige persoon wat volgens sy oordeel in staat mag wees om enige ter sake dienende inligting aan hom te verstrek aangaande 'n aangeleentheid wat ondersoek word, of wat na hy vermoed enige boek, stuk of saak wat in verband staan met die aangeleentheid wat ondersoek word, in sy besit of bewaring of onder sy beheer het, by kennisgewing as getuie oproep om op die in die kennisgewing bepaalde tyd en plek voor die raad te verskyn om ondervra te word of om daardie boek, stuk of saak oor te lê: Met dien verstande dat ingeval so 'n getuie die raad oortuig dat daar redelike gronde bestaan om te vermoed dat iemand anders in staat is om sodanige inligting te verstrek of so 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer oor te lê, moet die raad, waar sodanige ander persoon se identiteit bekend is, daardie persoon aldus as getuie oproep. 20 25
- (2) 'n Kennisgewing in subartikel (1) (b) bedoel, moet deur die voorsitter of die ondervoorsitter van die raad of deur 'n beampte deur die voorsitter daartoe gemagtig, onderteken word, en word op die voorgeskrewe wyse aan 'n getuie beteken. 30
- (3) By verrigtinge in subartikel (1) (b) beoog, kan die voorsitter, die ondervoorsitter of enige ander lid van die raad wat teenwoordig is— 35
- (a) aan 'n persoon wat as getuie opgeroep is, of iemand anders wat aanwesig is en bereid is om getuienis af te lê, 'n eed oplê of 'n bevestiging van hom aanneem; en
- (b) daarna enige redelike vraag aan hom stel.
- (4) (a) 'n Persoon wat kragtens subartikel (1) (b) as getuie opgeroep is en wat sonder voldoende rede versuim om op die vasgestelde tyd en plek te verskyn, is aan 'n misdryf skuldig. 40
- (b) 'n Persoon aan wie kragtens subartikel (3) (a) 'n eed opgelê is of van wie 'n bevestiging afgeneem is en wat weier of versuim om volledig en op bevredigende wyse na sy beste wete en oortuiging op wettige en redelike vrae aan hom gestel, te antwoord, of om enige boek, stuk of saak in sy besit of bewaring of onder sy beheer oor te lê indien hy wettig 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 persoon wat as getuie gedagvaar is om voor 'n geregshof getuienis af te lê of 'n boek, stuk of saak oor te lê, in verband met die ondervraging van so 'n persoon of die oorlegging van so 'n boek, stuk of saak van toepassing is. 45 50
- (5) Die ondervraging van 'n getuie deur die raad moet agter geslote deure onderneem word, 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 55

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Substitution of section 5 of Act 56 of 1981

4. The following section is hereby substituted for section 5 of the principal Act:

“Investigations by board

5. (1) Subject to the provisions of this section and with a view to the effective performance of the functions of the board—

(a) the board or any member of the board may at any reasonable time enter upon or enter any premises or place where training is provided in terms of section 31, 32, 34, 36 or 37, for the purpose of acquiring information which the board desires to obtain for the purposes of or in connection with any investigation or research being conducted or done by it in terms of this Act, and the owner or occupier of any such premises or place, and every person in his employment, shall at all times furnish such reasonable facilities as may be necessary in order to enable the board or such member to enter upon such premises or enter such place, and shall so furnish all reasonably requested information;

(b) the board may by notice summon any person who in its opinion may be able to furnish it with any relevant information regarding any matter which is being investigated, or who it suspects has any book, document or thing relating to the matter which is being investigated in his possession or custody or under his control, to appear as a witness before the board at the time and the place specified in the notice, to be questioned or to produce such book, document or thing: Provided that in the event of his convincing the board that there are reasonable grounds to believe that any other person is capable of furnishing the board with such information or of producing such book, document or thing in his possession or custody or under his control, the board shall, where the identity of such other person is known, so summon that person as a witness.

(2) A notice referred to in subsection (1) (b) shall be signed by the chairman or the vice-chairman of the board or by an officer authorized thereto by the chairman, and shall be served in the prescribed manner on any witness.

(3) At proceedings contemplated in subsection (1) (b) the chairman, the vice-chairman or any other member of the board present may—

(a) administer an oath to or accept an affirmation from any person summoned as a witness, or any other person who is present and who is willing to give evidence; and

(b) thereafter put any reasonable question to him.

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

(b) Any person to whom an oath has been administered or from whom an affirmation has been taken under subsection (3) (a) and who refuses or fails to answer fully and satisfactorily to the best of his knowledge and belief all lawful and reasonable questions 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 questioning of any such person or the production of any such book, document or thing, the rules of 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 questioning of any witness by the board shall be conducted in private, unless the board decides otherwise: Provided that at the request of any witness the questioning of that witness shall be conducted in private: Provided further that the board may in its discretion and with the

raad na goeddunke en met die 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 opgeroep is om voor die raad te verskyn, kan, as die raad oortuig is dat hy weens sy verskyning enige geldelike verlies gely het of enige koste 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 gelde deur die Parlement bewillig, betaal word: Met dien verstande dat indien die persoon wat as getuie opgeroep is in die voltydse diens van die Staat is, die toelaes of die bedrag aan hom betaalbaar ooreenkomstig die wette wat sy diens reël, bepaal moet word.

(7) Iemand wat die raad of 'n komitee, of 'n lid van die raad of 'n komitee, by die uitoefening van enige bevoegdheid of die verrigting van enige werksaamheid deur of kragtens hierdie artikel verleen of toevertrou, opsetlik hinder, is aan 'n misdryf skuldig."

Vervanging van artikel 6 van Wet 56 van 1981

5. Artikel 6 van die Hoofwet word hierby deur die volgende artikel 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 en kan persone wat nie lede van die raad is nie as lede van die komitees, maar uitgesonderd die uitvoerende komitee, aanstel: Met dien verstande dat 'n komitee, 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 lid of lede van die komitee kan koöpteer.

(2) (a) Die raad wys ten opsigte van elke komitee 'n lid van die komitee as voorsitter aan.

(b) Indien die voorsitter van 'n vergadering afwesig is, moet die aanwesige lede iemand uit hulle midde kies om op dié vergadering as voorsitter waar te neem.

(c) 'n Gekoöpteerde lid van 'n komitee wat nie 'n lid van die raad is nie, is nie geregtig om te stem nie.

(3) Die raad kan, onderworpe aan die voorwaardes wat hy goedvind, enige van sy bevoegdhede of pligte ingevolge hierdie Wet, uitgesonderd bevoegdhede of pligte verleen of opgelê kragtens hierdie artikel, deleger of oordra aan enige van sy komitees, maar word nie ontdoen van 'n bevoegdheid of plig aldus gedelegeer of oorgedra nie, en kan so 'n delegasie of oordrag te eniger tyd intrek: Met dien verstande dat die raad 'n beslissing deur so 'n komitee geneem te eniger tyd kan verander of tersyde stel.

(4) Die raad kan te eniger tyd die lidmaatskap van die voorsitter, of van 'n lid of 'n gekoöpteerde lid, van 'n komitee beëindig.

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

(6) Die bepalinge van artikel 5 is *mutatis mutandis* van toepassing by die verrigting van die werksaamhede van 'n komitee."

Herroeping van artikels 7, 8, 9, 10 en 11 van Wet 56 van 1981

6. Artikels 7 tot en met 11 van die Hoofwet word hierby herroep.

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consent of the witness authorize the presence of any specified person at the questioning of that witness.

5 (6) Any person summoned to appear before the board may, if the board is satisfied that he has by reason of his appearance suffered any pecuniary loss or has 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 summoned is in the full-time employment of the State, 10 the allowances or the amount payable to him shall be determined in accordance with the laws governing his employment.

(7) Any person who wilfully hinders the board or a committee, or a member of the board or a committee, in the exercise of any power or performance of any function conferred or entrusted by or under this 15 section, shall be guilty of an offence."

Substitution of section 6 of Act 56 of 1981

5. The following section is hereby substituted for section 6 of the principal Act:

"Establishment of committees by board

20 6. (1) The board may establish committees, including an executive committee, to assist it in the performance of its functions and may appoint persons who are not members of the board as members of the committees, but excluding the executive committee: Provided that any committee, excluding the executive committee, may with the consent of the chairman of the board co-opt one or more other persons as a member 25 or members of the committee for a particular period or a particular purpose.

(2) (a) The board shall in respect of each committee appoint a member of the committee to be chairman.

30 (b) If the chairman is absent from a meeting, the members present shall elect one from among their number to act as chairman at that meeting.

(c) A co-opted member of a committee who is not a member of the board, shall not be entitled to vote.

35 (3) The board may, subject to such conditions as it may deem fit, delegate or transfer any of its powers or duties in terms of this Act, excluding powers or duties conferred or imposed under this section, to any of its committees, but shall not be divested of a power or duty so delegated or transferred, and may at any time withdraw such delegation or transfer: Provided that the board may at any time vary or set aside any 40 decision made by such a committee.

(4) The board may at any time terminate the membership of the chairman, or of a member or a co-opted member, of a committee.

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

(6) The provisions of section 5 shall *mutatis mutandis* apply to the performance of the functions of a committee."

Repeal of sections 7, 8, 9, 10 and 11 of Act 56 of 1981

6. Sections 7 to 11, inclusive, of the principal Act are hereby repealed.

Invoeging van opskrifte voor artikel 12 van Wet 56 van 1981

7. Die volgende opskrifte word hierby voor artikel 12 van die Hoofwet ingevoeg:

“HOOFSTUK 2

REGISTRATEUR VAN MANNEKRAGOPLEIDING, OPLEIDINGSRADE, OPLEIDING VAN VAK-
LEERLINGE EN VERWERWING VAN AMBAGSMANSTATUS”.

5

Invoeging van artikels 12A, 12B, 12C en 12D in Wet 56 van 1981

8. Die volgende artikels word hierby in die Hoofwet na artikel 12 ingevoeg:

“Stigting van opleidingsrade**12A. (1) Enige—**

- | | |
|--|----|
| (a) werkgewer, indien die registrateur dit goedkeur; of | 10 |
| (b) werkgewersorganisasie; of | |
| (c) groep werkgewers; of | |
| (d) groep werkgewersorganisasies; of | |
| (e) groep van een werkgewer en een of meer werkgewersorganisasies;
of | 15 |
| (f) groep werkgewers en een of meer werkgewersorganisasies; of | |
| (g) een of meer nywerheidsrade; of | |
| (h) vakvereniging; of | |
| (i) groep vakverenigings; of | |
| (j) groep werknemers, | 20 |
- kan 'n opleidingsraad ten opsigte van 'n nywerheid en 'n gebied met die oog op akkreditering stig deur 'n konstitusie bedoel in artikel 12C vir die opleidingsraad te onderteken, of dit namens hulle te laat onderteken.

(2) Die werkgewer, werkgewersorganisasie, nywerheidsraad, vakvereniging of groep werknemers, na gelang van die geval, deur of namens wie die konstitusie van die opleidingsraad onderteken word, en enige ander werkgewer, werkgewersorganisasie, nywerheidsraad, vakvereniging of groep werknemers wat volgens daardie konstitusie van tyd tot tyd toegelaat word tot deelname aan die opleidingsraad en wat hulle nie aan die opleidingsraad onttrek het nie, word in hierdie Wet die partye by die opleidingsraad genoem.

(3) Enige groep werknemers het die reg om met hul werkgewer te onderhandel oor die stigting van 'n opleidingsraad.

Akkreditering van opleidingsrade

12B. (1) 'n Opleidingsraad wat akkreditering verlang, moet aan die registrateur—

- | | |
|---|----|
| (a) sy konstitusie, deur of namens die partye by die opleidingsraad onderteken; en | 35 |
| (b) sy aansoek om akkreditering, voorlê, en moet aan die registrateur die inligting verstrek wat hy mag vereis. | 40 |

(1A) Indien die konstitusie van die opleidingsraad nie daarvoor voorsiening maak dat daar in die opleidingsraad werknemers verteenwoordig word nie, moet die registrateur—

- | | |
|---|----|
| (a) indien daar na sy oordeel geen vakvereniging is wat 'n belang by die opleidingsraad het nie, 'n persoon of persone aanstel om in die opleidingsraad werknemers te verteenwoordig; | 45 |
| (b) indien 'n vakvereniging na sy oordeel 'n belang by die opleidingsraad het— | |
| (i) sodanige vakvereniging versoek om binne 30 dae, in die voorgeskrewe vorm, aan hom die naam voor te lê van 'n persoon of persone wat in die opleidingsraad die vakvereniging kan verteenwoordig; | 50 |
| (ii) een of meer van die persone in subparagraaf (i) genomineer aanstel om in die opleidingsraad die werknemers te verteenwoordig en kan hy enige ander persoon benoem om die | 55 |

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Insertion of headings before section 12 of Act 56 of 1981

7. The following headings are hereby inserted before section 12 of the principal Act:

"CHAPTER 2

5 **REGISTRAR OF MANPOWER TRAINING, TRAINING BOARDS, TRAINING OF APPRENTICES
AND ATTAINMENT OF ARTISAN STATUS".**

Insertion of sections 12A, 12B, 12C and 12D in Act 56 of 1981

8. The following sections are hereby inserted in the principal Act after section 12:

"Establishment of training boards

- 10 **12A. (1) Any—**
 (a) employer, if the registrar so approves; or
 (b) employers' organization; or
 (c) group of employers; or
 (d) group of employers' organizations; or
 15 (e) group of one employer and one or more employers' organizations;
 or
 (f) group of employers and one or more employers' organizations; or
 (g) one or more industrial councils; or
 (h) trade union; or
 20 (i) group of trade unions; or
 (j) group of employees,
 may, with a view to accreditation, establish a training board in respect of
 an industry and an area by signing a constitution referred to in section
 12C for the training board, or causing it to be signed on their behalf.
 25 (2) The employer, employers' organization, industrial council, trade
 union or group of employees, as the case may be, by or on behalf of
 whom or which the constitution of the training board is signed, and any
 other employer, employers' organization, industrial council, trade union
 or group of employees who or which in terms of that constitution is from
 30 time to time admitted to participation in the training board and who or
 which has not withdrawn from the training board, are in this Act referred
 to as the parties to the training board.
 (3) Any group of employees has the right to negotiate with its
 employer with regard to the establishment of a training board.

35 Accreditation of training boards

- 12B. (1) A training board desiring accreditation shall submit to the
registrar—**
 (a) its constitution, signed by or on behalf of the parties to the training
 board; and
 40 (b) its application for accreditation,
 and shall furnish to the registrar such information as he may require.
 (1A) If the constitution of the training board does not provide for the
 representation of employees on the training board, the registrar shall—
 45 (a) if in his opinion there is no trade union which has an interest in the
 training board, appoint a person or persons to represent employees
 on the training board;
 (b) if a trade union in his opinion has an interest in the training board—
 (i) request such trade union to submit to him within 30 days, in the
 prescribed form, the name of the person or persons who will
 50 represent the trade union on the training board;
 (ii) appoint one or more of the persons nominated in subpara-
 graph (i) to represent the employees on the training board
 and he may nominate any other person to represent em-

werknemers wat nie lede van die vakvereniging is nie, in die opleidingsraad te verteenwoordig.

(2) Indien die registrateur, na oorweging van die aansoek en enige ander tersaaklike inligting deur hom aangevra, oortuig is dat—

- (a) die hoofdoelstelling van die opleidingsraad is om opleiding te bevorder; en 5
- (b) die konstitusie met hierdie Wet bestaanbaar is en nie bepalings bevat wat met die bepalings van enige wet strydig is of bereken is om die bereiking van die oogmerke van enige wet te verhinder nie; en
- (c) daar nie 'n opleidingsraad bestaan wat ten opsigte van die betrokke nywerheid en ten opsigte van die betrokke gebied geakkrediteer is nie, 10

kan hy die betrokke opleidingsraad ten opsigte van die betrokke nywerheid en gebied akkrediteer.

(3) (a) Indien die registrateur voornemens is om nie die opleidingsraad te akkrediteer nie of om hom ten opsigte van 'n kleiner gebied of 'n ander nywerheid as dié waarvoor aansoek gedoen is, te akkrediteer, moet hy die opleidingsraad per geregistreerde pos daarvan en van die redes daarvoor in kennis stel en moet hy hom 'n geleentheid bied om skriftelike versoë aan hom voor te lê of om die aansoek om akkreditering te wysig, na gelang van die geval. 15 20

(b) (i) By ontvangs van so 'n gewysigde aansoek kan die registrateur, indien hy oortuig is ten opsigte van die in subartikel (2) bedoelde aangeleenthede, die opleidingsraad ooreenkomstig die gewysigde aansoek akkrediteer. 25

(ii) Indien die registrateur, in die geval waar versoë ingevolge paragraaf (a) aan hom voorgelê is, finaal besluit om die opleidingsraad nie te akkrediteer nie, stel hy dié opleidingsraad so gou doenlik van dié besluit in kennis.

(4) Nadat die registrateur 'n opleidingsraad geakkrediteer het, moet hy aan die opleidingsraad 'n sertifikaat van akkreditering per geregistreerde pos stuur, tesame met een deur die registrateur ondertekende afskrif van die konstitusie. 30

(5) Met die uitreiking van 'n sertifikaat van akkreditering soos in subartikel (4) bedoel, word al die bevoegdhede wat uit hoofde van hierdie Wet in 'n geakkrediteerde opleidingsraad vestig aan so 'n opleidingsraad oorgedra, en aanvaar daardie opleidingsraad daardeur al die verpligtinge hom aldus opgelê. 35

(6) Die registrateur kan, behoudens die bepalings van subartikel (2), uit eie beweging en na oorlegpleging met 'n betrokke opleidingsraad, of op versoek van so 'n opleidingsraad, die nywerheid of gebied ten opsigte waarvan die opleidingsraad geakkrediteer is met ingang van 'n deur hom bepaalde datum wysig. 40

(7) Indien die registrateur die nywerheid of gebied ten opsigte waarvan 'n opleidingsraad geakkrediteer is, gewysig het, moet die opleidingsraad binne 14 dae nadat hy deur die registrateur aangesê is om dit te doen, die sertifikaat van akkreditering wat aan die opleidingsraad uitgereik is aan die registrateur stuur, en indien die opleidingsraad sonder redelike verontskuldiging versuim om dit te doen, is die opleidingsraad en elke lid van die opleidingsraad aan 'n misdryf skuldig. 45 50

(8) Die registrateur moet by ontvangs deur hom van die sertifikaat van akkreditering die nodige veranderings daarin aanbring en dit aan die opleidingsraad terugbesorg, of 'n nuwe sertifikaat uitreik.

(9) (a) Indien die registrateur rede het om ten opsigte van 'n geakkrediteerde opleidingsraad te vermoed dat enige plig of enige bevoegdheid aan daardie opleidingsraad deur sy konstitusie of deur hierdie Wet opgelê of verleen, nie deur sodanige opleidingsraad tot die bevrediging van die registrateur uitgevoer of uitgeoefen word nie, kan hy per geregistreerde pos aan daardie opleidingsraad kennis gee om die tekortkominge binne 'n tydperk wat nie minder as 30 dae mag wees nie, reg te stel en om bewys, soos die registrateur mag vereis, van sodanige regstelling aan hom voor te lê. 55 60

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ployees who are not members of the trade union on the training board.

(2) If the registrar, after considering the application and any other relevant information requested by him, is satisfied that—

- 5 (a) the main objective of the 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 which are calculated to hinder the attainment of the objects of any
10 law; and
(c) there is not in existence a training board which is accredited in respect of the industry and in respect of the area concerned,
he may accredit the training board concerned in respect of the industry and area concerned.

15 (3) (a) If the registrar intends not to accredit the training board or to accredit it in respect of a smaller area or an industry other than that applied for, he shall, by registered mail, notify the training board thereof and of the reasons therefor and shall afford it an opportunity of submitting written representations to him or of
20 amending the application for accreditation, as the case may be.

- (b) (i) Upon receipt of any such amended application, the registrar may, if he is satisfied in respect of the matters referred to in subsection (2), accredit the training board in accordance with the amended application.
25 (ii) If the registrar, in the case where representations are submitted to him under paragraph (a), finally decides not to accredit the training board, he shall as soon as possible notify such training board of the decision.

30 (4) After the registrar has accredited a training board, he shall forward by registered mail to the training board a certificate of its accreditation, together with one copy of the constitution signed by the registrar.

35 (5) With the issuing of a certificate of accreditation referred to in subsection (4), all the powers which by virtue of this Act vest in an accredited training board are conferred upon such a training board, and that training board thereby accepts all the duties so imposed upon it.

40 (6) The registrar may, subject to the provisions of subsection (2), of his own motion and after consultation with a relevant training board, or at the request of such training board, amend the industry or area in respect of which the training board is accredited, with effect from a date determined by him.

45 (7) If the registrar has amended the industry or area in respect of which a training board is accredited, the training board shall transmit to the registrar the certificate of accreditation issued to the training board within 14 days of being called upon by him to do so, and if the training board without reasonable excuse fails to do so, the training board and each member of the training board shall be guilty of an offence.

50 (8) The registrar shall upon receipt by him of the certificate of accreditation make the necessary alterations therein and return it to the training board, or issue a fresh certificate.

55 (9) (a) If the registrar has in respect of an accredited training board reason to believe that any duty imposed on or any power conferred upon that training board by its constitution or by this Act is not being carried out or exercised by such training board to the satisfaction of the registrar, he may give notice by registered mail to that training board to rectify the deficiencies within a period which shall not be less than 30 days, and to submit proof,
60 as the registrar may require, of such rectification to him.

- (b) Indien die opleidingsraad weier of versuim om binne die vasgestelde tydperk aan die kennisgewing in paragraaf (a) bedoel te voldoen, kan die registrateur per geregistreerde pos aan die betrokke opleidingsraad kennis gee om binne 'n tydperk wat nie minder as 30 dae mag wees nie, redes aan te voer waarom sy akkreditering nie ingetrek moet word nie. 5
- (c) By verstryking van die ingevolge paragraaf (b) vasgestelde tydperk kan die registrateur, tensy redes tot die teendeel en tot sy bevrediging aangevoer is, die akkreditering van die betrokke opleidingsraad intrek. 10
- (d) By die intrekking van akkreditering van 'n opleidingsraad ingevolge paragraaf (c), moet daardie opleidingsraad—
- (i) binne 14 dae nadat hy aangesê is om dit te doen, die sertifikaat van akkreditering wat aan daardie opleidingsraad uitgereik is, aan die registrateur stuur; 15
 - (ii) onverwyld staak om die pligte uit te voer en die bevoegdhede uit te oefen wat deur hierdie Wet aan 'n geakkrediteerde opleidingsraad opgelê of verleen word; en
 - (iii) die aantekeninge en dokumente wat verband hou met die pligte en bevoegdhede wat deur hierdie Wet daardie opleidingsraad opgelê of aan hom verleen is, oorhandig wanneer hy deur die registrateur of 'n beampte deur die registrateur vir daardie doel gemagtig, aangesê word om dit te doen, 20
- en indien die betrokke opleidingsraad sonder redelike verduideliking versuim om dit te doen, is die opleidingsraad en elke lid van die opleidingsraad aan 'n misdryf skuldig. 25
- (10) Die registrateur kan, waar die akkreditering van 'n opleidingsraad ingevolge subartikel (9) (c) ingetrek is, al die stappe doen wat hy nodig of dienstig ag vir die voortsetting van die werksaamhede, regte en verpligtinge van die opleidingsraad. 30

Konstitusies van opleidingsrade

12C. (1) Die konstitusie van 'n opleidingsraad wat akkreditering verlang, moet, behoudens die bepalings van hierdie artikel, voorsiening maak vir—

- (a) die samestelling van die opleidingsraad; 35
- (b) die aanstelling van lede van die opleidingsraad en hul plaasvervangers uit die geledere van verteenwoordigers van die partye by die opleidingsraad;
- (c) die nywerheid en regsgebied van die opleidingsraad;
- (d) die regspersoonlikheid van die opleidingsraad; 40
- (e) die mate waarin die aanspreeklikheid van die partye by die opleidingsraad beperk sal wees;
- (f) die finansiering van die aktiwiteite van die opleidingsraad in die betrokke nywerheid en gebied en die aanstelling, indien nodig, van 'n liggaam om die fondse van die opleidingsraad te beheer; 45
- (g) die aanstelling, ontslag, pligte en bevoegdhede van ampsdraers, beamptes en gemagtigde persone;
- (h) die tye wanneer of die omstandighede waaronder lede hul ampte moet ontruim; 50
- (i) die prosedure by vergaderings;
- (j) die prosedure vir die hantering van geskille in verband met opleiding in die betrokke nywerheid en gebied;
- (k) die toelating van addisionele werkgewers, werkgewersorganisasies, nywerheidsrade of vakverenigings as partye by die opleidingsraad;
- (l) die hou van behoorlike rekeningboeke en die ouditering daarvan en van verwante stukke minstens een maal elke kalenderjaar deur iemand wat ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), as 'n rekenmeester en ouditeur geregistreer is, en die beskikbaarstelling deur die opleidingsraad aan die partye of aan hul verteenwoordigers, en aan die registrateur, van afskrifte van die rekeninge en state en die ouditeursverslag daaroor; 55 60

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- 5 (b) If the training board refuses or fails to comply with the notification referred to in paragraph (a) within the period determined, the registrar may by registered mail give notice to the training board in question to show cause within a period which shall not be less than 30 days, why its accreditation shall not be withdrawn.
- 10 (c) At the expiration of the period determined in terms of paragraph (b) the registrar may, unless cause to the contrary and to his satisfaction has been shown, withdraw the accreditation of the training board in question.
- (d) Upon the withdrawal of the accreditation of a training board in terms of paragraph (c), that training board shall—
- 15 (i) transmit to the registrar the certificate of accreditation issued to that training board within 14 days of being called upon to do so;
- (ii) forthwith cease to carry out the duties and exercise the powers which are imposed on or conferred upon an accredited training board by this Act; and
- 20 (iii) hand over, when required to do so by the registrar or an officer authorized by the registrar for that purpose, the records and documentation relating to the duties imposed on and powers conferred upon that training board by this Act,
- and if the training board in question without reasonable explanation fails to do so, the training board and each member of the training board shall be guilty of an offence.
- 25 (10) The registrar may, where the accreditation of a training board has been withdrawn in terms of subsection (9) (c), take all the steps which he deems necessary or expedient for the continuation of the activities, rights and obligations of the training board.

Constitutions of training boards

- 30 **12C.** (1) The constitution of a training board desiring accreditation shall, subject to the provisions of this section, provide for—
- (a) the composition of the training board;
- 35 (b) the appointment of members of the training board and their alternates from the ranks of representatives of the parties to the training board;
- (c) the industry and area of jurisdiction of the training board;
- (d) the legal personality of the training board;
- (e) the extent to which the liability of the parties to the training board shall be limited;
- 40 (f) the financing of the activities of the training board in the relevant industry and area and the appointment, if necessary, of a body to manage the funds of the training board;
- (g) the appointment, removal, duties and powers of office-bearers, officers and authorized persons;
- 45 (h) the occasions when or the circumstances in which members shall vacate their offices;
- (i) the procedure at meetings;
- (j) the procedure for the handling of disputes in connection with training in the relevant industry and area;
- 50 (k) the admission of additional employers, employers' organizations, industrial councils or trade unions as parties to the training board;
- (l) the keeping of proper books of account, and the auditing thereof and of related documents at least once every calendar year by a person registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and the making available by the training board to the parties or to their representatives, and to the registrar, of copies of the accounts and statements and the auditor's report thereon;
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- (m) behoudens die bepalings van subartikel (3), die wyse waarop fondse wat nie vir onmiddellike gebruik nodig is nie, belê moet word;
- (n) die instelling van 'n uitvoerende komitee, opleidingskomitees en ander komitees, aan wie die opleidingsraad enige van sy bevoegdhede en werksaamhede in sy konstitusie of in hierdie Wet uiteengesit, kan deleger of opdra om namens hom te verrig, welke delegasie of opdrag na goeddunke van die betrokke opleidingsraad te eniger tyd verander of ingetrek kan word; 5
- (o) wysigings van die konstitusie, waarvan afskrifte minstens 14 dae voor die datum van inwerkingtreding daarvan vir goedkeuring aan die registrateur voorgelê moet word; 10
- (p) die ontbinding en likwidasië van die opleidingsraad en sy fondse; en
- (q) die ander aangeleenthede wat voorgeskryf mag word.
- (2) Indien die opleidingsraad sonder redelike verduideliking versuim om die registrateur van afskrifte van die rekeninge en state en ouditeursverslag bedoel in subartikel (1) (l) binne drie maande na die datum van die verstryking van die finansiële jaar van die opleidingsraad te voorsien, is die opleidingsraad aan 'n misdryf skuldig. 15
- (3) Die fondse bedoel in subartikel (1) (m) mag slegs belê word in—
- (a) binnelandse geregistreerde effekte bedoel in artikel 21 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975); 20
- (b) Nasionale Spaarsertifikate;
- (c) Posspaarbankrekeninge of -sertifikate;
- (d) spaarrekeninge, permanente aandele of vaste deposito's in bougenootskappe of banke, 25
- of op enige ander wyse deur die registrateur na oorleg met die betrokke opleidingsraad goedgekeur.
- (4) Elke opleidingsraad moet sy konstitusie in albei amptelike tale aan die partye by die opleidingsraad beskikbaar stel.

Werksaamhede van opleidingsrade 30

- 12D.** (1) 'n Geakkrediteerde opleidingsraad moet, tensy die registrateur anders bepaal, in die nywerheid en in die gebied ten opsigte waarvan hy geakkrediteer is, die volgende werksaamhede verrig:
- (a) Die pligte uitvoer en die bevoegdhede uitoefen wat by of kragtens hierdie Wet hom opgelê of aan hom verleen word, met inagneming van die opleidingsbehoefte van die Republiek; 35
- (b) leervoorwaardes vir vakleerlingskap en ander gestruktureerde opleidingskemas opstel wat ten beste in die opleidingsbehoefte van die nywerheid ten opsigte waarvan die opleidingsraad geakkrediteer is, sal voorsien; 40
- (c) verantwoordelikheid vir die administrasie van vakleerlingskapopleiding aanvaar;
- (d) op versoek van die registrateur ondersoek instel na en aan hom aanbevelings doen oor enige aangeleentheid wat ingevolge die bepalings van hierdie Wet binne die werksaamhede van die registrateur val; 45
- (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 poog om die geskil te besleg; 50
- (f) persone aanstel wat hy kan magtig om enige van sy werksaamhede ingevolge hierdie Wet te verrig;
- (g) in oorleg met die registrateur ambagskwalifikasies wat buite die Republiek verwerf is, evalueer; 55
- (h) in oorleg met die registrateur 'n stelsel vir die beheer en kontrole van ambagstoetsing instel;
- (i) opleiding in die beginsels en tegnieke van evaluering aan ambagstoetsbeampies en alle persone wat die opleiding van vakleerlinge evalueer en hul toetsing uitvoer, beskikbaar stel; 60
- (j) deur 'n voortdurende proses van opleiding en heropleiding die werksaamhede van gekwalifiseerde ambagsmanne opgradeer;

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- (m) subject to the provisions of subsection (3), the manner of investment of funds which are not required for immediate use;
- (n) the establishment of an executive committee, training committees and other committees, to which the training board may delegate or assign any of its powers and functions set out in its constitution or in this Act, to perform on its behalf, which delegation or assignment may in the discretion of the relevant training board at any time be varied or withdrawn;
- (o) amendments of the constitution, copies of which must be submitted to the registrar for approval not less than 14 days prior to the date of coming into operation thereof;
- (p) the dissolution and winding-up of the training board and its funds; and
- (q) such other matters as may be prescribed.
- (2) If the training board without reasonable explanation fails to furnish the registrar with copies of the accounts and statements and auditor's report referred to in subsection (1) (l) within three months after the date of expiry of the financial year of the training board, the training board shall be guilty of an offence.
- (3) The moneys referred to in subsection (1) (m) shall only be invested in—
- (a) internal registered stock within the meaning of section 21 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975);
- (b) National Savings Certificates;
- (c) Post Office savings accounts or certificates;
- (d) savings accounts, permanent shares or fixed deposits in building societies or banks,
- or in such other manner as may be approved by the registrar after consultation with the relevant training board.
- (4) Every training board shall make its constitution available in both official languages to the parties to the training board.

Functions of training boards

- 12D.** (1) An accredited training board shall, unless the registrar determines otherwise, perform in the industry and in the area in respect of which it has been accredited, the following functions:
- (a) Carry out the duties and exercise the powers which are by this Act imposed on or conferred upon it, with due consideration of the training needs of the Republic;
- (b) frame conditions of apprenticeship and other formalised training schemes which will best serve the training needs of the industry in respect of which the training board has been accredited;
- (c) accept responsibility for the administration of apprenticeship training;
- (d) on request of the registrar inquire into and make recommendations to him with regard to any matter which in terms of the provisions of this Act falls within the functions 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 endeavour to settle the dispute;
- (f) appoint persons whom it may authorize to perform any of its functions in terms of this Act;
- (g) in consultation with the registrar evaluate trade qualifications obtained outside the Republic;
- (h) in consultation with the registrar establish a system for the governing and controlling of trade testing;
- (i) make available training in the principles and techniques of evaluation to trade test officers and all persons evaluating the training and conducting the testing of apprentices;
- (j) by a continuous process of training and retraining upgrade the work proficiencies of qualified artisans;

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- (k) enige beperkende faktore op die toevloei van genoegsame kandidate vir opleiding as ambagsmanne teenwerk;
- (l) in samewerking met die Departement riglyne oor die keuring van kandidate vir vakleerlingskap opstel en werkgewers aanmoedig om persone wat die keuring doen, die nodige opleiding te laat ondergaan; 5
- (m) in samewerking met die Departement voorligting aan voornemende vakleerlinge oor beroepskeuses en beroepsinhoud gee;
- (n) die Departement deurlopend voorsien van inligting oor tegniese beroepe en die loopbaangeleenthede wat hulle bied; 10
- (o) in oorleg met die raad nouer samewerking tussen formele onderwys en opleiding ten opsigte van die ontwerp en inhoud van kurrikula bevorder;
- (p) veral gedurende dalings in die ekonomie die nodige maatreëls tref vir die bevordering van opleiding, met inbegrip van die opleiding van vakleerlinge; 15
- (q) opleidingsprogramme inisieer en monitor;
- (r) finansiële aansporingsmaatreëls vir die opleiding van vakleerlinge en, waar van toepassing, ander werknemers, uit eie fondse voorsien;
- (s) die statistieke aan die registrateur verstrek wat hy van tyd tot tyd vereis, 20
- en kan opleidingsentrums bedoel in artikels 31, 32 en 34 akkrediteer om opleiding ten behoeve van werkgewers in die betrokke nywerheid en gebied te verskaf.
- (2) (a) By die uitvoering van enige plig of die uitoefening van enige bevoegdheid hom opgelê of aan hom verleen kragtens hierdie Wet, is 'n geakkrediteerde opleidingsraad en 'n opleidingskomitee, ten opsigte van die nywerheid en gebied waarvoor die opleidingsraad geakkrediteer is, bekleed met al die bevoegdhede wat deur subartikels (1), (2), (3), (5) en (6) van artikel 5 aan die raad verleen word, en die bepalings van subartikels (4), (5) en (7) van daardie artikel is *mutatis mutandis* van toepassing op die uitoefening van daardie bevoegdhede deur die opleidingsraad of so 'n opleidingskomitee: 25
- Met dien verstande dat 'n persoon nie kragtens subartikel (1) van artikel 5, soos toegepas deur die voorgaande bepalings van hierdie paragraaf, opgeroep mag word nie as die doel of een van die doeleindes is om ondersoek in te stel of die persoon 'n misdryf begaan het: Met dien verstande voorts dat enige bedrag betaalbaar kragtens subartikel (6) van artikel 5, soos aldus toegepas, uit die fondse van die opleidingsraad betaal moet word. 30
- (b) 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 opleidingsraad of opleidingskomitee waarby die getuie verskyn." 35
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Skrapping van opskrifte voor artikel 13 van Wet 56 van 1981

9. Die opskrifte voor artikel 13 van die Hoofwet word hierby geskrap. 45

Wysiging van artikel 13 van Wet 56 van 1981

10. Artikel 13 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"Die Minister kan, met inagneming van die bepalings van subartikel (4) en op aanbeveling van die [raad] betrokke opleidingsraad [en na oorleg met die betrokke komitee], by kennisgewing in die Staatskoerant—"; 50

- (b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang: 55

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- (k) counter any limiting factors on the flow of sufficient candidates for training as artisans;
- (l) in collaboration with the Department frame guidelines on the selection of candidates for apprenticeship and encourage employers to provide persons doing the selection with the necessary training;
- (m) in collaboration with the Department furnish prospective apprentices with vocational guidance on career selection and career content;
- (n) furnish the Department on a continuous basis with information regarding technical professions and the career opportunities which they offer;
- (o) in consultation with the board promote closer co-operation between formal education and training in respect of the design and content of curricula;
- (p) take the necessary steps, especially during downswings in the economy, for the promotion of training, including the training of apprentices;
- (q) initiate and monitor training programmes;
- (r) provide out of its own funds financial incentives for the training of apprentices and, where applicable, of other employees;
- (s) furnish the registrar with such statistics as he may require from time to time,
- 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.
- (2) (a) In the carrying out of any duty or the exercise of any power imposed on or conferred upon it under this Act, an accredited training board and a training committee shall, in respect of the industry and area for which the training board is accredited, be vested with all the powers conferred upon the board by subsections (1), (2), (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 training board or any such training committee: Provided that a person shall not be summoned under subsection (1) of section 5, as applied by the foregoing provisions of this paragraph, if the object or one of the objects is to investigate whether such person has committed any offence: Provided further that any amount payable under subsection (6) of section 5, as so applied, shall be paid from the funds of the training board.
- (b) The oath may be administered to or an affirmation may be taken from any witness by the person presiding over the meeting of the training board or training committee at which the witness appears.”

Deletion of headings before section 13 of Act 56 of 1981

9. The headings before section 13 of the principal Act are hereby deleted.

Amendment of section 13 of Act 56 of 1981**10. Section 13 of the principal Act is hereby amended—**

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- “The Minister may, subject to the provisions of subsection (4) and on the recommendation of the training board concerned, **[and after consultation with the committee in question]** by notice in the *Gazette*—”;
- (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

- “(b) die **[duur van die leertyd en die mate waarin en die omstandighede waaronder dit verkort of verleng mag word]** bevoegdheidstandaard, met inbegrip van die vlak van teoretiese opleiding en die minimum tydperk van praktiese opleiding in werklike produksie- en instandhoudingsomstandighede, wat vereis word voordat ’n vakleerling tot ’n ambagstoets toegelaat word;”;
- (c) deur na paragraaf (b) van genoemde subartikel (2) die volgende paragraaf in te voeg:
- “(bA) die grondslag waarop erkenning, in die vorm van vrystelling van ’n bepaalde module of bepaalde modules waarvoor daar in die leervoerwaardes van die betrokke opleidingsraad voorsiening gemaak word en wat alreeds voltooi is, verleen sal word—
- (i) in die geval waar ’n voornemende vakleerling teoretiese of praktiese ervaring voor die aangaan van sy kontrak van vakleerlingskap opgedoen het;
- (ii) in die geval van die beëindiging van ’n vakleerling se kontrak van vakleerlingskap om welke rede ook al voor die bereiking van die bevoegdheidstandaard wat ingevolge paragraaf (b) van hierdie subartikel voorgeskryf word;”;
- (d) deur in paragraaf (c) van genoemde subartikel (2) die woorde wat die eerste voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- “die skale waarteen vakleerlinge besoldig moet word, die omstandighede **[waarin]** waaronder 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 bepalinge van die Verdedigingswet, 1957 (Wet No. 44 van 1957), of artikel 34A (11) van die Polisiewet, 1958 (Wet No. 7 van 1958);”;
- (e) deur paragraaf (d) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
- “(d) die klasse wat vakleerlinge tydens die duur van hul **[leertyd]** opleiding moet bywoon, die getal dae waarop, die tye waartussen en die getal ure wat hulle die klasse gedurende enige week in enige jaar moet bywoon en, behoudens die bepalinge van subartikel (11), die getal ure, as daar is, wat, en die omstandighede waaronder, vakleerlinge deur die werkgewer van werk onthef moet word om klasse op enige dag by te woon;”;
- (f) deur paragraaf (f) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
- “(f) die voltydse **[tegniese]** opleidingskursusse **[of ander kursusse]** wat vakleerlinge moet bywoon, die tydperk of tydperke van die bywoning en die tussenpose waarmee daardie kursusse bygewoon moet word;”;
- (g) deur paragraaf (g) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
- “(g) die soorte werk waarin die werkgewer praktiese opleiding aan vakleerlinge moet verskaf, en die deel van die werkure waartydens en die stadiums gedurende die **[leertyd waarop]** opleiding waarin hy bedoelde opleiding in elke soort werk moet verskaf;”;
- (h) deur paragraaf (h) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
- “(h) die modulêre toetse **[of eksamens]**, hetsy praktiese of teoretiese of albei, **[met inbegrip van]** asook **[kwalifiserende]** ambagstoetse, wat vakleerlinge moet **[of kan]** aflê, die stadium of stadiums gedurende die **[leertyd waarop]** opleiding waarin 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;”;
- (i) deur paragraaf (i) van genoemde subartikel (2) deur die volgende paragraaf te vervang:

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- “(b) the **[period of apprenticeship and the extent to which and the circumstances under which such period may be curtailed or extended]** standard of proficiency, including the level of theoretical training and the minimum period of practical training in actual production and maintenance circumstances, which is required before an apprentice is permitted to undergo a trade test;”;
- (c) by the insertion after paragraph (b) of the said subsection (2) of the following paragraph:
- “(bA) the basis on which recognition, in the form of exemption from a specific module or specific modules provided for in the conditions of apprenticeship of the training board concerned and which have already been completed, will be granted—
- (i) in the case where a prospective apprentice has attained theoretical 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 which is prescribed in terms of paragraph (b) of this subsection;”;
- (d) by the substitution in paragraph (c) of the said subsection (2) for the words preceding the first proviso of the following words:
- “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 34A (11) of the Police Act, 1958 (Act No. 7 of 1958);”;
- (e) by the substitution for paragraph (d) of the said subsection (2) of the following paragraph:
- “(d) the classes which apprentices shall attend during their **[period of apprenticeship]** training, the number of days on which, the hours within which and the number of hours during which they shall attend such classes during any week in any year and, subject to the provisions of subsection (11), the number of hours, if any, during which and the circumstances under which apprentices shall be released from work by the employer for the purpose of attending classes on any day;”;
- (f) by the substitution for paragraph (f) of the said subsection (2) of the following paragraph:
- “(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;”;
- (g) by the substitution for paragraph (g) of the said subsection (2) of the following paragraph:
- “(g) the types of work in which the employer shall provide practical training to apprentices, and the proportion of the working hours during which and the stages during the **[apprenticeship period]** training at which he shall provide such training in each type of work;”;
- (h) by the substitution for paragraph (h) of the said subsection (2) of the following paragraph:
- “(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 of modular tests an apprentice will be entitled to in order to continue with his apprenticeship;”;
- (i) by the substitution for paragraph (i) of the said subsection (2) of the following paragraph:

- “(i) die gelde betaalbaar ten opsigte van enige toets **[of eksamen]** ingevolge paragraaf (h) voorgeskryf, en die persone deur wie sodanige gelde betaal moet word;”;
- (j) deur paragraaf (m) van genoemde subartikel (2) deur die volgende paragraaf te vervang: 5
- “(m) die getal vakansiedae met besoldiging wat aan vakleerlinge in enige jaar van hul **[leertyd]** opleiding toegestaan moet word, en die skale waarvolgens hulle ten opsigte van sulke vakansiedae besoldig moet word;”;
- (k) deur paragraaf (n) van genoemde subartikel (2) deur die volgende paragraaf te vervang: 10
- “(n) die voorwaardes, met inbegrip van die betaling van addisionele besoldiging, waarop ’n werkgewer van ’n vakleerling kan vereis dat hy enige werk moet verrig, of kan toelaat dat hy enige werk verrig, buite die regsgebied van die betrokke **[komitee]** opleidingsraad of buite ’n in 15 die kennisgewing vermelde gebied of kategorie gebiede of op ’n plek wat verder as ’n aldus vermelde afstand vanaf die werkgewer se werk- of besigheidsplek of vanaf ’n bepaalde punt geleë is;”;
- (l) deur subartikel (6) deur die volgende subartikel te vervang: 20
- “(6) Die Minister kan, in ’n kennisgewing ingevolge subartikel (2) of (3) gepubliseer, bepaal dat die daarin voorgeskrewe leervoordes of sodanige van daardie voorwaardes as wat daarin vermeld word, vanaf ’n aldus vermelde datum van toepassing is ten opsigte van vakleerlinge wat, op die datum van sodanige publikasie, in die gebied waarop die kennisgewing 25 betrekking het, in ’n ambag wat ’n aangewese ambag is of was in die nywerheid ten opsigte waarvan die betrokke **[komitee ingestel]** opleidingsraad geakkrediteer is, in diens is ingevolge kontrakte van vakleerlingskap wat ingevolge artikel 16 (3) (d) of 18 (1) (c) of (3) geregistreer is of uit hoofde van die bepalings van artikel 58 (3) geag word ingevolge daarvan geregistreer te wees, en sodanige kontrak hou nie op om vir die partye 30 daarby bindend te wees op grond van die feit dat, as gevolg van die kennisgewing, die leervoordes wat ten opsigte van daardie vakleerlinge toepaslik is, verander het nie.”;
- (m) deur subartikel (8) deur die volgende subartikel te vervang: 35
- “(8) **[Die registrateur]** ’n Opleidingsraad kan, onderworpe aan die voorwaardes wat hy **[na oorleg met die betrokke komitee]** mag bepaal, goedkeuring verleen aan die opleiding van vakleerlinge deur of namens enige werkgewer ooreenkomstig enige stelsel waarvolgens die vakleerlinge **[hul opleiding vir]** ’n vermelde deel van hul **[leertye]** opleiding sal ontvang 40 onder voortdurende toesig van instruktors.”;
- (n) deur in subartikel (11) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: 45
- “Die werkgewer van ’n vakleerling wat volgens ’n voorwaarde wat ingevolge subartikel (2) (d) of (e) voorgeskryf is of volgens ’n vrystelling ingevolge artikel 47 verplig is om vir die doeleindes van studie op ’n plek 45 deur die **[registrateur]** opleidingsraad bepaal, aanwesig te wees, verplig nie die vakleerling, en laat hom nie toe indien die ure waartydens hy aldus verplig is om aanwesig te wees, op een dag van die week val, om op daardie dag te werk nie, of indien genoemde ure op meer as een dag van die week val, om gedurende daardie ure te werk nie, en die werkgewer 50 moet hom vir so ’n dag besoldiging betaal teen ’n skaal wat nie laer is nie as sy gewone skaal van besoldiging, asof hy op bedoelde dag sy gemiddelde gewone ure vir daardie dag gewerk het.”;
- (o) deur subartikel (12) deur die volgende subartikel te vervang: 55
- “(12) Indien ’n vakleerling in ’n **[kwalifiserende]** ambagstoets **[of eksamen]** voorgeskryf ingevolge subartikel (2) (h) slaag, moet die registrateur in samewerking met die betrokke opleidingsraad ’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 60
- (p) deur die volgende subartikel by te voeg:
- “(13) Die Minister kan enige bevoegdheid wat by subartikel (1) of (2) van hierdie artikel aan hom verleen word skriftelik en onderworpe aan die

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- “(i) the fees payable in respect of any test **[or examination]** prescribed in terms of paragraph (h), and the persons by whom such fees shall be paid;”;
- 5 (j) by the substitution for paragraph (m) of the said subsection (2) of the following paragraph:
- “(m) the number of paid holidays to be allowed to apprentices during any year of **[apprenticeship]** their training, and the rates according to which they shall be remunerated in respect of such holidays;”;
- 10 (k) by the substitution for paragraph (n) of the said subsection (2) of the following paragraph:
- “(n) the conditions, including the payment of extra remuneration, subject to which an employer may require or permit any apprentice to perform any work outside the area of jurisdiction of the **[committee]** training board in question, or outside any area or class of areas specified in the notice or at a place beyond a distance so specified, from the employer’s workshop or place of business or from a given point;”;
- 15 (l) by the substitution for subsection (6) of the following subsection:
- “(6) The Minister may, in any notice published under subsection (2) or (3), declare that the conditions of apprenticeship prescribed therein or such of the said conditions as may be specified therein shall, as from a date so specified, apply in respect of apprentices who, at the date of such publication, are employed in the area to which the notice relates in any trade which is or was a designated trade in the industry in respect of which the **[committee]** training board in question **[was established]** is accredited, under contracts of apprenticeship registered in terms of section 16 (3) (d) or 25 18 (1) (c) or (3) or, by virtue of the provisions of section 58 (3), deemed to be registered in terms thereof, and no such contract shall cease to be binding upon the parties thereto by reason of the fact that as a result of the notice the conditions of apprenticeship applicable in respect of those apprentices have changed.”;
- 30 (m) by the substitution for subsection (8) of the following subsection:
- “(8) **[The registrar]** A training board may, subject to such conditions as **[he]** it may determine **[after consultation with the committee in question]**, approve of the training of apprentices by or on behalf of any employer in accordance with any system under which the apprentices will receive **[their training for]** a specified portion of their **[periods of apprenticeship]** training under the continuous supervision of instructors.”;
- 35 (n) by the substitution in subsection (11) for the words preceding the proviso of the following words:
- 40 “The employer of any apprentice who is in terms of any condition prescribed under subsection (2) (d) or (e), or of any exemption under section 47, required to attend for the purposes of study at any place determined by the **[registrar]** training board, shall not require or permit the apprentice, if the hours during which he is so required to attend, fall on any one day of the week, to work on that day, or if the 45 said hours fall on more than one day of the week, to work during those hours, and the employer shall pay him in respect of any such day remuneration at a rate not less than his ordinary rate of remuneration, as if he had on such day worked his average ordinary hours for that day.”;
- 50 (o) by the substitution for subsection (12) of the following subsection:
- “(12) If an apprentice passes a **[qualifying]** trade test **[or examination]** prescribed under subsection (2) (h), the registrar shall in collaboration with the training board in question 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
- 55 (p) by the addition of the following subsection:
- “(13) The Minister may in writing and on the conditions which he determines, delegate any power conferred upon him in terms of subsection
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voorwaardes wat hy bepaal aan 'n beampte in diens van die Departement deleger, en kan te eniger tyd so 'n delegasie intrek."

Vervanging van artikel 14 van Wet 56 van 1981

11. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

"Afbakening van ambagte

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

Wysiging van artikel 15 van Wet 56 van 1981

12. Artikel 15 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

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"(a) by die inwerkingtreding van **[hierdie Wet]** die Wysigingswet op Mannekragopleiding, 1990, 'n minderjarige wat nie 'n vakleerling of 'n kwekeling is nie in 'n aangewese ambag in sy diens het;"

(b) deur in vermelde subartikel (1) die woorde wat op subparagraaf (iii) volg deur die volgende woorde te vervang:

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"die betrokke **[komitee]** opleidingskomitee **[op die voorgeskrewe wyse en]** in die vorm deur die betrokke opleidingsraad bepaal, in kennis stel van die feit dat 'n minderjarige aldus in diens is of van die indiensneming of van die diensbeëindiging, na gelang van die geval." en

(c) deur subartikel (3) deur die volgende subartikel te vervang:

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

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Wysiging van artikel 16 van Wet 56 van 1981

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13. Artikel 16 van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (a) van subartikel (2) die woorde wat op subparagraaf (ii) volg, voor die voorbehoudsbepaling, deur die volgende woorde te vervang:

"tensy 'n kontrak van vakleerlingskap ooreenkomstig hierdie Wet en die leervoorwaardes wat in die gebied waarin die minderjarige in diens is op daardie ambag van toepassing is, en **[so na doenlik]** in die **[voorgeskrewe]** vorm deur die betrokke opleidingsraad bepaal, gesluit is en **[op die voorgeskrewe wyse]** by die **[registrateur]** betrokke opleidingskomitee vir registrasie ingelewer is;"

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(b) deur paragraaf (b) van genoemde subartikel (2) deur die volgende paragraaf te vervang:

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"(b) indien die **[registrateur]** betrokke opleidingsraad geweier het om 'n kontrak van vakleerlingskap wat tussen daardie persoon en die minderjarige gesluit is, te registreer nie;"

(c) deur subartikel (3) deur die volgende subartikel te vervang:

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(1) or (2) of this section to an officer in the service of the Department, and may at any time withdraw such delegation.”

Substitution of section 14 of Act 56 of 1981

11. The following section is hereby substituted for section 14 of the principal Act:

5 “Demarcation of trades

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

Amendment of section 15 of Act 56 of 1981

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

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

“(a) has any minor who is not an apprentice or a trainee in his employment in a designated trade at the commencement of **[this Act]** the Manpower Training Amendment Act, 1990;”;

25 (b) by the substitution in the said subsection (1) for the words following upon subparagraph (iii) of the following words:

“in the prescribed manner and **[on]** in the **[prescribed]** form determined by the relevant training board notify the training committee in question of the fact that a minor is so in employment or of the employment or of the termination of employment, as the case may be.”; and

30 (c) by the substitution for subsection (3) of the following subsection:

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

40 Amendment of section 16 of Act 56 of 1981

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

(a) by the substitution in paragraph (a) of subsection (2) for the words following upon subparagraph (ii), before the proviso, of the following words:

45 “unless a contract of apprenticeship has been entered into in accordance with this Act and with the conditions of apprenticeship applicable to that trade in the area in which the minor is employed, and **[as nearly as may be]** in the **[prescribed]** form determined by the training board in question, and has been lodged with the **[registrar]** training committee in question for registration **[in the prescribed manner]**.”;

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

“(b) if the **[registrar]** training board in question has refused to register a contract of apprenticeship entered into between that person and the minor.”;

55 (c) by the substitution for subsection (3) of the following subsection:

- “(3) (a) Indien die minderjarige ten tyde van die aanwysing in diens is ingevolge ’n skriftelike kontrak van vakleerlingskap wat gesluit is voor die publikasie ingevolge artikel 13 (1) of (3) van die kennisgewing met betrekking tot die aanwysing, moet die werkgewer binne drie maande na die aanwysing die kontrak **[op]** in die **[voorgeskrewe]** vorm deur die betrokke opleidingsraad bepaal by die **[registrateur]** betrokke opleidingskomitee vir registrasie inlewer. 5
- (b) Die **[registrateur]** betrokke opleidingsraad moet enige kontrak wat ingevolge paragraaf (a) **[by hom]** ingelewer is, registreer, maar die bepalings van hierdie Wet, met uitsondering van die bepalings van paragraaf (a), is nie ten opsigte van die kontrak of van die betrokke minderjarige, solank hy ingevolge die kontrak in diens is, van toepassing nie. 10
- (c) Indien die minderjarige vir ’n onafgebroke tydperk van minstens twaalf maande onmiddellik voor die publikasie ingevolge artikel 13 (1) of (3) van die kennisgewing met betrekking tot die aanwysing, sonder ’n skriftelike kontrak van vakleerlingskap in daardie ambag in diens was, en binne twee maande na die datum van die aanwysing so ’n kontrak ooreenkomstig die bepalings van hierdie Wet en die leervooraardes wat in die gebied waarin hy in diens is op daardie ambag van toepassing is en **[so na doenlik]** in die **[voorgeskrewe]** vorm deur die betrokke opleidingsraad bepaal, met sy werkgewer sluit, moet die werkgewer die kontrak binne een maand na die datum waarop dit gesluit is, **[op die voorgeskrewe wyse]** by die **[registrateur]** betrokke opleidingskomitee vir registrasie inlewer. 20 25
- (d) Die **[registrateur]** betrokke opleidingsraad moet enige kontrak wat ingevolge paragraaf (c) **[by hom]** ingelewer is, registreer, en die voornemende vakleerling kan na goeddunke van die opleidingsraad 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, hygetel word as deel van die leertyd wat kragtens artikel 13 ten opsigte van daardie ambag in die betrokke gebied voorgeskryf is.]**; 30 35
- (d) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:
- “(a) ’n minderjarige wat die toepaslike **[leertyd]** opleiding in die betrokke ambag voltooi het ingevolge ’n kontrak van vakleerlingskap wat kragtens hierdie Wet geregistreer is of wat geag word daarkragtens geregistreer te wees; of”; en 40
- (e) deur die voorbehoudsbepaling by paragraaf (b) van genoemde subartikel (4) deur die volgende voorbehoudsbepaling te vervang:
- “Met dien verstande dat geen kontrak van vakleerlingskap in ’n aangewese ambag in daardie nywerheid, of in daardie aangewese ambag, in die aldus verklaarde gebied bindend is nie tensy dit ooreenkomstig hierdie Wet en die leervooraardes wat in die betrokke gebied op daardie ambag van toepassing is, en **[so na doenlik]** in die **[voorgeskrewe]** vorm deur die betrokke opleidingsraad bepaal, gesluit is en kragtens artikel 18 geregistreer is.”. 50

Wysiging van artikel 17 van Wet 56 van 1981

14. Artikel 17 van die Hoofwet word hierby gewysig deur subartikels (3) en (4) deur onderskeidelik die volgende subartikels te vervang:

“(3) Enige minderjarige kan hom aldus verbind om die **[leertyd]** opleiding wat ingevolge artikel 13 ten opsigte van die betrokke aangewese ambag voorgeskryf is, na sy meerderjarigheid te voltooi. 55

(4) Enigiemand wat hom ingevolge subartikel (1), (2) of (3) as vakleerling kan verbind, kan hom, met die goedkeuring van die **[registrateur]** betrokke opleidingsraad, aldus verbind by meer as een werkgewer, mits in die kontrak van vakleerlingskap die voorwaardes betreffende die onderskeie verpligtings van die verskillende werkgewers opgeneem word wat **[die registrateur]** daardie 60

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- 5 “(3) (a) If at the time of the designation the minor is employed under a written contract of apprenticeship entered into prior to the publication, in terms of section 13 (1) or (3), of the notice relating to such designation, the employer shall, within three months after the designation, **[on]** in the **[prescribed]** form determined by the training board in question, lodge the contract with the **[registrar]** training committee in question for registration.
- 10 (b) The **[registrar]** training board in question shall register any contract lodged **[with him]** under paragraph (a), but the provisions of this Act, other than the provisions of paragraph (a), shall not apply in respect of the contract or of the minor concerned while he is employed under the contract.
- 15 (c) If the minor has without a written contract of apprenticeship been employed in that trade continuously during a period of not less than twelve months immediately prior to the publication, in terms of section 13 (1) or (3), of the notice relating to the designation, and enters, within two months after the date of the designation, into such a contract with his employer in accordance with the provisions of this Act and the conditions of apprenticeship applicable to that trade in the area in which he is employed, and **[as nearly as may be]** in the **[prescribed]** form determined by the training board in question, the employer shall, within one month after the date upon which it was entered into, **[in the prescribed manner]** lodge the contract with the **[registrar]** training committee in question for registration.
- 20 (d) The **[registrar]** training board concerned shall register any contract lodged **[with him]** under paragraph (c), and the prospective apprentice may be exempted in the discretion of the 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
- 25 (d) by the substitution for paragraph (a) of subsection (4) of the following paragraph:
- 30 “(a) any minor who has completed the relevant **[period of apprenticeship]** training in the trade in question under a contract of apprenticeship registered or deemed to be registered under this Act; or”; and
- 35 (e) by the substitution for the proviso to paragraph (b) of the said subsection (4) of the following proviso:
- 40 “Provided that no contract of apprenticeship in a designated trade in that industry, or in that designated trade, shall be binding in the area so declared unless it has been entered into in accordance with this Act and with the conditions of apprenticeship applicable to that trade in the area in question, and **[as nearly as may be]** in the **[prescribed]** form determined by the training board in question, and has been registered under section 18.”.
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Amendment of section 17 of Act 56 of 1981

14. Section 17 of the principal Act is hereby amended by the substitution for 50 subsections (3) and (4) of the following subsections, respectively:

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

55 (4) With the approval of the **[registrar]** 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 training

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opleidingsraad na oorleg met die betrokke [komitee] opleidingskomitee of, indien daar nie een is nie, die betrokke werkgewers, bepaal."

Vervanging van artikel 18 van Wet 56 van 1981

15. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

"Registrasie van kontrakte van vakleerlingskap

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18. (1) Geen kontrak van vakleerlingskap in 'n aangewese ambag wat [na] voor die inwerkingtreding van [hierdie Wet] die Wysigingswet op Mannekragopleiding, 1990, gesluit is maar nie onmiddellik voor sodanige inwerkingtreding geregistreer is nie, of wat na bedoelde inwerkingtreding gesluit word, is geldig nie tensy—

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(a) dit by die sluit daarvan op skrif gestel is; en

(b) dit deur of namens die werkgewer en deur die vakleerling en, in die geval van 'n vakleerling wat 'n minderjarige is, deur sy voog onderteken is; en

(c) dit deur die [registrateur] betrokke opleidingsraad geregistreer is.

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(2) Die werkgewer moet die kontrak [op] in die [voorgeskrewe] vorm deur die betrokke opleidingsraad bepaal, en binne 'n maand na die datum waarop dit gesluit is, by die [registrateur] betrokke opleidingskomitee vir registrasie inlewer.

(3) Ondanks andersluidende bepalings van hierdie Wet, kan [die registrateur, na oorleg met die betrokke komitee en] 'n opleidingsraad op aansoek van 'n werkgewer in 'n nywerheid en gebied ten opsigte waarvan die betrokke opleidingsraad geakkrediteer is maar daar geen ambag kragtens hierdie Wet aangewys is nie, 'n kontrak van vakleerlingskap wat gesluit is tussen sodanige werkgewer en sy werknemer of voornemende werknemer wat in diens is by of in diens geneem staan te word deur bedoelde werkgewer 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 werkgewer en werknemer mits die kontrak—

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(a) ten tyde van die sluit daarvan op skrif gestel is; en

(b) deur of namens die werkgewer en deur die werknemer en, in die geval van 'n werknemer wat 'n minderjarige is, deur sy voog onderteken is.

(4) 'n Kontrak wat ingevolge subartikel (3) geregistreer is, word geag 'n kontrak te wees wat ingevolge die bepalings van hierdie Wet gesluit is, en die betrokke werkgewer en vakleerling moet die leervoorwaardes en ander voorwaardes wat die [registrateur] betrokke opleidingsraad bepaal en in die kontrak vermeld is, nakom.

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

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

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(a) in diens was in die ambag waarin hy ingeboek staan te word of in enige aanverwante ambag of beroep;

(b) opleiding in sodanige ambag of beroep ontvang het aan enige opvoedkundige of opleidingsinrigting;

(c) ingevolge die bepalings van die Verdedigingswet, 1957 (Wet No. 44 van 1957), of van artikel 34A (3) van die Polisie Wet, 1958 (Wet No. 7 van 1958), opleiding ondergaan of diens gedoen het,

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kan die registrateur na oorleg met die betrokke komitee stappe doen waarby, in die geval van die betrokke voornemende vakleerling, die leertyd wat ingevolge artikel 13 (2) voorgeskryf is ten opsigte van die

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board after consultation with the training committee in question or, if there be none, with the employers in question.”.

Substitution of section 18 of Act 56 of 1981

15. The following section is hereby substituted for section 18 of the principal Act:

“Registration of contracts of apprenticeship

18. (1) No contract of apprenticeship in a designated trade entered into **[after]** before the commencement of **[this Act]** the Manpower Training Amendment Act, 1990, but not registered immediately prior to such commencement, or entered into after such commencement shall be valid unless—

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

(2) The employer shall lodge the contract **[on]** in the **[prescribed]** form determined by the relevant training board and within one month after the date on which it was entered into, with the **[registrar]** training committee concerned for registration.

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

(4) Any contract registered in terms of subsection (3), shall be deemed to be a contract entered into in terms of the provisions of this Act, and the employer and apprentice concerned shall comply with such conditions of apprenticeship and other conditions as may be determined by the **[registrar]** relevant training board and specified in the contract.

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

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

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

the registrar may, after consultation with the committee in question, take steps whereby, in the case of the prospective apprentice concerned, the period of apprenticeship prescribed in terms of section 13 (2) in respect of

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ambag waarin bedoelde vakleerling ingeboek staan te word, verkort word met 'n tydperk gelyk aan die geheel of 'n gedeelte van die tydperk waartydens bedoelde voornemende vakleerling aldus in diens was, opleiding ontvang of ondergaan of diens gedoen het.]"

Wysiging van artikel 19 van Wet 56 van 1981

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16. Artikel 19 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

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

(b) deur subartikel (2) deur die volgende subartikel te vervang:

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

Wysiging van artikel 20 van Wet 56 van 1981

17. Artikel 20 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

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

(b) deur subartikel (2) deur die volgende subartikel te vervang:

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

Herroeping van artikel 21 van Wet 56 van 1981

18. Artikel 21 van die Hoofwet word hierby herroep.

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Wysiging van artikel 22 van Wet 56 van 1981

19. Artikel 22 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"'n Werkgewer kan in die loop van die gewone beoefening van die betrokke ambag deur 'n vakleerling, sodanige vakleerling van een plek na 'n ander stuur of verplaas, maar mag nie sonder die voorafgaande toestemming van die **[registrateur]** betrokke opleidingsraad 'n vakleerling aldus stuur of verplaas nie—";

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the trade in which the said apprentice is to be indentured, is reduced with a period equal to the whole or any part of the period during which the said prospective apprentice has so been employed, received or undergone training or rendered service.]”.

5 Amendment of section 19 of Act 56 of 1981

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

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

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

15 (b) by the substitution for subsection (2) of the following subsection:

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

Amendment of section 20 of Act 56 of 1981

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

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

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

35 (b) by the substitution for subsection (2) of the following subsection:

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

Repeal of section 21 of Act 56 of 1981

18. Section 21 of the principal Act is hereby repealed.

45 Amendment of section 22 of Act 56 of 1981

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

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

50 “An employer may send or transfer an apprentice from one place to another in the course of the ordinary practising of the trade in question by such apprentice, but shall not without the prior consent of the **[registrar]** training board concerned so send or transfer an apprentice—”;

- (b) deur paragraaf (b) van genoemde subartikel (1) deur die volgende paragraaf te vervang:
- “(b) van die regsgebied van **['n komitee of onderkomitee]** een opleidingskomitee na die regsgebied van **[, onderskeidelik,]** 'n ander **[komitee of onderkomitee]** opleidingskomitee.”; 5
- (c) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Die regte en verpligtinge van 'n werkgewer kragtens 'n kontrak van vakleerlingskap kan met die voorafgaande toestemming van die **[registrateur]** betrokke opleidingsraad aan 'n ander werkgewer oorgedra word, maar so 'n oordrag is nie voltooi voordat dit deur **[die registrateur]** daardie opleidingsraad geregistreer is nie.”; 10
- (d) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) (a) Die **[registrateur]** opleidingsraad kan na goeddunke sy toestemming bedoel in subartikel (1) en (2) verleen of weier en kan, wanneer hy sy toestemming bedoel in subartikel (1) verleen, die voorwaardes oplê wat hy nodig ag. 15
- (b) Die **[registrateur]** opleidingsraad 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 voorgenome handeling; en 20
- (ii) hy die betrokke **[komitee]** opleidingskomitees geraadpleeg het.”;
- (e) deur subartikel (4) deur die volgende subartikel te vervang:
- “(4) Indien 'n vakleerling ingevolge hierdie artikel verplaas word van die regsgebied van een **[komitee of onderkomitee]** opleidingskomitee na die regsgebied van **[onderskeidelik]** 'n ander **[komitee of onderkomitee]** opleidingskomitee, is enige leervoordes 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.”; 25 en 30
- (f) deur paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang:
- “(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 **[registrateur]** betrokke opleidingskomitee vir registrasie van die oordrag inlewer.”. 35

Wysiging van artikel 23 van Wet 56 van 1981

20. Artikel 23 van die Hoofwet word hierby gewysig—

- (a) deur subartikels (1), (2) en (3) deur onderskeidelik die volgende subartikels te vervang: 40
- “(1) Indien 'n werkgewer oortuig is dat 'n vakleerling wat deur 'n kontrak ingevolge hierdie Wet teenoor hom gebonde is, 'n ernstige oortreding van die bepalings van die kontrak of van 'n leervoorswaarde begaan het, kan hy die vakleerling onmiddellik in sy diens skors vir 'n tydperk van hoogstens die getal dae waarop daar gewoonlik in 'n week in die betrokke nywerheid gewerk word, of die verdere tydperk wat die betrokke **[komitee]** opleidingsraad van tyd tot tyd toelaat.
- (2) (a) Indien 'n vakleerling na die **[mening]** oordeel van die **[registrateur]** opleidingsraad opgetree het op 'n wyse wat sy skorsing ingevolge subartikel (1) regverdig en hy nie deur die betrokke werkgewer geskors is nie, kan die **[registrateur]** opleidingsraad te eniger tyd **[, na oorleg met die betrokke komitee,]** by skriftelike kennisgewing beveel dat die vakleerling in die betrokke werkgewer se diens geskors word vanaf die datum en vir die tydperk van hoogstens **[dertig]** 30 werksdae wat die **[registrateur]** opleidingsraad bepaal. 50 55
- (b) **[Die registrateur]** 'n Opleidingsraad kan die bevoegdhede by paragraaf (a) aan hom verleen, skriftelik en onderworpe aan die voorwaardes wat hy bepaal aan enige **[komitee of onderkomitee]** van sy opleidingskomitees deleger, om onderworpe aan die voorskrifte van die **[registrateur]** opleidingsraad deur **[die komitee of onderkomitee]** 60

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- (b) by the substitution for paragraph (b) of the said subsection (1) of the following paragraph:
- “(b) from the area of jurisdiction of one training committee [or sub-committee] to the area of jurisdiction of another training committee [or sub-committee, respectively].”;
- (c) by the substitution for subsection (2) of the following subsection:
- “(2) The rights and obligations of an employer under any contract of apprenticeship may, with the prior consent of the [registrar] training board concerned, be transferred to another employer, but no such transfer shall be complete until it has been registered by [the registrar] that training board.”;
- (d) by the substitution for subsection (3) of the following subsection:
- “(3) (a) The [registrar] 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] 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] training committees in question.”;
- (e) by the substitution for subsection (4) of the following subsection:
- “(4) If an apprentice is transferred in terms of this section from the area of jurisdiction of one training committee [or sub-committee] to the area of jurisdiction of another training committee [or sub-committee, respectively], any conditions of apprenticeship applicable in respect of the trade in question within the last-mentioned area of jurisdiction shall, with effect from the date of the transfer, apply in respect of the apprentice and any such conditions applicable to him in the first-mentioned area of jurisdiction shall as from such date cease to be so applicable.”; and
- (f) by the substitution for paragraph (b) of subsection (5) of the following paragraph:
- “(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] training committee in question for registration of the transfer.”.

Amendment of section 23 of Act 56 of 1981

20. Section 23 of the principal Act is hereby amended—
- (a) by the substitution for subsections (1), (2) and (3) of the following subsections, respectively:
- “(1) If an employer is satisfied that an apprentice bound to him by contract in terms of this Act has committed a serious breach of the terms of the contract or of any condition of apprenticeship, he may forthwith suspend the apprentice in his service for a period not exceeding the number of days ordinarily worked in a week in the industry in question, or such further period as the [committee] training board in question may from time to time allow.
- (2) (a) If in the opinion of the [registrar] training board an apprentice has acted in a manner justifying his suspension in terms of subsection (1), and he has not been suspended by the employer concerned, the [registrar] training board may at any time [, after consultation with the committee in question,] by written notice order the suspension of the apprentice in the service of the employer concerned as from such date and for such period, not exceeding [thirty] 30 working days, as the [registrar] training board may determine.
- (b) [The registrar] A 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 training committees to be exercised, subject to the directions of the [registrar] training board, by [the] that training committee [or

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daardie opleidingskomitee uitgeoefen te word ten opsigte van vakleerlinge binne **[die komitee of onderkomitee]** daardie opleidingskomitee se regsgebied.

- (c) Die **[registrateur]** opleidingsraad kan so 'n delegasie te eniger tyd intrek.

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

- (b) deur in subartikel (4) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“Die betrokke **[komitee]** opleidingskomitee moet so spoedig doenlik 'n skorsing ingevolge subartikel (1) ondersoek, en dit **[bekragtig, wysig of tersyde stel]** aan die betrokke opleidingsraad voorlê vir bekragtiging, wysiging of tersydestelling.”;

- (c) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Indien die **[betrokke komitee]** opleidingsraad die skorsing van die vakleerling ingevolge subartikel (4) wysig of tersyde stel, kan hy beveel dat 'n gedeelte of die hele bedrag van die besoldiging wat van die vakleerling tydens die duur van die skorsing weerhou mag gewees het, aan 'n vermeldde beampte oorbetal word binne die tydperk wat die **[komitee]** opleidingsraad bepaal.”; en

- (d) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) Indien 'n werkgewer of 'n vakleerling veronreg voel deur 'n beslissing van 'n **[komitee of 'n onderkomitee]** opleidingsraad ingevolge hierdie artikel, of indien 'n **[komitee of onderkomitee]** opleidingsraad versuim om binne **[die voorgeskrewe tydperk]** 30 dae 'n beslissing te gee, kan hy hom te eniger tyd binne **[dertig]** 30 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]** partye die beslissing van die **[komitee of onderkomitee]** opleidingsraad bekragtig of die ander beslissing gee wat die **[komitee of onderkomitee]** opleidingsraad na sy mening moes gegee het, of die saak beslis, na gelang van die geval.”.

Wysiging van artikel 24 van Wet 56 van 1981

21. Artikel 24 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) met die toestemming van die **[registrateur]** betrokke opleidingsraad, by ooreenkoms deur die betrokke partye; of”; en

- (b) deur paragraaf (b) deur die volgende paragraaf te vervang:

“(b) deur die **[registrateur]** opleidingsraad, na oorleg met die betrokke **[komitee]** opleidingskomitee, uit eie beweging of op versoek van enige party daarby, indien hy oortuig is dat dit raadsaam is om dit te doen.”.

Wysiging van artikel 25 van Wet 56 van 1981

22. Artikel 25 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

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

- (b) deur in subartikel (2) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

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sub-committee] in respect of apprentices within **[the]** that training committee's [or sub-committee's] area of jurisdiction.

(c) Any such delegation may at any time be withdrawn by the **[registrar]** training board.

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

(b) by the substitution in subsection (4) for the words preceding the proviso of the following words:

10 "The training 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 training board concerned for confirmation, amendment or setting aside.";

(c) by the substitution for subsection (5) of the following subsection:

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

20 (d) by the substitution for subsection (7) of the following subsection:

"(7) If an employer or an apprentice feels aggrieved by any decision of a **[committee or a sub-committee]** training board in terms of this section, or if a [committee or sub-committee] training board fails to give any decision within [the prescribed period] 30 days, he may at any time within [thirty] 30 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] parties in question, confirm the decision of the [committee or sub-committee] training board or give such other decision as, in his opinion, the [committee or sub-committee] training board ought to have given, or decide the matter, as the case may be.".

Amendment of section 24 of Act 56 of 1981

21. Section 24 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

35 "(a) with the consent of the **[registrar]** training board concerned, by agreement of the parties thereto; or"; and

(b) by the substitution for paragraph (b) of the following paragraph:

40 "(b) by the **[registrar]** training board, after consultation with the training committee in question, on [his] its own initiative or at the instance of any party thereto, if [he] it is satisfied that it is expedient to do so.".

Amendment of section 25 of Act 56 of 1981

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

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

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

55 (b) by the substitution in subsection (2) for the words preceding the proviso of the following words:

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“So ’n verklaring word deur die **[registrateur]** opleidingsraad onderteken en daarop maak die tersaaklike bepalings wat aldus daarin uiteengesit word, deel van die kontrak van vakleerlingskap uit, en die **[registrateur]** opleidingsraad moet sy stukke dienooreenkomstig wysig.”

5

Wysiging van artikel 26 van Wet 56 van 1981

23. Artikel 26 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling daarby te skrap.

Herroeping van artikel 27 van Wet 56 van 1981

24. Artikel 27 van die Hoofwet word hierby herroep.

10

Vervanging van artikel 28 van Wet 56 van 1981

25. Artikel 28 van die Hoofwet word hierby deur die volgende artikel vervang:

“Ambagstoetse

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

(2) ’n Ambagstoets bedoel in subartikel (1) word op die tyd en plek wat die **[registrateur]** betrokke opleidingsraad bepaal, afgelê.

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

Vervanging van artikel 29 van Wet 56 van 1981

26. Artikel 29 van die Hoofwet word hierby deur die volgende artikel vervang:

“Oorlegpleging met registrateur deur opleidingsrade

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29. **[Die registrateur]** Opleidingsrade moet van tyd tot tyd met die **[raad]** registrateur **[raadpleeg]** oorleg pleeg aangaande die standarde wat toegepas moet word by die vaststelling 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.”

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“Any such statement shall be signed by the **[registrar]** training board and thereafter the relevant terms as set out therein shall form part of the contract of apprenticeship and the **[registrar]** training board shall adjust **[his]** its records in accordance therewith.”.

5 Amendment of section 26 of Act 56 of 1981

23. Section 26 of the principal Act is hereby amended by the deletion of the proviso thereto.

Repeal of section 27 of Act 56 of 1981

24. Section 27 of the principal Act is hereby repealed.

10 Substitution of section 28 of Act 56 of 1981

25. The following section is hereby substituted for section 28 of the principal Act:

“Trade tests

28. (1) Whenever in the opinion of **[the registrar]** a 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 recognized by the **[board]** registrar and the training board concerned, **[the registrar]** that 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]** 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 reasonably concurs with the conditions of apprenticeship for the trade in question and in the opinion of the **[registrar]** 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 **[registrar]** training board concerned 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 **[the prescribed form]** collaboration with the training board concerned.”.

Substitution of section 29 of Act 56 of 1981

26. The following section is hereby substituted for section 29 of the principal Act:

“Consultation with registrar by training boards

29. **[The registrar]** 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.”.

Vervanging van artikel 30 van Wet 56 van 1981

27. Artikel 30 van die Hoofwet word hierby deur die volgende artikel vervang:

“Opleiding van persone wat nie vakleerlinge of minderjariges is nie

30. Wanneer die Minister daarvan oortuig is dat dit in die openbare belang nodig is om dit te doen, kan hy, na oorleg met die raad en enige ander Minister wat volgens sy oordeel enige belang daarby het, en met die instemming van die Minister van Finansies, die reëlings 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* die voorskrifte uitvaardig wat hy vir sodanige opleiding nodig ag: Met dien verstande dat die Minister, na oorleg met die raad, ingevolge die voorgaande bepalings van hierdie artikel voorsiening kan maak vir die opleiding van persone wat minderjariges is maar wat 'n eerste tydperk van opleiding of diens ingevolge die bepalings van die Verdedigingswet, 1957 (Wet No. 44 van 1957), of artikel 34A (11) van die Polisiewet, 1958 (Wet No. 7 van 1958), voltooi het.”

Wysiging van opskrif voor artikel 31 van Wet 56 van 1981

28. Die woorde “EN -SKEMAS” in die tweede opskrif voor artikel 31 van die Hoofwet word hierby geskrap.

Vervanging van artikel 31 van Wet 56 van 1981, soos gewysig deur artikel 1 van Wet 1 van 1983

29. Artikel 31 van die Hoofwet word hierby deur die volgende artikel vervang:

“Streeksopleidingsentrums

31. (1) 'n Groep of vereniging van werkgewers wat in 'n **[bepaalde]** gebied **[in 'n bepaalde nywerheid]** ingevolge subartikel (9) 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]**, behoudens artikel 31A, 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,]** instelling, 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.

(b) By die registrasie ingevolge paragraaf (a) van 'n sentrum as 'n **[groepopleidingsentrum]** streeksopleidingsentrum word **[die beheerliggaam wat ingevolge subartikel (1) vir]** daardie sentrum **[ingestel is,]** 'n regs persoon **[en kan die betrokke groep of vereniging van werkgewers die groepopleidingsentrum deur middel van daardie beheerliggaam bedryf].**

(3) (a) Die voorwaardes in subartikel (2) (a) beoog, kan ook betrekking hê op—

(i) die kursusse van opleiding wat by die betrokke **[groepopleidingsentrum]** 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 **[groepopleidingsentrum]** streeksopleidingsentrum te ondergaan;

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Substitution of section 30 of Act 56 of 1981

27. The following section is hereby substituted for section 30 of the principal Act:

“Training of persons who are not apprentices or minors

5 **30.** Whenever the Minister is satisfied that it is necessary in the public
interest to do so, he may, after consultation with the board and any other
Minister which in his opinion has any interest therein, and with the
conconcurrence of the Minister of Finance, make such arrangements as he
may deem expedient to provide for the training in a particular trade or
10 occupation of persons who are not apprentices or minors, and he may for
that purpose by notice in the *Gazette* issue such directives as he may
deem necessary for such training: Provided that the Minister may after
consultation with the board provide, in terms of the foregoing provi-
sions of this section, for the training of persons who are minors but who
15 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).”

Amendment of heading before section 31 of Act 56 of 1981

28. The words “AND SCHEMES” in the second heading before section 31 of the principal Act are hereby deleted.

20 **Substitution of section 31 of Act 56 of 1981, as amended by section 1 of Act 1 of 1983**

29. The following section is hereby substituted for section 31 of the principal Act:

“Regional training centres

25 **31.** (1) Any group or association of employers engaged in **[a particular industry in a particular]** an area determined in terms of subsection (9) 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],** subject to section 31A, 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]**
30 establishment, management and operation of a centre for the training of employees and other persons by a governing body, may apply to the registrar for the registration of that centre as a **[group] regional training centre.**

35 (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] regional training centre.**

40 (b) On the registration in terms of paragraph (a) of a centre as a **[group] regional training centre, [the governing body established for] that centre [in terms of subsection (1)]** shall become a juristic person **[and the group or association of employers in question may conduct the group training centre through that governing body].**

45 (3) (a) The conditions contemplated in subsection (2) (a) may also relate to—

 (i) the courses of training which may be provided at the **[group] regional training centre in question;**

 (ii) the nature, duration and standard of such courses;

50 (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] regional training centre in question;**

- (iv) die vereistes met betrekking tot hul kwalifikasies en ondervinding waaraan persone wat by die betrokke **[groepopleidingsentrum]** streeksopleidingsentrum onderrig sal verskaf, moet voldoen;
- (v) **[enige ander aangeleentheid wat met so 'n groeopleidingsentrum of sodanige opleiding in verband staan]** die persele, toerusting, fasiliteite en materiaal wat vir die doeleindes van opleiding deur die betrokke streeksopleidingsentrum gebruik of verskaf moet word; en 5
- (vi) enige ander aangeleentheid wat met so 'n streeksopleidingsentrum of opleiding daar verskaf in verband staan. 10
- (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 **[groeopleidingsentrum]** streeksopleidingsentrum 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. 15
- (5) Die Minister kan, op versoek van die beheerliggaam van 'n **[groeopleidingsentrum]**— 20
- (a) ten einde geld te verkry wat nodig is om die koste te bestry wat voortspruit uit die bedryf van sodanige groeopleidingsentrum ooreenkomstig die bepalings van artikel 39, 'n heffing ten bate van daardie groeopleidingsentrum oplê; 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 **[groeopleidingsentrum]** streeksopleidingsentrum verleen. 25
- (6) (a) **['n Werkgewer wat nie in die betrokke gebied in die nywerheid ten opsigte waarvan 'n groeopleidingsentrum 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 groeopleidingsentrum en onderworpe aan die voorwaardes wat die beheerliggaam bepaal—** 30
- (a) werknemers of ander persone by bedoelde sentrum laat oplei; of
- (b) opleiding by bedoelde sentrum ondergaan,
- na gelang van die geval]** Wanneer die registrateur ten opsigte van 'n streeksopleidingsentrum rede het om te vermoed dat— 40
- (i) die streeksopleidingsentrum gelikwdeer is; of
- (ii) enige voorwaarde wat ingevolge subartikel (2) (a) ten opsigte van daardie sentrum opgelê is of wat geag word ingevolge daarvan opgelê te gewees het, nie nagekom is nie; of
- (iii) daar nie langer opleiding ooreenkomstig die bepalings van hierdie Wet by daardie sentrum verskaf word nie, 45
- kan hy 'n geregistreerde brief aan daardie sentrum by sy hoofkantoor of laasbekende hoofkantoor rig waarin die sentrum aangesê word om binne 'n in daardie brief vasgestelde tydperk, wat nie minder as 30 dae moet wees nie, redes aan te voer waarom sy registrasie nie ingetrek moet word nie. 50
- (b) By verstryking van die ingevolge paragraaf (a) vasgestelde tydperk kan die registrateur, tensy redes daarteen tot sy bevrediging aangevoer is, die registrasie van die sentrum intrek.
- (c) Sodra die registrasie van 'n sentrum ingevolge paragraaf (b) ingetrek is, hou daardie sentrum op om 'n regspersoon te wees: Met dien verstande dat die aanspreeklikheid (as daar is) van elke persoon wat met die likwidasië van die sentrum belas is, bly voortbestaan en afgedwing kan word asof die sentrum se registrasie nie ingetrek was nie. 55
- (7) Die registrateur **[kan te eniger tyd die registrasie van 'n groeopleidingsentrum intrek indien hy van oordeel is dat enige voorwaarde wat ingevolge subartikel (2) ten opsigte van daardie sentrum opgelê is of wat** 60

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- (iv) the requirements relating to their qualifications and experience with which persons who will provide instruction at the **[group] regional training centre** in question, shall comply;
- (v) **[any other matter connected with such a group training centre or such training]** the premises, equipment, facilities and materials which shall be used or provided for the purposes of training by the regional training centre in question; and
- (vi) any other matter connected with such regional training centre or training provided there.
- (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] regional training centre** shall furnish the registrar with such information relating to that centre or the control, management or functioning thereof as the registrar may from time to time require.
- (5) The Minister may, at the request of the governing body of a **[group] regional training centre**, [—
- (a) for the purpose of raising money required to defray the expenses arising from the conduct of such group training centre, impose, in accordance with the provisions of section 39, a levy for the benefit of that group training centre; and
- (b) 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] that regional training centre**.
- (6) (a) **[Any employer not engaged in the area in question in the industry in respect of which a group training centre is registered or deemed to be registered, and any employee or other person who is not employed in such an area in such an industry, may, with the consent of the governing body of that group training centre and subject to such conditions as the governing body may determine—**
- (a) cause employees or other persons to be trained at the said centre; or
- (b) undergo training at the said centre,
- as the case may be]** Whenever the registrar, in respect of a regional training centre, has reason to believe that—
- (i) the regional training centre has been liquidated; or
- (ii) any condition imposed on that centre in terms of subsection (2) (a) or deemed to have been imposed in terms thereof, has not been complied with; or
- (iii) training in accordance with the provisions of this Act 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 requiring the centre to show cause within the period determined in that letter, not being less than 30 days, why its registration shall not be withdrawn.
- (b) At the expiry of the period determined in terms of paragraph (a) the registrar may, unless cause to the contrary to his satisfaction has been shown, withdraw the registration of the centre.
- (c) Upon the withdrawal of the registration of a centre in terms of paragraph (b), that centre shall cease to be a juristic person: 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 withdrawn.
- (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**

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] moet van tyd tot tyd die raad inlig oor al die aansoeke wat hy ingevolge subartikel (1) ontvang het.

(8) Die [registrateur moet van tyd tot tyd aan die raad verslag doen oor al die aansoeke wat hy ingevolge subartikel (1) ontvang het] bepaling van hierdie artikel is nie van toepassing ten opsigte van opleiding in verband waarmee die bepaling van 'n ooreenkoms ingevolge artikel 48 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), bindend verklaar is nie.

(9) Die [bepaling van hierdie artikel is nie van toepassing ten opsigte van opleiding in verband waarmee die bepaling van 'n ooreenkoms ingevolge artikel 48 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), bindend verklaar is nie] Minister kan vir die doeleindes van subartikel (1) gebiede vasstel, en kan verskillende gebiede vasstel ten opsigte van verskillende kategorieë werk wat deur hom vir dié doel bepaal word.

(10) 'n [Heffing ingevolge subartikel (5) opgelê, is betaalbaar aan die betrokke beheerliggaam] Streeksopleidingsentrum word gevestig op die plek of plekke wat die betrokke beheerliggaam met die goedkeuring van die registrateur bepaal.

(11) Enige opleiding ingevolge hierdie artikel waarvan die koste bestem is om vir die doeleindes van 'n werknemersopleidingvermindering soos bedoel in artikel 11sept 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 die inwerkingtreding van die Wysigingswet op Mannekragopleiding, 1990—

- (a) word enige sentrum wat onmiddellik voor bedoelde datum as 'n groeopleidingsentrum geregistreer was, geag 'n streeksopleidingsentrum te wees wat ingevolge hierdie artikel, soos deur vermelde Wet gewysig, geregistreer is, en bly enige voorwaardes, as daar is, wat op die groeopleidingsentrum van toepassing was, behoudens subartikel (3) (b) ten opsigte van die streeksopleidingsentrum van toepassing;
- (b) word elke persoon wat onmiddellik voor bedoelde datum in diens van die beheerliggaam van die groeopleidingsentrum was, 'n werknemer van die streeksopleidingsentrum;
- (c) gaan alle roerende of onroerende goed wat onmiddellik voor bedoelde datum in die beheerliggaam van die groeopleidingsentrum gevestig het, sonder betaling van hereregte, seëlregte of ander gelde oor op en vestig dit in die streeksopleidingsentrum, met behoud van enige las waarmee dit beswaar is: Met dien verstande dat alle gelde wat onmiddellik voor bedoelde datum aan bedoelde beheerliggaam 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 die streeksopleidingsentrum alle wettige skulde en verpligtinge van die beheerliggaam van die groeopleidingsentrum oor en is hy daarvoor aanspreeklik, met behoud van alle wettige voorwaardes waarop daardie skulde en verpligtinge aangegaan is;
- (e) moet 'n registrateur van aktes op die skriftelike versoek van die streeksopleidingsentrum die feit dat dié sentrum die opvolger in regte is van die beheerliggaam van die voormalige groeopleidingsentrum aanteken op enige titelbewys, dokument of oorkonde wat in die betrokke registrasiekantoor geregistreer is of bewaar word; en
- (f) word 'n verwysing in 'n wet of dokument na 'n groeopleidingsentrum, of na die beheerliggaam van 'n groeopleidingsentrum, geag 'n verwysing na onderskeidelik 'n streeksopleidingsentrum of die beheerliggaam daarvan te wees."

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subsection (2) has not been complied with or if he is satisfied that training is no longer provided at that centre] shall from time to time inform the board of all applications received by him in terms of subsection (1).

(8) The [registrar shall from time to time report to the board on all applications received by him in terms of subsection (1)] provisions of this section shall not apply in respect of training in connection with which the provisions of any agreement have in terms of section 48 of the Labour Relations Act, 1956 (Act No. 28 of 1956), been declared binding.

(9) The [provisions of this section shall not apply in respect of training in connection with which the provisions of any agreement have in terms of section 48 of the Labour Relations Act, 1956 (Act No. 28 of 1956), been declared binding] Minister may for the purposes of subsection (1) determine areas, and may determine different areas in respect of different categories of work determined by him for this purpose.

(10) [Any levy imposed in terms of subsection (5) shall be payable to the governing body in question] A regional training centre shall be established at the place or places determined by the governing body concerned with the approval of the registrar.

(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 11sept 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, 1990—

- (a) any centre which was registered as a group training centre immediately prior to the said date shall be deemed to be a regional training centre which has been registered in terms of this section, as amended by the said Act, and any conditions, if any, which applied to the group training centre shall, subject to subsection (3) (b), remain applicable in respect of the regional training centre;
- (b) every person in the employ of the governing body of the group training centre immediately prior to the said date, shall become an employee of the regional training centre;
- (c) all movable or immovable property which immediately prior to the said date vested in the governing body of the group training centre shall, without payment of transfer duty, stamp duty or other fees, accrue to and vest in the regional training centre, subject to any charge with which such property may be burdened: Provided that all funds which immediately prior to the said date were vested in the said governing body by trust, donation or bequest, shall be applied by the regional training centre in accordance with the conditions of the trust, donation or bequest;
- (d) the regional training centre shall assume and be liable for all lawful debts and liabilities of the governing body of the group training centre, subject to all lawful conditions under which those debts and liabilities were incurred;
- (e) a registrar of deeds shall, at the written request of the regional training centre, record on any title deed, document or record registered or kept in the deeds registry concerned, the fact that the regional training centre is the successor in law of the governing body of the former group training centre; and
- (f) any reference in any law or document to a group training centre or to the governing body of a group training centre, shall be deemed to be a reference to a regional training centre or to the governing body thereof, respectively.”

Invoeging van artikels 31A en 31B in Wet 56 van 1981

30. Die volgende artikels word hierby in die Hoofwet na artikel 31 ingevoeg:

“Konstitusies van streeksopleidingsentrums

- 31A.** (1) 'n In artikel 31 (1) bedoelde konstitusie van 'n streeksopleidingsentrum moet voorsiening maak vir—
- (a) die samestelling van sy beheerliggaam;
 - (b) die verkiesing of aanstelling van die 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 nadat alle skulde en verpligtings van die sentrum vereffen is daar oor enige oorblywende bates waaroor daar nie ingevolge die konstitusie van die sentrum beskik kan word nie, beskik moet word ooreenkomstig lasgewings van die registrateur; en
 - (g) enige ander aangeleentheid wat nodig is vir die doeltreffende verrigting, uitvoering of uitoefening van die werksaamhede, pligte en bevoegdhede van sy 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 bepalinge van hierdie Wet en 'n voorwaarde wat ingevolge artikel 31 (2) opgelê is—
- (a) die diensstaat van die sentrum bepaal;
 - (b) enige persoon by die sentrum aanstel, bevorder of ontslaan;
 - (c) die diensvoorwaardes, verlof- en ander voorregte, salarisse, salarisskale, uitdiensstreding- en pensioenvoordele en ander diensvoordele van persone in diens by die sentrum bepaal;
 - (d) roerende en onroerende eiendom wat vir die bestuur en bedryf van die sentrum nodig is, verkry, en sodanige eiendom 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, slegs belê in—
 - (i) binnelandse geregistreeerde effekte bedoel in 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 bouverenigings of banke, of op enige ander wyse deur die registrateur goedgekeur;
 - (g) geld leen;
 - (h) in die algemeen, enigiets doen wat redelikerwys beskou kan word as nodig of wenslik vir die doeltreffende bestuur van of beheer oor die 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;
 - (b) een persoon wat deur die raad; en
 - (c) een persoon wat deur die Departement, aangewys word.
- (3) Die Minister stel die lede bedoel in subartikel (2) aan, van wie hy een lid as voorsitter en 'n ander lid as ondervoorsitter van die adviserende komitee aanwys.
- (4) 'n Lid van die adviserende komitee bekleë sy amp vir die tydperk wat die Minister ten tyde van die aanstelling van daardie lid bepaal, maar

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Insertion of sections 31A and 31B in Act 56 of 1981

30. The following sections are hereby inserted in the principal Act after section 31:

“Constitutions of regional training centres

31A. (1) A constitution of a regional training centre referred to in section 31 (1), shall 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 of and vacation of office by such members;
- (d) the convening 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 after all liabilities and obligations of the centre have been discharged, any remaining assets which cannot be disposed of in terms of the constitution of the centre shall be disposed of in accordance with directions of the registrar; and
- (g) any other matter necessary for the effective performance, carrying out or exercise of the functions, duties and powers of its 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 the centre;
- (b) appoint, promote or discharge any person at the centre;
- (c) determine the conditions of service, leave and other privileges, salaries, salary scales, retirement and pension benefits and other service benefits of persons employed at the centre;
- (d) acquire movable and immovable property required for the management and conduct of the 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) invest moneys not required for immediate use only 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 or control of the 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 appoint the members referred to in subsection (2), of whom one member shall be designated by him as chairman and another member as vice-chairman of the advisory committee.

(4) A member of the advisory committee shall hold office for such period as the Minister may determine at the time of the appointment

kan by verstryking van daardie tydperk weer aangestel word: Met dien verstande dat indien daar na sy oordeel voldoende rede daarvoor bestaan, die Minister te eniger tyd die lidmaatskap van 'n lid kan beëindig.

(5) Indien 'n lid van die adviserende komitee sterf of sy amp om enige rede ontruim, word die vakature gevul deur die aanstelling, behoudens die bepalings van subartikels (2) en (3), van iemand anders as lid van die adviserende komitee, en die lid wat aldus aangestel word, beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger aangestel is.

(6) 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.

(7) Wanneer die voorsitter van die adviserende komitee van 'n vergadering van die komitee afwesig is, neem die ondervoorsitter as voorsitter waar, en wanneer sowel die voorsitter as die ondervoorsitter afwesig is nadat behoorlik aan hulle kennis van die vergadering gegee is, kies die lede van die adviserende komitee wat op daardie vergadering aanwesig is een uit hulle midde om op daardie vergadering voor te sit, en die persoon wat ingevolge hierdie subartikel as voorsitter waarneem, het, terwyl hy aldus waarneem, al die bevoegdhede en verrig al die werksaamhede van die voorsitter.

(8) 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, uitvoering of uitoefening van sy werksaamhede, pligte en bevoegdhede.

(9) Die adviserende komitee dien die registrateur van advies oor—

- (a) aangeleenthede in artikel 31 (3) beoog; en
- (b) enige ander aangeleentheid betreffende die opleiding van werknemers of ander persone wat die registrateur na hom verwys.

(10) Aan 'n lid van die adviserende komitee wat nie in die voltydse diens van die Staat is nie, word die besoldiging betaal wat die Minister van tyd tot tyd met die instemming van die Minister van Finansies bepaal, asook die toelaes (as daar is) aldus bepaal.

(11) Die sekretariële werk van die adviserende komitee word verrig deur beampptes of werknemers in diens by die Departement wat vir dié doel deur die Direkteur-generaal aangewys word.”.

Wysiging van artikel 32 van Wet 56 van 1981

31. Artikel 32 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n **[Persoon]** Werkgewer of 'n ander persoon wat 'n opleidingsentrum, uitgesonderd 'n **[groepopleidingsentrum]** 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 of voornemens is om so 'n sentrum te bedryf waar opleiding aan **[die]** werknemers **[van]** of ander persone verskaf word of verskaf sal word, kan, ongeag of, in die geval waar eersgenoemde persoon 'n werkgewer is, daar by so 'n opleidingsentrum ook aan sy eie werknemers opleiding verskaf word, by dié registrateur aansoek doen om die registrasie van so 'n opleidingsentrum as 'n private opleidingsentrum.”;

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

“(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.”;

- (c) deur subartikel (5) deur die volgende subartikel te vervang:

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of such member, but may be reappointed at the expiration of that period: Provided that the Minister may at any time terminate the membership of a member if in his opinion there is sufficient reason for doing so.

5 (5) If a member of the advisory committee dies or for any reason vacates his office, the vacancy shall, subject to the provisions of subsections (2) and (3), be filled by the appointment of another person as member of the advisory committee, and the member so appointed shall hold office for the unexpired portion of the period for which his predecessor was appointed.

10 (6) 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.

15 (7) When the chairman of the advisory committee is absent from a meeting of the committee, the vice-chairman shall act as chairman, and when both the chairman and vice-chairman are absent after due notice of such meeting has been given to them, the members of the advisory committee present at that meeting shall elect one from among their number to preside at that meeting, 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.

20 (8) The advisory committee may make rules as to—

(a) the convening of, the fixing of a quorum for and the procedure at meetings;

25 (b) any other matter which may be necessary for the efficient performing, carrying out or exercise of its functions, duties and powers.

(9) The advisory committee shall advise the registrar on—

(a) matters contemplated in section 31 (3); and

30 (b) any other matter relating to the training of employees or other persons which the registrar refers to it.

(10) There shall be paid to a member of the advisory committee who is 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.

35 (11) The secretarial work of the advisory committee shall be performed by officers or employees serving in the Department who have been designated for this purpose by the Director-General.”

Amendment of section 32 of Act 56 of 1981

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

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

“(1) Any employer or other person who conducts or intends to conduct a training centre, excluding a **[group] 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 or will be provided to **[the] employees [of] or other persons, may, regardless of whether, in the case where such first-mentioned person is an employer, training is provided at such training centre also to his own employees,**” apply to the registrar for the registration of such training centre as a private training centre.”;

50 (b) by the substitution for subsection (4) of the following subsection:

“(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.”;

55 (c) by the substitution for subsection (5) of the following subsection:

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“(5) Die bepalings van artikel 31 (3) (b), (6) (a) en (b), (7) [(8)] en (11) is *mutatis mutandis* ten opsigte van ’n private opleidingsentrum van toepassing.”; en

(d) deur die volgende subartikel by te voeg:

“(6) ’n Skema wat onmiddellik voor die datum van inwerkingtreding van die Wysigingswet op Mannekragopleiding, 1990, ingevolge artikel 34 van hierdie Wet soos dit onmiddellik voor bedoelde datum bestaan het, as ’n opleidingskema geregistreer was, word met ingang van daardie datum geag kragtens hierdie artikel as ’n private opleidingsentrum geregistreer te wees, en enige voorwaardes, as daar is, waarop daardie registrasie kragtens subartikel (2) van vermeldde artikel 34 geskied het, word geag kragtens hierdie artikel ten opsigte van die private opleidingsentrum opgelê te wees.”.

Vervanging van artikel 33 van Wet 56 van 1981

32. Artikel 33 van die Hoofwet word hierby deur die volgende artikel vervang: 15

“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 nie, 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]: Met dien verstande dat hierdie artikel nie van toepassing is nie op ’n werkgewer wat opleiding in arbeidsverhoudinge aan sy eie werknemers verskaf.”.

Vervanging van artikel 34 van Wet 56 van 1981

33. Artikel 34 van die Hoofwet word hierby deur die volgende artikel vervang:

“Nywerheidsopleidingsentrums

34. (1) ’n Opleidingsraad 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 nywerheid en gebied bedryf of voornemens is om so ’n sentrum te bedryf waar opleiding aan werknemers of ander persone verskaf word of verskaf sal 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.

(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 gevorder mag word ten opsigte van opleiding wat by die betrokke opleidingsentrum verskaf word.

(4) Die opleidingsraad 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 bepalings van artikel 31 (3) (b), (6) (a) en (b), (7) en (11) is *mutatis mutandis* ten opsigte van ’n nywerheidsopleidingsentrum van toepassing.”.

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“(5) The provisions of section 31 (3) (b), (6) (a) and (b), (7) [(8)] and (11) shall *mutatis mutandis* apply in respect of a private training centre.”; and

(d) by the addition of the following subsection:

“(6) Any scheme which immediately prior to the date of commencement of the Manpower Training Amendment Act, 1990, was registered as a training scheme in terms of section 34 of this Act as it existed immediately prior to that date shall, as from that date, be deemed to be registered under this section as a private training centre, and any conditions, if any, on which that registration was effected under subsection (2) of the said section 34 shall be deemed to have been imposed under this section in respect of the private training centre.”.

Substitution of section 33 of Act 56 of 1981

32. The following section is hereby substituted for section 33 of the principal Act:

“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: Provided that this section shall not apply to an employer who provides training in labour relations to his own employees.”.

Substitution of section 34 of Act 56 of 1981

33. The following section is hereby substituted for section 34 of the principal Act:

“Industry training centres

34. (1) Any training board which conducts or intends to conduct 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 industry and area in which training is provided or will be 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 he may deem fit, register a training centre to which an application contemplated in subsection (1) relates, as an industry training centre.

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

(4) The training board 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) (b), (6) (a) and (b), (7) and (11) shall *mutatis mutandis* apply in respect of an industry training centre.”.

Vervanging van artikel 35 van Wet 56 van 1981

34. Artikel 35 van die Hoofwet word hierby deur die volgende artikel vervang:

“Hulptoelaes ten opsigte van opleiding in arbeidsverhoudinge

35. (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 hulptoelaes 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)] enige vakvereniging of werkgewersorganisasie wat [‘n opleidingskema bedryf waaronder] geregistreer is kragtens die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), en wat 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] geregistreer is kragtens die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), en wat 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) Die Minister kan te eniger tyd en sonder om enige rede daarvoor te verstrek, 'n hulptoelae wat ingevolge subartikel (1) toegeken is, opskort, verminder of intrek.

(4) By die toepassing van subartikel (1) beteken ‘ampsdraer’ 'n ampsdraer soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956).”

Invoeging van artikel 36A in Wet 56 van 1981

35. Die volgende artikel word hierby in die Hoofwet na artikel 36 ingevoeg:

“Fonds vir Opleiding van Werklose Persone

36A. (1) Hierby word 'n fonds met die naam ‘die Fonds vir die Opleiding van Werklose Persone’, hierna in hierdie artikel die fonds genoem, ingestel, 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) enige ander geld wat die fonds uit enige ander bron mag toeval; en
- (d) rente wat ingevolge subartikel (9) verdien word.

(2) Die geld in die fonds word aangewend om opleiding te finansier waardeur werklose persone met werkvaardighede wat hulle toetred tot die arbeidsmark kan vergemaklik, toegerus word.

(3) Die beheer en bestuur van die fonds berus by die Direkteur-generaal, wat in hierdie verband gadviseer word deur 'n komitee van lede wat deur die Minister aangestel en wat soos volg saamgestel word:

- (a) Die Direkteur-generaal of 'n beampste van die Departement deur hom vir daardie doel aangewys, wat die voorsitter is;
- (b) sewe lede wat die privaatsektor verteenwoordig;
- (c) twee beampstes van die Departement; en
- (d) die voorsitter van die raad.

(4) Bedoelde komitee moet, met betrekking tot opleiding waardeur werklose persone met werkvaardighede vir toetred tot die arbeidsmark toegerus kan word, die Direkteur-generaal van advies dien oor—

- (a) werkkategorieë waarin werklose persone opgelei behoort te word;

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Substitution of section 35 of Act 56 of 1981

34. The following section is hereby substituted for section 35 of the principal Act:

“Grants-in-aid in respect of training in labour relations

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

(a) **[any employer who conducts a training scheme in any area designated as an economic development area by the Minister with the concurrence of the Minister of Industries, Commerce and Tourism;**

(b) **any trade union or employers' organization which [conducts a training scheme under which] is registered in terms of the Labour Relations Act, 1956 (Act No. 28 of 1956), and 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 [conducts a training scheme under which] is registered in terms of the Labour Relations Act, 1956 (Act No. 28 of 1956), and which provides 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.

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

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

Insertion of section 36A in Act 56 of 1981

35. The following section is hereby inserted in the principal Act after section 36:

“Fund for Training of Unemployed Persons

36A. (1) There is hereby established a fund to be known as “the Fund for the Training of Unemployed Persons”, hereinafter in this section referred to as the fund, 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; and

(d) interest earned in terms of subsection (9).

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

(3) The control and administration of the fund shall be vested in the Director-General, who shall in this regard be advised by a committee consisting of 11 members appointed by the Minister, and which shall be constituted as follows:

(a) The Director-General or an officer of the Department designated by him for that purpose, who shall be the chairman;

(b) seven members representing the private sector;

(c) two officers from the Department; and

(d) the chairman of the board.

(4) The said committee shall, in relation to training whereby unemployed persons may be equipped with working skills to enter the labour market, advise the Director-General on—

(a) work categories in which unemployed persons should be trained;

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- (b) die toekenning van kontrakte vir die opleiding van werklose persone;
 (c) die standaard wat vir die opleiding van werklose persone behoort te geld;
 (d) die indiensplasing van opgeleide werklose persone; en
 (e) enige ander aangeleentheid wat met die opleiding van werklose persone en hulle lonende indiensplasing in die arbeidsmark, verband hou.
- (5) Die ampstermyn van lede van die komitee vermeld in subartikel (3) (b) en (c) is een jaar, en dié lede kan by die verstryking van hulle ampstermyn deur die Minister heraangestel word.
- (6) 'n Vakature wat in die komitee ontstaan, word gevul deur 'n persoon wat deur die Minister aangestel word, welke persoon die amp vir die onverstreke gedeelte van sy voorganger se ampstermyn beklee, en by die verstryking van sy ampstermyn deur die Minister heraangestel kan word.
- (7) Die voorsitter van die komitee bepaal in oorleg met die ander lede van die komitee die tye en plekke van vergaderings van die komitee en die prosedure wat tydens vergaderings 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 of verskuldig is, of wat die fonds toeval.
- (8) (a) Die Direkteur-generaal is by die toepassing van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), die rekenpligtige beampte met betrekking tot die sake van die fonds, en moet behoorlik aantekeninge hou van alle gelde wat in die fonds inbetaal en daaruit betaal word.
 (b) Die rekeninge wat op die fonds betrekking het, word deur die Ouditeur-generaal geouditeer.
- (9) Geld in die fonds wat nie vir onmiddellike gebruik nodig is nie, moet by die Korporasie vir Openbare Deposito's belê word en kan opgevra word wanneer dit vir gebruik 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 komitee moet sesmaandeliks aan die Minister verslag doen oor sy bedrywighede en die stand van die fonds.
- (12) Die sekretariële werk van die komitee word verrig deur beamptes en werknemers in diens by die Departement wat vir dié doel deur die Direkteur-generaal aangewys word.
- (13) Die bepalinge van artikel 31B (8) en (10) is *mutatis mutandis* van toepassing ten opsigte van 'n komitee ingevolge hierdie artikel aangestel."

Wysiging van artikel 37A van Wet 56 van 1981, soos ingevoeg deur artikel 3 van Wet 88 van 1982

36. Artikel 37A van die Hoofwet word hierby gewysig deur paragrawe (a) en (c) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:

- "(a) 'n **[groeopleidingsentrum]** streeksopleidingsentrum;
 (c) 'n **[opleidingskema]** nywerheidsopleidingsentrum;"

Wysiging van artikel 38 van Wet 56 van 1981

37. Artikel 38 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- "(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

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- (b) the granting of contracts for the training of unemployed persons;
 (c) the standards that should apply to the training of unemployed persons;
 (d) the placement in employment of trained unemployed persons; and
 5 (e) any other matter connected with the training of unemployed persons and their placement in lucrative employment in the labour market.
- (5) The period of office of members of the committee mentioned in subsection (3) (b) and (c) shall be one year, and such members may at the expiry of their period of office be reappointed by the Minister.
- 10 (6) A vacancy which occurs in the committee shall be filled by a person appointed by the Minister, which person shall hold office for the unexpired portion of the period of office of his predecessor, and may on the expiry of his period of office be re-appointed by the Minister.
- 15 (7) The chairman of the committee shall determine in consultation 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 appropriated or owed to the fund, or which
 20 accrues to the fund.
- (8) (a) The Director-General shall for the purposes of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), be the accounting officer in relation to the affairs of the fund, and shall keep a proper record of all money paid into and out of the fund.
- 25 (b) The accounts relating 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 invested with the Corporation for Public Deposits and may be withdrawn when required for use.
- 30 (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 shall furnish the Minister on a six-monthly basis with a report on its activities and the balance of the fund.
- 35 (12) The secretarial work of the committee shall be performed by officers and employees serving in the Department who shall be designated for this purpose by the Director-General.
- (13) The provisions of section 31B (8) and (10) shall *mutatis mutandis* apply in respect of a committee appointed in terms of this section.”

40 Amendment of section 37A of Act 56 of 1981, as inserted by section 3 of Act 88 of 1982

36. Section 37A of the principal Act is hereby amended by the substitution for paragraphs (a) and (c) of subsection (1) of the following paragraphs, respectively:

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

45 Amendment of section 38 of Act 56 of 1981

37. Section 38 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

- 50 “(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]** 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

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werknemers waarop die bepalings van 'n ooreenkoms wat ingevolge artikel 48 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), bindend verklaar is, betrekking het.”.

Vervanging van artikel 41 van Wet 56 van 1981

38. Artikel 41 van die Hoofwet word hierby deur die volgende artikel vervang: 5

“Appelle

41. (1) (a) 'n Werkgewer, voornemende werkgewer, vakleerling, voornemende vakleerling of 'n minderjarige (hieronder die appellant genoem) wat veronreg voel deur 'n beslissing van **[die registrator]** 'n opleidingsraad ingevolge artikel 13 (8), 16 (3) (d), 17 (4), 18 (3) of (5) **[of (6)]**, 19, 20 (1) of (2), **[21,]** 22 **[(3)]**, 23 (2) (a) of (7), 24 of 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]** opleidingsraad, die beslissing van die **[registrator]** opleidingsraad bekragtig of die ander beslissing gee wat die **[registrator]** opleidingsraad volgens die oordeel van die **[Minister]** registrator behoort te gee het. 10 15

(b) 'n Appellant wat veronreg voel deur 'n beslissing van die registrator op 'n appel ingevolge paragraaf (a), 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 gee het. 20

(2) **[Iemand]** Enige aansoeker wie se aansoek ingevolge artikel 12B (3) (a) of (b), 31 (1), **[of]** 32 (1), 34 (1) of 37 om die akkreditering van 'n opleidingsraad of om die registrasie van 'n **[groepopleidingsentrum]** streeksopleidingsentrum, **[of]** 'n private opleidingsentrum of 'n nywerheidsopleidingsentrum, of om die goedkeuring van opleiding bedoel in artikel 37, na gelang van die geval, deur die registrator geweier is, of enige **[werkgewer wie se aansoek ingevolge artikel 34 (1) om die registrasie van 'n opleidingskema deur die registrator geweier]** opleidingsraad wie se akkreditering ingevolge artikel 12B (9) ingetrek is, kan binne 30 dae na die datum van die weiering of intrekking, na gelang van die geval, skriftelik na die Minister appelleer, en die Minister kan, na oorleg met die raad **[en die betrokke komitee]**, die beslissing van die registrator bekragtig of tersyde stel en kan, indien hy daardie beslissing tersyde stel, die registrator gelas om die betrokke opleidingsraad te akkrediteer of om, behoudens 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, of om die opleiding bedoel in artikel 37 goed te keur.”. 25 30 35 40

Wysiging van artikel 42 van Wet 56 van 1981

39. Artikel 42 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang: 45

“(b) 'n kwekeling enige besoldiging of bedrag wat aan daardie kwekeling betaalbaar of betaal is ingevolge **['n kennisgewing wat]** enige voorskrif wat ingevolge artikel 30 **[(3) of 30 (3) saamgelees met 30 (4) bestel]** uitgevaardig is of wat geag word ingevolge daarvan **[bestel]** uitgevaardig te gewees het, 50 aan die werkgewer betaal of terugbetaal nie.”.

Vervanging van artikel 43 van Wet 56 van 1981

40. Artikel 43 van die Hoofwet word hierby deur die volgende artikel vervang:

“Toepassing van loonreëlende maatreëls

43. Ondanks andersluidende bepalings van die een of ander wet, is die bepalings van 'n loonreëlende maatreël ten opsigte van 'n werkgewer, 55

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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.”.

Substitution of section 41 of Act 56 of 1981

38. The following section is hereby substituted for section 41 of the principal Act:

5

“Appeals

41. (1) (a) Any employer, prospective employer, apprentice, prospective apprentice or minor (hereinafter referred to as the appellant) who feels aggrieved by a decision of **[the registrar]** a training board in terms of section 13 (8), 16 (3) (d), 17 (4), 18 (3) or (5) **[or (6)]**, 19, 20 (1) or (2), **[21,] 22 [(3)], 23 (2) (a) or (7), 24 or 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]** training board in question, confirm the **[registrar's]** training board's decision or give such other decision as in the opinion of the **[Minister the] registrar the training board [ought to]** should have given.

15

(b) An appellant who feels aggrieved by a decision of the registrar on an appeal in terms of paragraph (a), may within 30 days after the date of the decision appeal in writing to the Minister, and the Minister may, after consultation with the board, confirm the decision of the registrar or give such other decision as the registrar should in the opinion of the Minister have given.

20

(2) Any **[person]** applicant whose application in terms of section 12B (3) (a) or (b), 31 (1), **[or] 32 (1), 34 (1) or 37 for accreditation as a training board or the registration of a [group] regional training centre [or], a private training centre or an industry training centre, or for the approval of training referred to in section 37, as the case may be, has been refused by the registrar, or any [employer whose application in terms of section 34 (1) for the registration of a training scheme has been refused by the registrar] training board whose accreditation has been withdrawn in terms of section 12B (9), may within 30 days after the date of the refusal or withdrawal, as the case may be, 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] accredit the training board in question or, subject to the provisions of section 31 (2), 32 (2) or 34 (2), as the case may be, to register the [group] regional training centre, private training centre or [training scheme] industry training centre in question, or to approve the training referred to in section 37.”.****

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Amendment of section 42 of Act 56 of 1981

39. Section 42 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“*(b)* any trainee to pay or repay to him any remuneration or amount payable or paid to that trainee in terms of **[a notice] any directive [served] issued [or deemed to have been served] in terms of section 30 [(3) or 30 (3) read with 30 (4)] or deemed to have been issued in terms thereof,”.**

45

Substitution of section 43 of Act 56 of 1981

40. The following section is hereby substituted for section 43 of the principal Act:

50

“Application of wage regulating measures

43. Notwithstanding anything to the contrary contained in any law, the provisions of any wage regulating measure shall, in so far as they are not

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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]** enige voorskrif wat ingevolge artikel 30 **[(3) of 30 (3) saamgelees met 30 (4)] uitgevaardig** 5
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, of 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) 10
 geregistreer is of geag word ingevolge daarvan geregistreer te wees.”

Wysiging van artikel 44 van Wet 56 van 1981

41. Artikel 44 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te 15
 vervang:
 “(a) te alle tye ten opsigte van elke betrokke vakleerling of kwekeling en elke sodanige minderjarige aantekeninge hou van die besoldiging wat betaal is, van die tyd wat gewerk is, van enige ongemagtigde afwesigheid uit die werk of bywoning van verpligte opleidingskursusse en van 20
die ander [voorgeskrewe] besonderhede van tyd tot tyd deur die
betrokke opleidingsraad bepaal, met inbegrip, sonder afbreuk aan die
algemeenheid van die bepalings van hierdie subartikel, van besonder-
hede van die vordering wat sodanige vakleerling, kwekeling of min-
derjarige in 'n voorgeskrewe opleidingskursus gemaak het en die 25
stappe wat die werkgewer gedoen het om gevolg te gee aan enige
voorwaardes wat ingevolge artikel 13 (2) (g) voorgeskryf is; en”;
- (b) deur paragraaf (b) van genoemde subartikel (1) deur die volgende para-
 graaf te vervang:
 “(b) aan elke betrokke vakleerling of kwekeling en elke sodanige minder-
 jarige wat aldus in diens is, 'n logboek in die **[voorgeskrewe]** vorm van 30
tyd tot tyd deur die betrokke opleidingsraad bepaal, verskaf.”;
- (c) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) (a) Die aantekeninge vermeld in subartikel (1) (a) moet in die
[voorgeskrewe] vorm en op die **[voorgeskrewe]** wyse van tyd tot tyd 35
deur die betrokke opleidingsraad bepaal, gehou word[. Met dien
verstande dat 'n opleidingsadviseur skriftelik magtiging kan verleen vir
die hou van die aantekeninge in 'n ander vorm, mits die aantekeninge
wat in laasgenoemde vorm gehou word hom, volgens sy oordeel, in staat
sal stel om daaruit die nodige besonderhede te wete te kom].
- (b) 'n Vakleerling, kwekeling of minderjarige vermeld in subartikel (1) (b) 40
 moet in die **[voorgeskrewe]** stadiums van tyd tot tyd deur die betrokke
opleidingsraad bepaal in die logboek wat aan hom ingevolge ge-
noemde subartikel verskaf is, die [voorgeskrewe] vereiste besonder-
hede van die praktiese opleiding deur hom ontvang, aanteken.”;
- (d) deur subartikel (3) deur die volgende subartikel te vervang: 45
 “(3) Elke persoon wat 'n werkgewer vermeld in subartikel (1) is of was,
 moet **[, behoudens die bepalings van subartikel (4),]** enige aantekening wat
 ingevolge daardie subartikel gemaak is, vir 'n tydperk van drie jaar na die
 datum van die aantekening behou en moet op aanvraag deur 'n opleidings-
 adviseur of gemagtigde persoon te eniger tyd gedurende genoemde tydperk 50
 van drie jaar genoemde aantekeninge ter insae toon.”; en
- (e) deur subartikels (4) en (5) te skrap.

Vervanging van artikel 45 van Wet 56 van 1981

42. Artikel 45 van die Hoofwet word hierby deur die volgende artikel vervang:

“Aanstelling van opleidingsadviseurs

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

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inconsistent with any provision of this Act or of any notice published or deemed to have been published in terms of section 13 or **[served]** any directive issued or deemed to have been **[served]** issued 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.”.

Amendment of section 44 of Act 56 of 1981

41. Section 44 of the principal Act is hereby amended—

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

“(a) at all times keep in respect of every apprentice or trainee concerned and every such minor a record of the remuneration paid, of the time worked, of any unauthorized absence from work or the attendance of compulsory training courses and of such other particulars as may be **[prescribed]** determined from time to time by the training board concerned, including, without prejudice to the generality of the provisions of this subsection, particulars of the progress made by such apprentice, trainee or minor in any prescribed course of training and the steps taken by the employer to carry out any conditions prescribed in terms of section 13 (2) (g); and”;
- (b) by the substitution for paragraph (b) of the said subsection (1) of the following paragraph:

“(b) furnish to every apprentice or trainee concerned and every such minor so employed a logbook in the **[prescribed]** form determined from time to time by the training board concerned.”;
- (c) by the substitution for subsection (2) of the following subsection:

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

(b) Any apprentice, trainee or minor referred to in subsection (1) (b) shall at the **[prescribed]** stages determined from time to time by the training board concerned enter in the logbook furnished to him in terms of the said subsection, such particulars of the practical training received by him as may be **[prescribed]** required.”;
- (d) by the substitution for subsection (3) of the following subsection:

“(3) Every person who is or has been an employer referred to in subsection (1) shall **[, subject to the provisions of subsection (4),]** retain any record made in terms of that subsection for a period of three years subsequent to the date of the record, and shall on demand by a training adviser or authorized person made at any time during the said period of three years produce the said record for inspection.”; and
- (e) by the deletion of subsections (4) and (5).

50 Substitution of section 45 of Act 56 of 1981

42. The following section is hereby substituted for section 45 of the principal Act:

“Appointment of training advisers

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

(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 bevoegdheide van 'n opleidingsadviseur wat die Minister bepaal, te verrig of uit te oefen] Elke opleidingsadviseur word voorsien van 'n sertifikaat, deur die Direkteur-generaal of 'n beampte deur hom vir hierdie doel aangewys, onderteken, wat meld dat hy as opleidingsadviseur ingevolge hierdie Wet aangestel is. 5

(3) [Elke opleidingsadviseur en gemagtigde persoon word voorsien van 'n sertifikaat, deur die registrateur onderteken, wat meld dat hy as opleidingsadviseur of gemagtigde persoon, na 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 bevoegdheide wat hy mag verrig of uitoefen en die nywerheid en gebied ten opsigte waarvan hy daardie werksaamhede of bevoegdheide mag verrig of uitoefen, vermeld word] Die Minister kan sy bevoegdheid ingevolge subartikel (1) skriftelik en op die voorwaardes wat hy goedvind aan die Direkteur-generaal of 'n ander beampte oordra. 10 15

[(4) Die Minister kan sy bevoegdheide ingevolge hierdie artikel skriftelik en op die voorwaardes wat hy goedvind aan die Direkteur-generaal of 'n ander beampte oordra.]” 20

Wysiging van artikel 46 van Wet 56 van 1981

43. Artikel 46 van die Hoofwet word hierby gewysig—

(a) deur paragrawe (a), (b) en (c) van subartikel (2) deur onderskeidelik die volgende paragrawe te vervang: 25

“(a) ten einde vas te stel of daar voldoen word of voldoen is aan enige bepaling van hierdie Wet of aan enige leervoorskrif of aan enige [bepaling van 'n kennisgewing] voorskrif wat ingevolge artikel 30 [(3) of 30 (3) saamgelees met 30 (4) bestel] uitgevaardig is of wat geag word ingevolge daarvan [bestel] uitgevaardig te gewees het of aan enige bepaling van 'n kennisgewing wat 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; 30 35

(b) na die doeltreffendheid van die opleiding wat by 'n [groeppopleidingsentrum] streeksopleidingsentrum, [of] 'n private opleidingsentrum of [onder] 'n [opleidingskema] nywerheidsopleidingsentrum of deur 'n werkgewer aan vakleerlinge of kwekelinge in sy diens, verskaf word; 40

(c) na enige ander aangeleentheid wat met 'n [groeppopleidingsentrum] streeksopleidingsentrum, 'n private opleidingsentrum of 'n [opleidingskema] 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;” 45

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) 'n Opleidingsadviseur wat 'n bevoegdheid uitoefen wat by hierdie artikel aan hom verleen word, moet op versoek van iemand wat deur die uitoefening van daardie bevoegdheid geraak word, die sertifikaat toon wat ingevolge artikel 45 [(3)] (2) aan hom uitgereik is.”; en 50

(c) deur subartikel (5) te skrap.

Wysiging van artikel 47 van Wet 56 van 1981

44. Artikel 47 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: 55

“Ondanks die bepalings van hierdie Wet kan die Minister, indien daar na sy oordeel spesiale omstandighede bestaan wat vrystelling regver-

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(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] Every training adviser shall be furnished with a certificate, signed by the Director-General or an official duly appointed by him for this purpose, stating that he has been appointed as a training adviser in terms of this Act.

(3) [Every training adviser and authorized person shall be furnished with a certificate, signed by the registrar, stating that he has been appointed as a training adviser or authorized person, as the case may be, in terms of this Act, and setting forth, in the case of an authorized person, any conditions or restrictions imposed in terms of subsection (2), the functions or powers which he may perform or exercise, and the industry and area in respect of which he may perform or exercise those functions or powers] The Minister may in writing and subject to such conditions as he may deem fit delegate his power under subsection (1) to the Director-General or any other officer.

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

Amendment of section 46 of Act 56 of 1981

43. Section 46 of the principal Act is hereby amended—

(a) by the substitution for paragraphs (a), (b) and (c) of subsection (2) of the following paragraphs, respectively:

“(a) in order to ascertain whether any provision of this Act, or any condition of apprenticeship, or any **[provision of a notice]** directive **[served]** issued or deemed to have been **[served]** issued in terms of section 30 **[(3) or 30 (3) read with 30 (4)]** or any provision of a notice 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) into the effectiveness of the training provided at any **[group]** 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]** regional training centre, private training centre or **[training scheme]** industry training centre or with the training of apprentices, trainees or other persons and which in the opinion of the registrar should be investigated,”;

(b) by the substitution for subsection (4) of the following subsection:

“(4) A training adviser who exercises any power conferred upon him by this section shall, at the request of any person affected by the exercise of such power, produce the certificate issued to him in terms of section 45 **[(3)]** (2).”; and

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

Amendment of section 47 of Act 56 of 1981

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

(a) by the substitution in subsection (1) for the words preceding the proviso of the following words:

“Notwithstanding anything contained in this Act the Minister may, if in his opinion special circumstances exist which justify exemption, **[on**

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dig, [op aanbeveling van] na oorleg met die raad en [na oorleg met] die
betrokke [komitee] opleidingsraad en by kennisgewing in die *Staats-
koerant* enige kategorie, groep, afdeling of soort werkgewers of
werknemers in die kennisgewing vermeld, of in die algemeen of met
die beperkings wat hy goedvind, en onderworpe aan die voorwaardes,
as daar is, wat hy in die kennisgewing oplê, vrystel van enige van of al
die bepalinge van hierdie Wet of van enige [bepaling van 'n
kennisgewing] voorskrif wat ingevolge artikel 30 [(3) of 30 (3)
saamgelees met 30 (4) bestel] uitgevaardig is of wat geag word
ingevolge daarvan [bestel] uitgevaardig te wees, of van enige bepaling
van 'n kennisgewing wat [uit hoofde van die bepalinge 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 leervoer-
waarde, en die Minister kan, by so 'n vermelding van so 'n kategorie,
groep, afdeling of soort, op enige grond wat hy raadsaam ag,
differensieer:";

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Die Minister kan, op aanbeveling van die raad en na oorleg met die
betrokke [komitee] opleidingsraad, indien daar na sy oordeel spesiale
omstandighede bestaan wat vrystelling regverdig, enige persoon, deur
middel van 'n sertifikaat deur 'n beamppte onderteken, of in die algemeen of
met die beperkings wat hy goedvind en onderworpe aan die voorwaardes
wat hy oplê en vir die tydperk deur hom vermeld, vrystel van enige van of
al die bepalinge van hierdie Wet of van enige [bepaling van 'n
kennisgewing] voorskrif wat ingevolge artikel 30 [(3) of 30 (3) saamgelees
met 30 (4) bestel] uitgevaardig is of wat geag word ingevolge daarvan
[bestel] uitgevaardig te wees, of van enige bepaling van 'n kennisgewing
wat [uit hoofde van die bepalinge van artikel 31 (5) of] ingevolge artikel 39
gepubliseer is of wat geag word [uit hoofde of] ingevolge daarvan gepu-
bliseer te gewees het, of van enige leervoerwaarde, of van enige voor-
waarde wat in 'n kragtens subartikel (1) gepubliseerde kennisgewing
voorgeskrif is.";

- (c) deur subartikel (5) deur die volgende subartikel te vervang:

"(5) Die Minister kan te eniger tyd, op aanbeveling van die raad en na
oorleg met die betrokke [komitee] opleidingsraad, enige vrystelling wat
ingevolge subartikel (3) verleen is, intrek of die voorwaardes waarop dit
verleen is, wysig."

Wysiging van artikel 48 van Wet 56 van 1981

45. Artikel 48 van die Hoofwet word hierby gewysig deur paragraaf (a) van
subartikel (1) deur die volgende paragraaf te vervang:

"(a) daardie persoon aan die Minister, [of] die raad, [of] 'n opleidingsraad of 'n
opleidingsadviseur, 'n beamppte, 'n gemagtigde persoon [komitee of onder-
komitee] of 'n opleidingskomitee inligting verstrek het wat hy by of
ingevolge hierdie Wet verplig is om te verstrek of wat betrekking het op sy
diensvoorwaardes of dié van ander persone in sy werkgewer se diens, of
aan 'n wettige vereiste gestel deur die raad, 'n opleidingsraad, 'n oplei-
dingsadviseur, 'n gemagtigde persoon of 'n [komitee of 'n onderkomitee]
opleidingskomitee voldoen het, of voor 'n geregshof of die nywerheidshof
getuienis afgelê het;"

Wysiging van artikel 49 van Wet 56 van 1981, soos gewysig deur artikel 2 van Wet 1 van 1983

46. Artikel 49 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die
volgende woorde te vervang:

"Geen lid of plaasvervangende lid van die raad, 'n komitee [of 'n
onderkomitee] van die raad, 'n opleidingsraad, 'n opleidingskomitee of
die adviserende komitee vir streeksopleidingsentrums, geen opleidings-
adviseur, gemagtigde persoon of beamppte en geen persoon wat
toegelaat word om by 'n vergadering van die raad, 'n komitee [of 'n

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- the recommendation of] after consultation with the board and [after consultation with the committee] the training board in question and by notice in the *Gazette* exempt any class, group, section or type of employers or employees specified in the notice, either generally or with such restrictions as he may deem fit, and subject to such conditions, if any, as he may impose in the notice, from any of or all the provisions of this Act, or from any [provision of a notice] directive [served] issued or deemed to have been [served] issued in terms of section 30 [(3) or 30 (3) read with 30 (4)], or from any provision of a notice published or deemed to have been published [by virtue of the provisions of section 31 (5) or] in terms of section 39, or from any condition of apprenticeship, and the Minister may, in so specifying any such class, group, section or type, [apply any method of differentiation] differentiate on any ground he may deem advisable.”;
- (b) by the substitution for subsection (3) of the following subsection:
- “(3) The Minister may, on the recommendation of the board and after consultation with the [committee] 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 [provision of a notice] directive [served] issued or deemed to have been [served] issued in terms of section 30 [(3) or 30 (3) read with 30 (4)], or from any provision of a notice published or deemed to have been published [by virtue of the provisions of section 31 (5) or] in terms of section 39, or from any condition of apprenticeship, or from any condition prescribed in a notice published under subsection (1).”; and
- (c) by the substitution for subsection (5) of the following subsection:
- “(5) The Minister may at any time, on the recommendation of the board and after consultation with the [committee] training board in question, withdraw any exemption granted in terms of subsection (3) or amend the conditions on which it was granted.”.

Amendment of section 48 of Act 56 of 1981

45. Section 48 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) that person has given to the Minister, [or] the board, [or] a training board, a training adviser, an officer, an authorized person or a training committee [or sub-committee any] information which he is by or in terms of this Act required to give, or which relates to his conditions of service or those of other persons employed by his employer, or has complied with any lawful requirement of the board, a training board, a training adviser, an authorized person or a training committee [or a sub-committee], or has given evidence before a court of law or the industrial court;”.

Amendment of section 49 of Act 56 of 1981, as amended by section 2 of Act 1 of 1983

46. Section 49 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- “No member or alternate member of the board, a committee of the board, a training board, a training committee or the advisory committee for regional training centres [or a sub-committee], no training adviser, authorized person or officer and no person allowed to be present at any meeting of the board, a committee of the board, a

onderkomitee] van die raad, 'n opleidingsraad of 'n opleidingskomitee, 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—"; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Ondanks die bepalings van subartikel (1) kan die registrateur enige inligting met betrekking tot die naam van enige **[groepopleidingsentrum] streeksopleidingsentrum**, private opleidingsentrum, **[opleidingskema] nywerheidsopleidingsentrum**, of 'n opleidingsentrum of -skema 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, of van 'n persoon of werkgever wat om die registrasie daarvan aansoek gedoen het, of met betrekking tot die plek waar enige sodanige sentrum of skema bedryf word, of die titel en duur van die opleidingskursusse wat in sodanige sentrum of onder sodanige skema gevolg word, indien sodanige kursusse deur hom goedgekeur is vir die doeleindes van onderskeidelik artikel 11sept van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), en artikel 37A van hierdie Wet, op enige wyse wat hy goetvind, bekend maak.”.

Wysiging van artikel 50 van Wet 56 van 1981

47. Artikel 50 van die Hoofwet word hierby gewysig—

(a) deur paragrafe (b) en (e) van subartikel (1) deur onderskeidelik die volgende paragrafe te vervang:

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

(e) die bepalings van artikel **[10 (8), (10) of (11)] 5 (4) (a) of (b), 5 (7), 12B (7), 12C (2), 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), 32 (4), 33, 34 (4), 39 (7), 40 (1), 42, 44, 46 (3) of 49,”;**

(b) deur in genoemde subartikel (1) die woorde wat op paragraaf (e) volg deur die volgende woorde te vervang:

“oortree of versuim om daaraan te voldoen, is **[, behoudens die bepalings van subartikel (4),]** aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[tweehonderd]** vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met daardie boete sowel as daardie gevangenisstraf.”;

(c) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) versuim om te voldoen aan enige voorwaarde wat ingevolge artikel 22 (3) (a), 31 (2) (a), 32 (2) of 34 (2) opgelê is, of aan 'n bevel wat ingevolge artikel 19 (1) **[, 21 (1) (c)]** of 23 (2) (a) of (5) gegee is, of aan 'n lasgewing bedoel in artikel 4 **[(2) (f) of wat ingevolge artikel 30 (4) of (5) (b) uitgereik is] (1) (b);”;**

(d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) **[Die bepalings van subartikel (1) (a) en (d) is nie van toepassing nie ten opsigte van 'n versuim om 'n klas of kursus by te woon of om op 'n plek aanwesig te wees, en in verband waarmee 'n bevel ingevolge artikel 21 (1) (c) gegee is]** 'n Opleidingsraad of lid van 'n opleidingsraad wat 'n bepaling van artikel 12B (9) (d) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweeduisend rand, en die hof moet die opleidingsraad wat aldus skuldig bevind is, beveel om onverwyld aan die betrokke bepaling te voldoen.”; en

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- training board or a **[sub-committee]** training committee, 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—"; and
- (b) by the substitution for subsection (2) of the following subsection:
- "(2) Notwithstanding the provisions of subsection (1), the registrar may, in such manner as he may deem fit, disclose any information in relation to the name of any **[group]** regional training centre, private training centre, **[training scheme]** industry training centre, or a training centre or scheme 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, or of any person or employer who applied for the registration thereof, or in relation to the place where such centre or scheme is conducted, or the title and duration of the training courses taken in any such centre or under such scheme, if such courses have been approved by him for the purposes of section 11sept of the Income Tax Act, 1962 (Act No. 58 of 1962), and section 37A of this Act, respectively."

Amendment of section 50 of Act 56 of 1981

47. Section 50 of the principal Act is hereby amended—
- (a) by the substitution for paragraphs (b) and (e) of subsection (1) of the following paragraphs, respectively:
- "(b) any **[provision of a notice]** directive **[served]** issued or deemed to have been **[served]** issued in terms of section 30 **[(3) or 30 (3) read with 30 (4)]**, or 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 47 (1);
- (e) the provisions of section **[10 (8), (10) or (11)] 5 (4) (a) or (b); 5 (7), 12B (7), 12C (2), 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), 32 (4), 33, 34 (4), 39 (7), 40 (1), 42, 44, 46 (3) or 49;**";
- (b) by the substitution in the said subsection (1) for the words following upon paragraph (e) of the following words:
- "shall **[, subject to the provisions of subsection (4),]** be guilty of an offence and liable on conviction to a fine not exceeding **[two]** five hundred rand or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment."
- (c) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
- "(a) fails to comply with any conditions 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)] 1 (b);**";
- (d) by the substitution for subsection (4) of the following subsection:
- "(4) **[The provisions of subsection (1) (a) and (d) shall not apply in respect of a failure to attend any class or course or to attend at any place, and in connection with which an order in terms of section 21 (1) (c) has been given]** Any training board which or a member of any training board who contravenes or fails to comply with any provision of section 12B (9) (d), shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand, and the court shall order the training board so convicted to forthwith comply with the provision in question."; and

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(e) deur subartikel (5) deur die volgende subartikel te vervang:

“(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.”

Wysiging van artikel 52 van Wet 56 van 1981

48. Artikel 52 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(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 groepopleidingsentrum of]** ’n in artikel 39 (2) (b) bedoelde persoon of beampte of ’n in artikel 39 (4) bedoelde liggaam, na gelang van die geval, betaalbaar is en daardie persoon beveel om daardie bedrag, by wyse van 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.”; en

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) ’n Werkgewer wat deur **[die beheerliggaam van ’n groepopleidingsentrum,]** ’n in artikel 39 (2) (b) bedoelde persoon of beampte of ’n in artikel 39 (4) bedoelde liggaam in kennis gestel word dat enige bedrag geld deur daardie **[beheerliggaam,]** persoon, beampte of liggaam bepaal, uit hoofde van enige kennisgewing ingevolge hierdie Wet waarby ’n heffing opgelê word, deur die werkgewer betaalbaar is en wat erken dat die aldus bepaalde bedrag deur hom betaalbaar is, kan daardie bedrag aan die betrokke **[beheerliggaam,]** persoon, beampte of liggaam betaal vir die doeleindes van die betrokke heffing.”

Wysiging van artikel 54 van Wet 56 van 1981

49. Artikel 54 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

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

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

“(c) **[’n kennisgewing]** enige voorskrif wat ingevolge artikel 30 **[(3) of 30 (3) saamgelees met 30 (4) bestel]** uitgevaardig is of wat geag word ingevolge daarvan **[bestel]** uitgevaardig te gewees het; of”;

(c) deur subartikel (11) deur die volgende subartikel te vervang:

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

(d) deur subartikel (12) deur die volgende subartikel te vervang:

“(12) Wanneer iemand ingevolge die bepalings van artikel 50 (1) (e) daarvan aangekla word dat hy die bepalings van artikel 20 (4) oortree het, word daar vermoed, tensy die teendeel bewys word, dat die vermindering

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(e) by the substitution for subsection (5) of the following subsection:

- 5 “(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.”.

Amendment of section 52 of Act 56 of 1981

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

- 10 (a) by the substitution for subsection (1) of the following subsection:
- 15 “(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]** a 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.”; and
- 20 (b) by the substitution for subsection (4) of the following subsection:
- 25 “(4) Any employer who is notified by **[the governing body of a group training centre,]** a person or officer referred to in section 39 (2) (b) or a body referred to in section 39 (4) that any amount of money as determined by that **[governing body,]** person, officer or body is payable by the employer by virtue of any notice in terms of this Act whereby a levy is imposed, and who admits that the amount so determined is payable by him, may pay that amount to the **[governing body,]** person, officer or body concerned for the purposes of the levy in question.”.
- 30

Amendment of section 54 of Act 56 of 1981

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

- 35 (a) by the substitution for subsection (1) of the following subsection:
- “(1) Proof of publication in the *Gazette* of a notice in terms of section 13, 16, 30, **[31,]** 39 or 47 shall be conclusive proof that all the provisions of this Act in respect of matters precedent or incidental to the publication of the notice have been complied with.”;
- 40 (b) by the substitution for paragraph (c) of subsection (8) of the following paragraph:
- “(c) any **[notice served]** directive issued or deemed to have been **[served]** issued in terms of section 30 **[(3) or 30 (3) read with 30 (4)]**; or”;
- 45 (c) by the substitution for subsection (11) of the following subsection:
- “(11) Any record purporting to be the minutes of a meeting of the board, **[any]** a committee, a training board or a training committee **[or sub-committee]** and purporting to have been signed by a person describing himself as the chairman or acting chairman of the board or the committee, training board or training committee **[or sub-committee]** in question shall, on its mere production by any person, be *prima facie* proof of the proceedings recorded therein.”;
- 50 (d) by the substitution for subsection (12) of the following subsection:
- “(12) Whenever any person is charged in terms of the provisions of section 50 (1) (e) with a contravention of section 20 (4), it shall be presumed, unless the contrary is proved, that the reduction in the hours or

- van die ure of dae van diens, of die uitleen of leen van die dienste van 'n vakleerling, na gelang van die geval, waarop die aanklag betrekking het, nie soos by artikel 20 vereis deur die **[registrateur]** betrokke opleidingsraad gemagtig is nie.”;
- (e) deur in paragraaf (a) van subartikel (13) die woorde wat subparagraaf (i) 5 voorafgaan deur die volgende woorde te vervang:
- “By enige verrigting 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 10 of die sekretaris van 'n **[komitee of 'n onderkomitee]** opleidingsraad of 'n opleidingskomitee, na gelang van die geval, waarin verklaar word dat op die datum of tussen die datums in die beëdigde verklaring vermeld—”; en
- (f) deur in genoemde paragraaf (a) van subartikel (13) subparagrafe (i), (iv), 15 (v), (vii) en (ix) deur onderskeidelik die volgende subparagrafe te vervang:
- “(i) die Minister of die registrateur, na gelang van die geval, by 'n appèl ingevolge artikel 41 'n besluit geneem het; of
- (iv) **[bedoelde sekretaris 'n kennisgewing ingevolge artikel 15 (1) van 'n 20 aldus vermelde persoon en in verband met aldus vermelde diens ontvang het]** die betrokke opleidingsraad kragtens hierdie Wet, sy konstitusie of sy leervooraardes 'n besluit geneem of 'n magtiging verleen het of 'n lasgewing of bevel uitgereik of gewysig het, na gelang van die geval; of
- (v) **[bedoelde sekretaris 'n kennisgewing ingevolge artikel 30 (3) of 30 (3) 25 saamgelees met 30 (4) aan 'n werkgewer bestel is]** 15 (1) van 'n aldus vermelde persoon en in verband met aldus vermelde diens ontvang het; of
- (vii) die **[registrateur]** betrokke opleidingsraad 'n bevel ingevolge artikel 19 30 **[of 21]** deur hom uitgereik, ingetrek of gewysig het; 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, 35 voltooi het nie.”.

Wysiging van artikel 57 van Wet 56 van 1981

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

- “(1) Die Minister kan regulasies uitvaardig betreffende— 40
- (a) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word; en
- (b) oor die algemeen, enige aangeleentheid wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.”.

Wysiging van artikel 58 van Wet 56 van 1981

45

51. Artikel 58 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Behoudens die bepalings van **[subartikels (2) tot en met (8)]** hierdie artikel word die wette in die Bylae vermeld hierby herroep in die mate uiteengesit in die derde kolom van die Bylae.”; en
- (b) deur subartikels (4) en (6) tot en met (9) te skrap. 50

Vervanging van lang titel van Wet 56 van 1981

52. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

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days of employment, or the lending or borrowing of the services of an apprentice, as the case may be, to which the charge relates, has not been authorized by the **[registrar]** training board in question as required by section 20.”;

- 5 (e) by the substitution in paragraph (a) of subsection (13) for the words preceding subparagraph (i) of the following words:

“In any proceedings under this Act, an affidavit purporting to have been made by the Minister, an officer to whom the Minister has or is deemed to have delegated any of his powers in terms of section 47 (6), the registrar or the secretary of any training board or training 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—”;

- 10 (f) by the substitution in the said paragraph (a) of subsection (13) for subparagraphs (i), (iv), (v), (vii) and (ix) of the following paragraphs, respectively:

15 “(i) the Minister or the registrar, as the case may be, reached a decision on an appeal in terms of section 41; or

(iv) the **[said secretary received a notice in terms of section 15 (1) from any person and in connection with any employment so specified]** 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

20 (v) the said secretary received a notice in terms of section **[30 (3) or 30 (3) read with 30 (4) was served on an employer]** 15 (1) from any person and in connection with any employment so specified; or

25 (vii) the **[registrar]** training board concerned withdrew or amended any order issued by **[him]** it in terms of section 19 **[or 21]**; 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)]**.”.

Amendment of section 57 of Act 56 of 1981

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

- 35 “(1) The Minister may make regulations regarding—

- (a) any matter which in terms of this Act is required or permitted to be prescribed; and
(b) generally, any matter which he considers necessary or expedient to prescribe in order that the objects of this Act may be achieved.”.

40 Amendment of section 58 of Act 56 of 1981

51. Section 58 of the principal Act is hereby amended—

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

45 “(1) Subject to the provisions of **[subsections (2) to (8), inclusive]** this section, the laws specified in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.”; and

- (b) by the deletion of subsections (4) and (6) to (9), inclusive.

Substitution of long title of Act 56 of 1981

52. The following long title is hereby substituted for the long title of the principal Act:

"WET

Om voorsiening te maak vir die bevordering en reëling van die opleiding van mannekrag en om vir daardie doel voorsiening te maak vir die instelling van 'n **[raad met die naam die]** Nasionale Opleidingsraad, **[en]** 'n **[fonds met die naam die]** Mannekragontwikkelingsfonds en 'n Fonds vir die Opleiding van Werklose Persone; om voorsiening te maak vir die **[erkenning van geskoolde persone as ambagsmanne]** stigting, akkreditering, pligte en bevoegdhede van opleidingsrade; die registrasie van **[kontrakte van vakleerlingskap, groepopleidingsentrums]** streeksopleidingsentrums, private opleidingsentrums en **[opleidingskemas]** nywerheidsopleidingsentrums; en die oplegging op sekere werkgewers van 'n heffing ten bate van opleiding; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan."

Voorbehoude en oorgangsbepalings

53. (1) Enige komitee van die Nasionale Opleidingsraad wat ingevolge artikel 5 (2) van die Hoofwet onmiddellik voor die datum van inwerkingtreding van hierdie Wet vir 'n bepaalde nywerheid in 'n bepaalde gebied ingestel is en onmiddellik voor bedoelde datum gefunksioneer het, en enige onderkomitee wat aldus ingevolge artikel 7 (2) van die Hoofwet deur so 'n komitee ingestel is en gefunksioneer het, bly ondanks die inwerkingtreding van hierdie Wet aldus voortbestaan, en die toepaslike bepalings van die Hoofwet wat, indien hierdie Wet nie aangeneem is nie, ten opsigte van so 'n komitee of onderkomitee van toepassing sou gewees het, bly aldus van toepassing asof hierdie Wet nie aangeneem is nie: Met dien verstande dat enige sodanige komitee en enige onderkomitee wat deur hom ingestel is, ontbind met ingang van die datum waarop 'n opleidingsraad ingevolge die Hoofwet, soos deur hierdie Wet gewysig, geakkrediteer word vir 'n nywerheid in die gebied ten opsigte waarvan so 'n komitee ingestel was.

(2) In die geval van so 'n ontbinding van 'n komitee word enige verwysing na die komitee in enige leervoorskrif of kontrak van vakleerlingskap wat dan nog van krag is of geag word van krag te wees, uitgelê as 'n verwysing na die betrokke opleidingsraad.

(3) Indien geen opleidingsraad voor 'n datum wat die Minister van Mannekrag by kennisgewing in die *Staatskoerant* bepaal vir 'n nywerheid in die gebied waarvoor 'n komitee van genoemde Nasionale Opleidingsraad ingestel is, geakkrediteer word nie, word so 'n komitee en enige onderkomitee wat deur hom ingestel is met ingang van daardie datum ontbind, in welke geval enige kennisgewing wat ingevolge artikel 13 (1) en (2) van die Hoofwet gepubliseer en van toepassing is op 'n nywerheid in die gebied wat onder die jurisdiksie van so 'n komitee val, geag word met ingang van dieselfde datum ingetrek te wees.

(4) 'n Kontrak van vakleerlingskap wat voor die datum van inwerkingtreding van hierdie Wet ingevolge artikel 16 (3) (d) of artikel 18 (1) (c) of (3) van die Hoofwet geregistreer is of geag word ingevolge daarvan geregistreer te wees en wat onmiddellik voor bedoelde datum van krag is, bly na daardie datum bindend vir die partye daarby, en enige kennisgewing wat aldus ingevolge artikel 13 (1) en (2) van die Hoofwet gepubliseer en op sodanige partye van toepassing is, bly na daardie datum van toepassing, maar die partye daarby moet nie later nie as 90 dae na die akkreditering van 'n opleidingsraad bedoel in die voorbehoudsbepaling by subartikel (1) van hierdie artikel, die betrokke opleidingsraad skriftelik in kennis stel of hulle verkies dat die toepaslike bepalings van die Hoofwet en van enige kennisgewings wat op hulle van toepassing is wat, indien hierdie Wet nie aangeneem is en daar geen kennisgewing ingevolge artikel 13 (3) van die Hoofwet gepubliseer is nie, van toepassing sou gewees het, van toepassing moet bly asof hierdie Wet nie aangeneem is en so 'n kennisgewing nie gepubliseer is nie, dan wel of die kontrak geag moet word geregistreer te wees ingevolge die ooreenstemmende bepalings van die Hoofwet soos deur hierdie Wet gewysig.

(5) In die geval van 'n kennisgewing beoog in subartikel (4) dat die betrokke kontrak van vakleerlingskap geag moet word geregistreer te wees ingevolge die ooreenstemmende bepalings van die Hoofwet, soos deur hierdie Wet gewysig, word die betrokke kontrak met ingang van die datum van die kennisgewing geag aldus geregistreer te wees.

(6) Die bepalings van die Hoofwet wat betrekking het op die bevoegdhede en pligte wat aan die registrator van mannekragopleiding verleen en opgelê word, soos

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"ACT

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

Savings and transitional provisions

53. (1) Any committee of the National Training Board which was in terms of section 5 (2) of the principal Act established immediately prior to the date of commencement of this Act for a particular industry in a particular area and which immediately prior to that date was functioning, and any sub-committee which was in terms of section 7 (2) of the principal Act so established by such committee and was functioning, shall notwithstanding the commencement of this Act continue so to function, and the applicable provisions of the principal Act which, had this Act not been passed, would have been applicable in respect of such committee or sub-committee shall continue to be so applicable as if this Act had not been passed: Provided that any such committee and any sub-committee established by it, shall dissolve with effect from the date on which a training board is accredited in terms of the principal Act, as amended by this Act, for an industry in the area in respect of which such committee was established.

(2) In the event of such dissolution of a committee, any reference to the committee in any condition of apprenticeship or contract of apprenticeship which is then still applicable or deemed to be applicable, shall be construed as a reference to the training board concerned.

(3) If no training board is accredited before a date fixed by the Minister of Manpower by notice in the *Gazette* in respect of an industry in the area for which a committee of the said National Training Board has been established, such committee and any sub-committee established by it shall be dissolved as from that date, in which event any notice published in terms of section 13 (1) and (2) of the principal Act and which is applicable to an industry in the area falling under the jurisdiction of such a committee, shall as from the same date be regarded as having been withdrawn.

(4) Any contract of apprenticeship registered or deemed to be registered under section 16 (3) (d) or section 18 (1) (c) or (3) of the principal Act before the date of commencement of this Act and which immediately prior to that date is in force, shall after that date continue to be binding on the parties thereto, and any notice so published in terms of section 13 (1) and (2) of the principal Act and which applies to such parties shall after that date continue to be applicable, but the parties thereto shall not later than 90 days after the accreditation of a training board as contemplated in the proviso to subsection (1) of this section, notify the relevant training board in writing whether they prefer that the applicable provisions of the principal Act and of any notices applying to them which, had this Act not been passed and had there been no notice published in terms of section 13 (3) of the principal Act, would have been applicable, shall continue to be applicable as if this Act had not come into operation and any such notice had not been published, and, if so, whether the contract should be deemed to have been registered under the corresponding provisions of the principal Act as amended by this Act.

(5) In the case of a notice contemplated in subsection (4) that the relevant contract of apprenticeship must be deemed to have been registered in terms of the corresponding provisions of the principal Act, as amended by this Act, the contract concerned shall be deemed with effect from the date of the notice to have been so registered.

(6) The provisions of the principal Act relating to the powers and duties conferred upon or imposed on the registrar of manpower training, as they existed immediately

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dit onmiddellik voor die inwerkingtreding van hierdie Wet bestaan, en wat uit hoofde van die Hoofwet, soos deur hierdie Wet gewysig, aan 'n opleidingsraad of opleidingskomitee verleen of hom opgelê word, bly ten opsigte van 'n betrokke nywerheid en gebied van toepassing asof hierdie Wet nie aangeneem is nie tot op die dag onmiddellik voor die datum waarop 'n opleidingsraad ingevolge die Hoofwet, 5 soos deur hierdie Wet gewysig, ten opsigte van daardie nywerheid en gebied geakkrediteer word: Met dien verstande dat bedoelde bevoegdhede en pligte vir sover dit die betrokke nywerheid en gebied betref en in die mate deur genoemde registrateur by sodanige akkreditering bepaal, geag word ingevolge artikel 12D van die Hoofwet, soos by artikel 8 van hierdie Wet ingevoeg, aan die opleidingsraad 10 opgedra te wees met ingang van die datum waarop daardie opleidingsraad geakkrediteer word: Met dien verstande voorts dat indien geen sodanige opleidingsraad voor die datum van die kennisgewing in subartikel (3) van hierdie artikel beoog, geakkrediteer word nie, bedoelde bevoegdhede en pligte van genoemde registrateur op bedoelde datum verval. 15

(7) Behoudens die bepalinge van die Hoofwet, soos deur hierdie Wet gewysig, en van hierdie Wet, word enigiets gedoen voor die datum van inwerkingtreding van hierdie Wet kragtens of uit hoofde van 'n bepaling van die Hoofwet wat deur hierdie Wet gewysig of vervang word, en wat onmiddellik voor bedoelde inwerkingtreding van krag is, geag, indien so iets kragtens of uit hoofde van so 'n gewysigde of 20 vervangde bepaling gedoen sou kon word, en tensy dit klaarblyklik onvanpas is, kragtens of uit hoofde van die aldus gewysigde of vervangde bepaling gedoen te wees.

Kort titel en inwerkingtreding

54. Hierdie Wet heet die Wysigingswet op Mannekragopleiding, 1990, en tree in 25 werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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prior to the date of commencement of this Act, and which by virtue of the principal Act, as amended by this Act, are conferred or imposed upon or on a training board or training committee, shall remain in force in respect of a relevant industry and area as if this Act had not been passed, until the day immediately prior to the date on
5 which a training board is in terms of the principal Act, as amended by this Act, accredited in respect of that industry and area: Provided that the said powers and duties shall as regards the industry and area concerned and to the extent determined by the said registrar at such accreditation be deemed to have been conferred upon or imposed on the training board in terms of section 12D of the principal Act, as
10 inserted by section 8 of this Act, with effect from the date on which that training board is accredited: Provided further that if no such training board is accredited before the date of the notice contemplated in subsection (3) of this section, the said powers and duties of the said registrar shall lapse.

(7) Subject to the provisions of the principal Act, as amended by this Act, and of
15 this Act, anything done prior to the date of commencement of this Act under or pursuant to a provision of the principal Act which is amended or substituted by this Act, and which immediately prior to such commencement is in force, shall, if such thing could be done under or pursuant to any such amended or substituted provision, and unless it is clearly inappropriate, be deemed to have been done under or by
20 virtue of such amended or substituted provision.

Short title and commencement

54. This Act shall be called the Manpower Training Amendment Act, 1990, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

