



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

VOL. 354

KAAPSTAD, 2 DESEMBER 1994

CAPE TOWN, 2 DECEMBER 1994

No. 16131

KANTOOR VAN DIE PRESIDENT

No. 2083. 2 Desember 1994

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet, wat hierby ter algemene inligting gepubliseer word:

No. 50 van 1994: Wysigingswet op Landbou-arbeid, 1994.

OFFICE OF THE PRESIDENT

No. 2083. 2 December 1994

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

No. 50 of 1994: Agricultural Labour Amendment Act, 1994.

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 Landbou-arbeid, 1993, ten einde die bepaling met betrekking tot die vertolking van sekere bepalings van die Wet op Arbeidsverhoudinge, 1956, te vervang; en om die bepaling wat sekere bepalings van die Wet op Basiese Diensvoorwaardes, 1983, wysig, te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 23 November 1994.)*

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

Vervanging van artikel 2 van Wet 147 van 1993

1. Artikel 2 van die Wet op Landbou-arbeid, 1993, word hierby deur die volgende artikel vervang:

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“Vertolking van sekere bepalings van Wet 28 van 1956

2. Die Wet op Arbeidsverhoudinge, 1956, word vir die doeleindes van artikel 1 vertolk asof—

(a) in artikel 1(1)—

(i) na die omskrywing van ‘beloning’ die volgende omskrywing ingevoeg was: 10

“ “boerderybedrywigheid” enige bedrywigheid op ’n plaas in verband met die landbou, met inbegrip van veeteelt, tuinbou en bosbou;”;

(ii) na die omskrywing van ‘kommissie’ die volgende omskrywing ingevoeg was: 15

“ “landbou-arbeidshof” die hof by artikel 17E ingestel;”;

(iii) na die omskrywing van ‘perseel’ die volgende omskrywing ingevoeg was: 20

“ “plaas” ook vars water en seewater vir sover boerderybedrywighede daarin of daarop beoefen word;”;

(iv) die omskrywing van ‘vasstelling’ deur die volgende omskrywing vervang was: 25

“ “vasstelling” ’n vasstelling kragtens artikel 17E, 46, 76 of 77, na gelang van die geval, gemaak;”;

(b) in artikel 2(2) die woorde ‘in boerderybedrywighede of’ geskrap was;

GENERAL EXPLANATORY NOTE:

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

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Agricultural Labour Act, 1993, so as to substitute the provision relating to the construction of certain provisions of the Labour Relations Act, 1956; and to amend the provision amending certain provisions of the Basic Conditions of Employment Act, 1983; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 23 November 1994.)

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

Substitution of section 2 of Act 147 of 1993

1. The following section is hereby substituted for section 2 of the Agricultural Labour Act, 1993:

“Construction of certain provisions of Act 28 of 1956

2. The Labour Relations Act, 1956, shall for the purposes of section 1, be construed as if—

(a) in section 1(1)—

10 (i) after the definition of ‘agreement’ the following definition had been inserted:

“‘agricultural labour court’ means the court established by section 17E;”

15 (ii) for the definition of ‘determination’ the following definition had been substituted:

“‘determination’ means a determination made under section 17E, 46, 76 or 77, as the case may be;” and

20 (iii) after the definition of ‘employers’ organization’ the following definitions had been inserted:

“‘farm’ includes fresh water and sea water in so far as farming activities are carried on therein or thereon;

“‘farming activity’ means any activity on a farm in connection with agriculture, including stockbreeding, horticulture and forestry;”

25 (b) in section 2(2) the words ‘in farming operations or’ had been deleted;

(c) in artikel 17—

(i) na paragraaf (bC) van subartikel (11) die volgende paragrafe ingevoeg was:

‘(bD) om ’n appèl wat ingevolge artikel 17E(7) by hom ingedien is, op die wyse voorgeskryf in artikel 17E(7A) te beslis [en by beslissing om die geskil te bereg, die bevel uit te reik wat nodig is om die aangeleentheid ter rolle te plaas vir vasstelling deur die nywerheidshof]; 5

(bE) om ’n geskil wat deur die landbou-arbeidshof ingevolge artikel 17E(5)(b) of (c) na hom verwys is, vas te stel; 10

(bF) om vir die doeleindes van ’n appèl ingevolge artikel 17E(7)(c) die getuienis aan te hoor wat hy nodig ag betreffende die bevel tot herindiensstelling of vergoeding, of die afwysing van ’n bede om herindiensstelling of vergoeding, na gelang van die geval;’; 15

(ii) na subartikel (11) die volgende subartikel ingevoeg was:

‘(11A) Die nywerheidshof moet met ’n geskil beoog in subartikel (11) **[(bD),] (bE) [en (bF)]** handel asof dit ingevolge artikel 46(9) na hom verwys was.’; en 20

(iii) na paragraaf (b) van subartikel (12) die volgende paragrafe ingevoeg was:

‘(c) By oorweging van ’n bevel betreffende koste ingevolge paragraaf (a) moet die nywerheidshof in aanmerking neem of, na sy oordeel, die geskil, in ag genome die aard daarvan, na die landbou-arbeidshof, in plaas van na die nywerheidshof, verwys moes gewees het, al dan nie. 25 30

(d) Die nywerheidshof kan, op aansoek, ’n party gelas om sekerheid vir koste te verskaf indien hy van mening is dat die geskil, in ag genome die aard daarvan, na die landbou-arbeidshof, in plaas van na die nywerheidshof, verwys moes gewees het.’; 35

(cA) na subartikel (2) van artikel 17B die volgende subartikel bygevoeg was:

‘(3) Die bepalinge van subartikel (2) is *mutatis mutandis* van toepassing op die verrigtinge in die landbou-arbeidshof.’; 40

(d) na artikel 17D die volgende artikel ingevoeg was:

‘Landbou-arbeidshof

17E. (1) (a) Daar word hierby ’n hof ingestel met die naam landbou-arbeidshof.

(b) Die landbou-arbeidshof bestaan uit—

(i) ’n president, wat die president van die nywerheidshof moet wees; 45

(ii) ’n adjunk-president, wat die adjunk-president van die nywerheidshof moet wees; en

(iii) die ander lid of lede wat die Minister van tyd tot tyd bepaal. 50

(2) (a) Die bepalinge van artikel 17(1)(b) tot (e), (2), (6), (8), (10), (13), (14), (17), (18), (19), (20), (20A) en 22(a), (b), (c)(i), (ii), (iii), (vii) en (ix) en (d) is *mutatis mutandis* van toepassing met betrekking tot die landbou-arbeidshof.

(b) Die reëlsraad van die nywerheidshof saamgestel ingevolge artikel 17(22) moet reëls vir die landbou-arbeidshof maak en vir daardie doel moet een persoon wat die belange van werkgewers betrokke in boerderybedrywighede verteenwoordig en een persoon wat die belange van werknemers betrokke in boerderybedrywighede verteenwoordig deur die Minister vir ’n tydperk van drie jaar op die reëlsraad aangestel word. 55 60

(c) in section 17—

(i) the following paragraphs had been inserted after paragraph (bC) of subsection (11):

(bD) to decide any appeal lodged with it in terms of section 17E(7) **[and, in deciding to hear the dispute, to make such order as may be necessary to have the matter set down for determination by the industrial court]** in the manner prescribed in section 17E(7A);

(bE) to determine any dispute referred to it by the agricultural labour court in terms of section 17E(5)(b) or (c);

(bF) for the purposes of an appeal made to it in terms of section 17E(7)(c) to hear such evidence as it deems necessary concerning the order for reinstatement or compensation, or the dismissal of a prayer for reinstatement or compensation, as the case may be;

(ii) after subsection (11) the following subsection had been inserted:

(11A) The industrial court shall deal with any dispute contemplated in subsection (11) **[(bD),] (bE) [and (bF)]** as if it had been referred to it in terms of section 46(9).; and

(iii) the following paragraphs had been inserted after paragraph (b) of subsection (12):

(c) In considering an order as to costs in terms of paragraph (a), the industrial court shall take into consideration whether or not, in its opinion, the dispute should, considering its nature, have been referred to the agricultural labour court instead of to the industrial court.

(d) The industrial court may, on application, order a party to furnish security for costs if it considers that a dispute should, considering its nature, have been referred to the agricultural labour court instead of to the industrial court.;

(cA) after subsection (2) of section 17B the following subsection had been added:

(3) The provisions of subsection (2) shall apply *mutatis mutandis* to the proceedings in the agricultural labour court.;

(d) after section 17D the following section had been inserted:

‘Agricultural labour court

17E. (1) (a) There is hereby established a court to be known as the agricultural labour court.

(b) The agricultural labour court shall consist of—

(i) a president, who shall be the president of the industrial court;

(ii) a deputy president, who shall be the deputy president of the industrial court; and

(iii) such other member or members as the Minister may from time to time determine.

(2) (a) The provisions of section 17(1)(b) to (e), (2), (6), (8), (10), (13), (14), (17), (18), (19), (20), (20A) and (22)(a), (b), (c)(i), (ii), (iii), (vii) and (ix), and (d) shall apply *mutatis mutandis* in relation to the agricultural labour court.

(b) The rules board of the industrial court constituted in terms of section 17(22) shall make rules for the agricultural labour court and for this purpose one person representing the interests of employers engaged in farming activities and one person representing the interests of employees engaged in farming activities shall be appointed to the rules board by the Minister for a period of three years.

seer of gewoonlik woonagtig is, en, in die geval van 'n aansoek kragtens paragraaf (c) van subartikel (1) gedoen by 'n afdeling [behalwe die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika] ook deur die Staatsprokureur in die Wet op die Staatsprokureur, 1957 (Wet No. 56 van 1957), bedoel [of, in die geval van 'n aansoek kragtens genoemde paragraaf gedoen by die laasgenoemde afdeling, ook deur die Staatsprokureur in die Staatsprokureursproklamasie, 1921 (Proklamasie No. 46 van 1921), van Suidwes-Afrika bedoel].”.

Vervanging van sekere uitdrukkings in Wet 74 van 1964

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4. Die Hoofwet word hierby gewysig—

- (a) deur in artikels 4(2), 7(5) en 8 die uitdrukking “Sekretaris van Justisie”, oral waar dit voorkom, deur die uitdrukking “Direkteur-generaal: Justisie” te vervang; en
- (b) deur in artikel 8A die uitdrukking “Staatspresident” deur die uitdrukking “President” te vervang.

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Herroeping van artikel 12 van Wet 74 van 1964

- 5. Artikel 12 van die Hoofwet word hierby herroep.

Wysiging van wette

- 6. Die wette genoem in die tweede kolom van die Bylae soos onmiddellik voor die inwerkingtreding van die Grondwet van krag in die onderskeie gebiede van die nasionale grondgebied van die Republiek aangetoon in die vierde kolom van die Bylae, word hierby gewysig in die mate aangetoon in die derde kolom van die Bylae.

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Voorbehoud

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- 7. 'n Aansoek kragtens artikel 2(2) van die Wet op die Toelating van Advokate, 1964 (Wet No. 74 van 1964), of 'n aansoek kragtens 'n soortgelyke bepaling van die wette van die voormalige Transkei, Bophuthatswana of Venda, om toegelaat te word om as advokaat te praktiseer wat voor die inwerkingtreding van hierdie Wet gedoen is, word afgehandel asof hierdie Wet nie aangeneem is nie.

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Kort titel

- 8. Hierdie Wet heet die Wysigingswet op die Toelating van Advokate, 1994.

5 advocate or where such person usually practises as an advocate or is ordinarily resident, and, in the case of an application made to a division **[other than the South-West Africa Division of the Supreme Court of South Africa]** under paragraph (c) of subsection (1), also by the State Attorney referred to in the State Attorney Act, 1957 (Act No. 56 of 1957) **[or, in the case of an application made to the last-mentioned division under the said paragraph, also by the State Attorney referred to in the State Attorney Proclamation, 1921 (Proclamation No. 46 of 1921), of South-West Africa].**”.

10 **Substitution of certain expressions in Act 74 of 1964**

4. The principal Act is hereby amended—
- (a) by the substitution in sections 4(2), 7(5) and 8 for the expression “Secretary for Justice”, wherever it occurs, of the expression “Director-general: Justice”; and
- 15 (b) by the substitution in section 8A for the expression “State President” of the expression “President”.

Repeal of section 12 of Act 74 of 1964

5. Section 12 of the principal Act is hereby repealed.

Amendment of laws

- 20 6. The laws mentioned in the second column of the Schedule as in force, immediately prior to the commencement of the Constitution, in the various areas of the national territory of the Republic shown in the fourth column of the Schedule, are hereby amended to the extent shown in the third column of the Schedule.

25 **Saving**

7. Any application under section 2(2) of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), or any application under a similar provision of the laws of the former Transkei, Bophuthatswana or Venda, for admission to practise as an advocate, made prior to the commencement of this Act, shall be
- 30 dealt with as if this Act had not been passed.

Short title

8. This Act shall be called the Admission of Advocates Amendment Act, 1994.

BYLAE

WETTE GEWYSIG DEUR ARTIKEL 6

Nommer en jaar van wet	Kort titel	Omvang van wette gewysig	Gebied van nasionale grondgebied ten opsigte waarvan wette gewysig word
Wet No. 74 van 1964 (Transkei)	"Admission of Advocates Act, 1964"	Wysiging van artikel 3 deur in subparagraawe (i) en (ii) van paragraaf (a) van subartikel (2) die woorde "and not less than one course in the Latin language" te skrap.	Transkei
Wet No. 74 van 1964 (Bophuthatswana)	Wet op die Toelating van Advokate, 1964	Wysiging van artikel 3— (a) deur subparagraawe (i) en (ii) van paragraaf (a) van subartikel (2) deur die volgende subparagraawe te vervang: "(i) voldoen het aan al die vereistes vir die graad <i>baccalaureus legum</i> van 'n universiteit in die Republiek nadat hy of sy vir daardie graad 'n studiekursus van minstens vyf jaar gevolg het, en wat geslaag het in minstens een kursus in die Afrikaanse taal en minstens een kursus in die Engelse taal [en minstens een kursus in die Latynse taal] wat deur so 'n Universiteit vir 'n <i>baccalaureus</i>-graad voorgeskryf of erken word; of (ii) nadat hy of sy voldoen het aan al die vereistes vir 'n <i>baccalaureus</i>-graad, ander dan die graad <i>baccalaureus legum</i>, van 'n universiteit in die Republiek, of, nadat hy of sy tot die status van so 'n <i>baccalaureus</i>-graad deur so 'n universiteit toegelaat is, voldoen het aan al die vereistes vir die graad <i>baccalaureus legum</i> van so 'n universiteit nadat hy of sy studiekursusse vir sodanige grade vir minstens vyf jaar in die geheel gevolg het en wat geslaag het in minstens een kursus in die Afrikaanse taal en minstens een kursus in die Engelse taal [en minstens een kursus in die Latynse taal] wat deur so 'n universiteit vir 'n <i>baccalaureus</i>-graad voorgeskryf of erken word; of"; en (b) deur die voorbehoudsbepaling by subparagraaf (iii) van paragraaf (a) van subartikel (2) deur die volgende voorbehoudsbepaling te vervang: "Met dien verstande dat— (aa) die leerplan vir so 'n vreemde graad of een van sodanige vreemde grade vereis dat die betrokke persoon moet slaag in minstens een kursus in die Afrikaanse taal en minstens een kursus in die Engelse taal [en minstens een kursus in die Latynse taal]; of	Bophuthatswana

SCHEDULE

LAWS AMENDED BY SECTION 6

Number and year of law	Short title	Extent of laws amended	Area of national territory in respect of which laws are amended
Act No. 74 of 1964 (Transkei)	Admission of Advocates Act, 1964	Amendment of section 3 by the deletion in subparagraphs (i) and (ii) of paragraph (a) of subsection (2) of the words "and not less than one course in the Latin language".	Transkei
Act No. 74 of 1964 (Bophuthatswana)	Admission of Advocates Act, 1964	Amendment of section 3— (a) by the substitution for subparagraphs (i) and (ii) of paragraph (a) of subsection (2) of the following subparagraphs: "(i) has satisfied all the requirements for the degree of <i>baccalaureus legum</i> of any university in the Republic after pursuing a course of study for that degree of not less than five years, and who has passed not less than one course in the Afrikaans language and not less than one course in the English language [and not less than one course in the Latin language] as prescribed or recognized by such university for a <i>baccalaureus</i> degree; or (ii) after he or she has satisfied all the requirements for a <i>baccalaureus</i> degree other than the degree of <i>baccalaureus legum</i>, of any university in the Republic, or after he or she has been admitted to the status of any such degree by any such university, has satisfied all the requirements for the degree of <i>baccalaureus legum</i> of any such university after pursuing courses of study for such degrees of not less than five years in the aggregate, and who has passed not less than one course in the Afrikaans language and not less than one course in the English language [and not less than one course in the Latin language] as prescribed or recognized by such university for a <i>baccalaureus</i> degree; or"; and (b) by the substitution for the proviso to subparagraph (iii) of paragraph (a) of subsection (2) of the following proviso: "Provided that— (aa) the syllabus for such a foreign degree or one of such foreign degrees requires that the person concerned shall pass not less than one course in the Afrikaans language and not less than one course in the English language [and not less than one course in the Latin language]; or	Bophuthatswana

Nommer en jaar van wet	Kort titel	Omvang van wette gewysig	Gebied van nasionale grond- gebied ten opsigte waarvan wette gewysig word
Wet No. 74 van 1964 (Venda)	"Admission of Advocates Act, 1964"	(bb) sodanige persoon geslaag het in minstens een kursus in die Afrikaanse taal <u>en</u> minstens een kursus in die Engelse taal [en minstens een kursus in die Latynse taal] wat deur 'n universiteit in die Republiek vir 'n <i>baccalaureus</i>-graad voorgeskryf of erken word:". (a) Wysiging van artikel 1 deur die omskrywing van "special course" te skrap. (b) Wysiging van artikel 3— (i) deur item (bb) van subparagraaf (i) van paragraaf (a) van subartikel (2) deur die volgende item te vervang: “(bb) after he or she has satisfied all the requirements for the degree of bachelor other than the degree of <i>baccalaureus legum</i>, of any university in the Republic or the Republic of South Africa or after he or she has been admitted to the status of any such degree by any such university, has satisfied all the requirements for the degree of <i>baccalaureus legum</i> of any such university after completing a period of study for such degrees of not less than five years in the aggregate, and who has passed not less than one course in the Afrikaans language and not less than one course in the English language prescribed or recognized by such university for a <i>baccalaureus</i> degree [and (aaa) Latin in the higher grade required for the matriculation examination; or (bbb) not less than one course in the Latin language which is equal or superior, to the standard of a special course]; or”; (ii) deur die voorbehoudsbepaling by subparagraaf (ii) van paragraaf (a) van subartikel (2) deur die volgende voorbehoudsbepaling te vervang:	Venda

ADMISSION OF ADVOCATES AMENDMENT ACT, 1994

Act No. 55, 1994

Number and year of law	Short title	Extent of laws amended	Area of national territory in respect of which laws are amended
Act No. 74 of 1964 (Venda)	Admission of Advocates Act, 1964	(bb) such person has passed not less than one course in the Afrikaans language and not less than one course in the English language [and not less than one course in the Latin language] as prescribed or recognized by a university in the Republic for a <i>baccalaureus</i> degree.”. (a) Amendment of section 1 by the deletion of the definition of “special course”. (b) Amendment of section 3— (i) by the substitution for item (bb) of subparagraph (i) of paragraph (a) of subsection (2) of the following item: “(bb) after he or she has satisfied all the requirements for the degree of bachelor other than the degree of <i>baccalaureus legum</i>, of any university in the Republic or the Republic of South Africa or after he or she has been admitted to the status of any such degree by any such university, has satisfied all the requirements for the degree of <i>baccalaureus legum</i> of any such university after completing a period of study for such degrees of not less than five years in the aggregate, and who has passed not less than one course in the Afrikaans language and not less than one course in the English language prescribed or recognized by such university for a <i>baccalaureus</i> degree [and (aaa) Latin in the higher grade required for the matriculation examination; or (bbb) not less than one course in the Latin language which is equal or superior, to the standard of a special course]; or”; and (ii) by the substitution for the proviso to subparagraph (ii) of paragraph (a) of subsection (2) of the following proviso:	Venda

Nommer en jaar van wet	Kort titel	Omvang van wette gewysig	Gebied van nasionale grond- gebied ten opsigte waarvan wette gewysig word
		“Provided that— (aa) the syllabus for the said degree or one of the said degrees requires that the person concerned shall pass not less than one course in the Afrikaans language <u>and</u> not less than one course in the English language prescribed or recognized by a university in the Republic for a <i>baccalaureus</i> degree [and— (aaa) Latin in the higher grade required for the Matriculation examination; or (bbb) not less than one course in Latin which is equal, or superior to the standard of a special course].’ ”.	

ADMISSION OF ADVOCATES AMENDMENT ACT, 1994

Act No. 55, 1994

Number and year of law	Short title	Extent of laws amended	Area of national territory in respect of which laws are amended
		“Provided that— (aa) the syllabus for the said degree or one of the said degrees requires that the person concerned shall pass not less than one course in the Afrikaans language <u>and</u> not less than one course in the English language prescribed or recognized by a university in the Republic for a <i>baccalaureus</i> degree [and— (aaa) Latin in the higher grade required for the Matriculation examination; or (bbb) not less than one course in Latin which is equal, or superior to the standard of a special course].”.	

