



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit) 30c PRICE (GST included)
BUITELANDS 40c ABROAD
POSVRY · POST FREE

VOL. 195]

KAAPSTAD, 9 SEPTEMBER 1981

CAPE TOWN, 9 SEPTEMBER 1981

[No. 7764

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1823.

9 September 1981.

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

No. 58 van 1981: Tweede Loonwysigingswet, 1981.

No. 1823.

9 September 1981.

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

No. 58 of 1981: Second Wage Amendment Act, 1981.

Act No. 58, 1981

SECOND WAGE AMENDMENT ACT, 1981

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 provisions of the Wage Act, 1957, so as to further define certain expressions, to delete the definition of "Industrial Conciliation Act" and to define the expression "Labour Relations Act"; to make further provision with regard to the limitation, in certain cases, of the application of determinations; to empower the Minister to withdraw or amend certain requests made by him to the board to adjust certain fines with regard to corresponding periods of imprisonment; and to effect certain textual changes; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 18 August 1981.)

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

Amendment of
section 1 of
Act 5 of 1957,
as amended by
section 1 of
Act 48 of 1981.

1. Section 1 of the Wage Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of "employers' organization" of the following definition: 5
"employers' organization" means an employers' organization registered or deemed to have been registered under the **[Industrial Conciliation]** 10
Labour Relations Act";
- (b) by the deletion of the definition of "Industrial Conciliation Act";
- (c) by the insertion after the definition of "inspector" of the following definition: 15
"**Labour Relations Act** means the Labour Relations Act, 1956 (Act No. 28 of 1956);";
- (d) by the substitution for the definition of "Minister" of the following definition: 20
"Minister" means the Minister of Manpower **[Utilization]**"; and
- (e) by the substitution for the definition of "trade union" of the following definition: 25
"trade union" means a trade union registered or deemed to have been registered under the **[Industrial Conciliation]** Labour Relations Act."

Amendment of
section 2 of
Act 5 of 1957,
as amended by
section 2 of
Act 48 of 1981.

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

- "(3) A determination shall not apply—
- (a) to any person in respect of any matter regulated by any agreement, notice, determination or award 30

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 bepalings van die Loonwet, 1957, ten einde sekere uitdrukkings nader te omskryf, die uitdrukking „Wet op Arbeidsverhoudinge” te omskryf en die omskrywing van „Wet op Nywerheidsversoening” te skrap; verdere voorsiening te maak aangaande die beperking, in sekere gevalle, van die toepassing van vasstellings; aan die Minister die bevoegdheid te verleen om sekere versoeke wat deur hom tot die raad gerig is, terug te trek of te wysig; sekere boetes aan te pas met betrekking tot ooreenstemmende tydperke van gevangenisstraf; en sekere tekstuele veranderings aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Augustus 1981.)

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

1. Artikel 1 van die Loonwet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—
 - 5 (a) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
„Minister” die Minister van **[Mannekragbenutting]** Mannekrag;”;

Wysiging van
artikel 1 van
Wet 5 van 1957,
soos gewysig deur
artikel 1 van
Wet 48 van 1981.
 - 10 (b) deur die omskrywing van „vakvereniging” deur die volgende omskrywing te vervang:
„vakvereniging” ’n vakvereniging wat kragtens die Wet op **[Nywerheidsversoening]** Arbeidsverhoudinge geregistreer is of geag word aldus geregistreer te gewees het;”;

Wysiging van
artikel 2 van
Wet 5 van 1957,
soos gewysig deur
artikel 2 van
Wet 48 van 1981.
 - 15 (c) deur die omskrywing van „werkgewersorganisasie” deur die volgende omskrywing te vervang:
„werkgewersorganisasie” ’n werkgewersorganisasie wat kragtens die Wet op **[Nywerheidsversoening]** Arbeidsverhoudinge geregistreer is of geag word aldus geregistreer te gewees het;”;

Wysiging van
artikel 2 van
Wet 5 van 1957,
soos gewysig deur
artikel 2 van
Wet 48 van 1981.
 - 20 (d) deur die volgende omskrywing na die omskrywing van „werknemer” in te voeg:
„Wet op Arbeidsverhoudinge” die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956);”; en

Wysiging van
artikel 2 van
Wet 5 van 1957,
soos gewysig deur
artikel 2 van
Wet 48 van 1981.
 - 25 (e) deur die omskrywing van „Wet op Nywerheidsversoening” te skrap.
2. Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:
 - 30 (a) op ’n persoon ten opsigte van enige aangeleentheid wat gereël word deur ’n ooreenkoms, kennisgewing, vasstelling of toekenning wat vir

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- which is binding on such person in terms of the **[Industrial Conciliation] Labour Relations Act**; or
- (b) to any **[apprentice to whom the Apprenticeship Act, 1944 (Act No. 37 of 1944), applies]** person in respect of any matter regulated by or in terms of—
- (i) any provision of the Manpower Training Act, 1981;
 - (ii) any notice published in terms of section 13, or served in terms of section 30 (3) or 30 (3) read with 30 (4), of the said Act, or any notice deemed to have been so published or served, and which is applicable to such person; or
 - (iii) any contract of apprenticeship entered into by such person in accordance with the provisions of the said Act or any law repealed thereby, and which is registered or deemed to be registered in terms of the provisions thereof.”.

Amendment of section 3 of Act 5 of 1957, as amended by section 3 of Act 48 of 1981.

3. Section 3 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (8) of the following paragraph:

- “(c) Any such assessor shall be entitled to such allowances as **[may be prescribed]** the Minister may, with the concurrence of the Minister of Finance, from time to time determine.”.

Amendment of section 7 of Act 5 of 1957, as amended by section 6 of Act 48 of 1981.

4. Section 7 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

- “(c) any information made available to it in relation to the trade concerned, by the Board of Trade and Industries, the industrial court established under the **[Industrial Conciliation] Labour Relations Act**, any department of State or any similar authority;”.

Amendment of section 10 of Act 5 of 1957.

5. Section 10 of the principal Act is hereby amended by the substitution for subsection (9) of the following subsection:

- “(9) Any person subpoenaed to appear before the board or a member of the board or an officer designated in terms of subsection (8), may, if the board, member or officer, as the case may be, is satisfied that he has by reason of his appearance in obedience to the subpoena suffered any pecuniary loss or been put to any expense, be paid out of moneys appropriated by Parliament **[the prescribed]** such allowances as the Minister may, with the concurrence of the Minister of Finance, from time to time determine or the amount of such loss and expense, whichever is the lesser: Provided that if the person subpoenaed is in the full-time employment of the State the allowances or amount payable to him shall be determined in accordance with the laws governing his employment.”.

Amendment of section 12 of Act 5 of 1957, as amended by section 9 of Act 48 of 1981.

6. Section 12 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) Any person who is or was a member of the board or any officer or any assessor appointed in terms of section 3 (8) or any interpreter or assistant referred to in section 27 (1) who discloses, except to the Minister or to an officer or to the board or to the Board of Trade and Industries or to the industrial court established under the **[Industrial Con-**

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so 'n persoon ingevolge die Wet op **[Nywerheidsversoening]** **Arbeidsverhoudinge** bindend is; of

5 (b) op 'n **[vakleerling op wie die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), van toepassing is]** persoon ten opsigte van enige aangeleentheid wat gereël word deur of ingevolge—

- 10 (i) enige bepaling van die Wet op Mannekragopleiding, 1981;
- 15 (ii) enige kennisgewing gepubliseer ingevolge artikel 13, of bestel ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4), van genoemde Wet, of enige kennisgewing wat geag word aldus gepubliseer of bestel te gewees het, en wat op so 'n persoon van toepassing is; of
- 20 (iii) enige kontrak van vakleerlingskap wat deur so 'n persoon aangegaan is ooreenkomstig die bepalings van genoemde Wet of 'n wet wat daardeur herroep is, en wat geregistreer is of geag word geregistreer te wees ingevolge die bepalings daarvan.”.

3. Artikel 3 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (8) deur die volgende paragraaf te

25 vervang:

„(c) So 'n assessor is op **[sodanige]** die toelaes geregtig **[as]** wat **[voorgeskryf word geregtig]** die Minister met die instemming van die Minister van Finansies van tyd tot tyd bepaal.”.

Wysiging van artikel 3 van Wet 5 van 1957, soos gewysig deur artikel 3 van Wet 48 van 1981.

30 4. Artikel 7 van die Hoofwet word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

35 „(c) enige gegewens wat in verband met die betrokke bedryf tot sy beskikking gestel word deur die Raad van Handel en Nywerheid, die nywerheidshof kragtens die Wet op **[Nywerheidsversoening]** **Arbeidsverhoudinge** ingestel, enige Staatsdepartement of enige soortgelyke owerheid;”.

Wysiging van artikel 7 van Wet 5 van 1957, soos gewysig deur artikel 6 van Wet 48 van 1981.

40 5. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (9) deur die volgende subartikel te vervang:

45 „(9) Aan iemand wat as getuie gedagvaar is om voor die raad of 'n lid van die raad of 'n ingevolge subartikel (8) aangewese amptenaar te verskyn, kan, as die raad, lid of amptenaar, na gelang van die geval, oortuig is dat hy as gevolg van sy verskyning **[in gehoorsaamheid]** ter voldoening aan die subpoena enige geldelike verlies gely het of enige onkoste moes aangaan, die **[voorgeskrewe toelae]** 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 beskikbaar gestel, betaal word: Met dien verstande dat indien die persoon wat as getuie gedagvaar is, in die voltydse diens van die Staat is, die **[toelae]** toelaes of die bedrag aan hom betaalbaar ooreenkomstig die wetsbepalings wat sy diens reël, betaal moet word.”.

Wysiging van artikel 10 van Wet 5 van 1957.

60 6. Artikel 12 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Iemand wat 'n lid van die raad is of was of 'n amptenaar of enige assessor ingevolge artikel 3 (8) aange-stel of 'n in artikel 27 (1) bedoelde tolk of assistent wat, behalwe aan die Minister of aan 'n amptenaar of aan die raad of aan die Raad van Handel en Nywerheid of aan die nywerheidshof kragtens die Wet op **[Nywerheidsversoening]**

Wysiging van artikel 12 van Wet 5 van 1957, soos gewysig deur artikel 9 van Wet 48 van 1981.

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ciliation] Labour Relations Act or any similar body which is concerned with the matter or to a court of law, or, save for the purposes of this Act or any other law, to any other person, any information in regard to the affairs of any person, firm or business acquired in the exercise of his powers or the performance of his duties under this Act, shall be guilty of an offence.” 5

Amendment of section 15 of Act 5 of 1957, as amended by section 12 of Act 48 of 1981.

7. Section 15 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: 10

“(2) The Minister may at any time request the board to consider the advisability of amending any determination generally, or of amending any particular provision of a determination otherwise than under subsection (1), and the provisions of section 4 (5) shall *mutatis mutandis* apply in respect of such a request.”. 15

Amendment of section 20 of Act 5 of 1957, as amended by section 14 of Act 48 of 1981.

8. Section 20 of the principal Act is hereby amended by the substitution in subsection (8) for the words “Director-General: Manpower Utilization”, where they occur in paragraphs (b) and (c), of the words “Director-General: Manpower”.

Amendment of section 25 of Act 5 of 1957, as amended by section 19 of Act 48 of 1981.

9. Section 25 of the principal Act is hereby amended— 20

- (a) by the substitution in subsection (1) for the expression “R600” of the expression “R2 000”; and
- (b) by the substitution for subsection (2) of the following subsection:

“(2) For the purposes of this section ‘trade union’ has the meaning assigned thereto in section 1 of the **[Industrial Conciliation] Labour Relations Act.**”.

Amendment of section 36 of Act 5 of 1957, as amended by section 25 of Act 48 of 1981.

10. Section 36 of the principal Act is hereby amended by the substitution in subsection (3) for the words “fifty pounds” of the expression “R500”. 30

Amendment of section 37 of Act 5 of 1957, as amended by section 26 of Act 48 of 1981.

11. Section 37 of the principal Act is hereby amended by the substitution for the expression “R200” of the expression “R1 000”.

Short title and commencement.

12. This Act shall be called the Second Wage Amendment Act, 1981, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 35

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- Arbeidsverhoudinge ingestel of enige soortgelyke liggaam wat by die aangeleentheid betrokke is of aan 'n geregshof, of, behalwe vir die doeleindes van hierdie Wet of enige ander wetsbepalings, aan enige ander persoon enige
 5 gegewens openbaar wat hy by die uitoefening van sy bevoegdhede of die verrigting van sy pligte kragtens hierdie Wet verkry het met betrekking tot die sake van enige persoon, firma of besigheid, is aan 'n misdryf skuldig."
7. Artikel 15 van die Hoofwet word hierby gewysig deur
 10 subartikel (2) deur die volgende subartikel te vervang:
 „(2) Die Minister kan die raad te eniger tyd versoek om die wenslikheid te oorweeg van 'n algemene wysiging van 'n vasstelling, of van 'n wysiging, op 'n ander wyse as kragtens subartikel (1), van 'n bepaalde bepaling van 'n vasstelling,
 15 en die bepalings van artikel 4 (5) is *mutatis mutandis* van toepassing ten opsigte van so 'n versoek."
8. Artikel 20 van die Hoofwet word hierby gewysig deur in subartikel (8) die woorde „Direkteur-generaal: Mannekragbenutting" waar hulle in paragrafe (b) en (c) voorkom, deur die
 20 woorde „Direkteur-generaal: Mannekrag" te vervang.
9. Artikel 25 van die Hoofwet word hierby gewysig—
 (a) deur in subartikel (1) die uitdrukking „R600" deur die uitdrukking „R2 000" te vervang; en
 25 (b) deur subartikel (2) deur die volgende subartikel te vervang:
 „(2) By die toepassing van hierdie artikel beteken „vakvereniging" dieselfde as wat dit in artikel 1 van die Wet op [Nywerheidsversoening] Arbeidsverhoudinge beteken."
- 30 10. Artikel 36 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde „vyftig pond" deur die uitdrukking „R500" te vervang.
11. Artikel 37 van die Hoofwet word hierby gewysig deur die uitdrukking „R200" deur die uitdrukking „R1 000" te vervang.
- 35 12. Hierdie Wet heet die Tweede Loonwysigingswet, 1981, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Wysiging van
 artikel 15 van
 Wet 5 van 1957,
 soos gewysig deur
 artikel 12 van
 Wet 48 van 1981.

Wysiging van
 artikel 20 van
 Wet 5 van 1957,
 soos gewysig deur
 artikel 14 van
 Wet 48 van 1981.

Wysiging van
 artikel 25 van
 Wet 5 van 1957,
 soos gewysig deur
 artikel 19 van
 Wet 48 van 1981.

Wysiging van
 artikel 36 van
 Wet 5 van 1957,
 soos gewysig deur
 artikel 25 van
 Wet 48 van 1981.

Wysiging van
 artikel 37 van
 Wet 5 van 1957,
 soos gewysig deur
 artikel 26 van
 Wet 48 van 1981.

Kort titel en
 inwerking-
 treding.

