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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information :—

No. 982.] [11th June, 1945.

It is notified that His Excellency the Officer Administering the Government has been pleased to assent to the following Acts which are hereby published for general information :—

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer :—

No. 982.] [11 Junie 1945]

Hierby word bekendgemaak dat dit Sy Eksellensie (Amptenaar Belas met die Uitoefening van die Uitvoeren Gesag behaag het om sy goedkeuring te heg aan onderstaande wette wat hierby ter algemene inligting gepubliseer word :—

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No. 26, 1945.]

ACT

To provide for the transfer, to the service of the Government of the Union, of employees of road transportation boards, and for matters incidental thereto, and to amend Act No. 39 of 1930.

(Afrikaans Text signed by the Officer Administering the Government.)

(Assented to on 5th June, 1945.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act—

“Board” means the Central Road Transportation Board appointed under section *two* of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), as amended, and includes a local road transportation board appointed under section *three* of that Act;

“Commission” means the Public Service Commission referred to in section *two* of the Public Service Act, 1923 (Act No. 27 of 1923), as amended;

“Fund” means the Union Public Service Pension Fund established under section *three* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936);

“military service” means—

(a) continuous whole-time service during the present war with any force or service established by or under—

(i) the South Africa Defence Act, 1912 (Act No. 13 of 1912), as amended; or

(ii) any proclamation or regulation validated by section *two* of the War Measures Act, 1940 (Act No. 13 of 1940); or

(iii) any regulation made under section *one bis* of the latter Act, as amended; or

(b) continuous whole-time service during the present war with the land, naval or air forces of any ally of the Union;

“public service” means the public service according to the provisions of section *one* of the Public Service Act, 1923 (Act No. 27 of 1923), as amended;

“Treasury” means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform the functions assigned to the Treasury by this Act.

Employees of the Board to become employees of the Union Government, and provision with regard to posts and appointments in the public service.

2. (1) Every person who is in the employ of the Board at the date of commencement of this Act shall at that date become an employee of the Government of the Union, and the continuous employment of any such person by the Board immediately prior to that date shall for all purposes be deemed to be employment in the service of the Government.

(2) The creation, grading and classification of all posts on the establishment of the Board, and the appointment, remuneration and conditions of service (including retirement benefits) of all persons occupying such posts shall, save as is otherwise specifically provided in this Act, be governed by the laws regulating the public service: Provided that, except with his own consent or in accordance with this Act or any other law, the salary or the scale of salary at or in accordance with which any such person was remunerated immediately prior to the commencement of this Act, shall not be reduced.

(3) Notwithstanding any limitation in respect of age or educational qualifications prescribed by or under the Public Service Act, 1923, any person referred to in sub-section (1) who is a Union national and who has not attained the prescribed age of retirement may upon the recommendation of the Commission, be appointed on probation or otherwise to a post in the public service.

(4) Any person appointed to the public service in terms of sub-section (3) shall be adjusted to the scale of salary applicable

No. 26, 1945.]

WET

Om voorsiening te maak vir die oorplasing, na die diens van die Unie-regering, van werknemers van padvervoerrade, en vir aangeleenthede wat daarmee in verband staan, en tot wysiging van Wet No. 39 van 1930.

(Afrikaanse Teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 5 Junie 1945.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. In hierdie Wet beteken—

Woordbe palin .

- „Raad” die Sentrale Padvervoerraad kragtens artikel twee van die Motortransportwet, 1930 (Wet No. 39 van 1930) soos gewysig, benoem, en ook ’n kragtens artikel drie van daardie Wet benoemde plaaslike vervoerraad;
- „Kommissie” die Staatsdienskommissie in artikel twee van die „Staatsdiens Wet, 1923” (Wet No. 27 van 1923) soos gewysig, bedoel;
- „Fonds” die Unie-staatsdienspensioenfonds kragtens artikel drie van die Regeringsdiens Pensioenwet 1936 (Wet No. 32 van 1936) ingestel;
- „militêre diens”—
 - (a) ononderbroke voltydse diens gedurende die huidige oorlog by ’n mag of diens ingestel deur of kragtens—
 - (i) die „Zuid-Afrika Verdedigings Wet, 1912” (Wet No. 13 van 1912) soos gewysig; of
 - (ii) ’n proklamasie of regulasie bekragtig deur artikel twee van die Wet op Oorlogsmaatreëls, 1940 (Wet No. 13 van 1940); of
 - (iii) ’n regulasie kragtens artikel een bis van laasgenoemde Wet, soos gewysig, uitgevaardig; of
 - (b) ononderbroke voltydse diens gedurende die huidige oorlog by die land-, see- of lugmagte van ’n bondgenoot van die Unie;
- „staatsdiens” die staatsdiens volgens die bepalinge van artikel een van die „Staatsdiens Wet, 1923” (Wet No. 27 van 1923) soos gewysig;
- „Tesourie” die Minister van Finansies of ’n amptenaar in die Departement van Finansies wat deur genoemde Minister gemagtig is om die werksaamhede wat deur hierdie Wet aan die Tesourie opgedra word, te verrig.

2. (1) Iedereen wat op die datum van inwerkingtreding van hierdie Wet in diens van die Raad is, word op daardie datum ’n werknemer van die Unie-regering, en die ononderbroke diens van so iemand by die Raad onmiddellik voor daardie datum word vir alle doeleindes geag diens by die Regering te wees.

Werknemers van die Raad word werknemers van die Unie-regering, en voorsiening betreffende poste en aanstellings in die staatsdiens.

(2) Die skepping, gradering en indeling van alle poste in die dienspersoneel van die Raad, en die aanstelling, besoldiging en diensvoorwaardes (met inbegrip van voordele by uitdiens-treding) van alle persone wat sulke poste beklee, word, behalwe vir sover in hierdie Wet uitdruklik anders bepaal word, deur die wetsbepalinge op die staatsdiens gereël: Met dien verstande dat die salaris of die salarisskaal waarteen of waarvolgens so iemand onmiddellik voor die inwerkingtreding van hierdie Wet besoldig is, nie sonder sy eie toestemming of anders dan ooreenkomstig hierdie Wet of enige ander wetsbepaling, verminder mag word nie.

(3) Ondanks enige beperking ten opsigte van ouderdom of opvoedkundige kwalifikasies wat deur of kragtens die „Staatsdiens Wet, 1923” voorgeskryf word, kan ’n in sub-artikel (1) bedoelde persoon wat ’n Unieburger is en nog nie die voorgeskrewe uitdiens-tredingsleeftyd bereik het nie, op aanbeveling van die Kommissie op proef of andersins in ’n pos in die staatsdiens aangestel word.

(4) Iemand wat ingevolge sub-artikel (3) in die staatsdiens aangestel is, word aangepas by die salarisskaal wat

to the post to which he has been appointed at such notch on that scale as may be recommended by the Commission.

(5) In addition to the salary payable to any such person from time to time by virtue of his occupancy of a post in the public service, there shall be paid to him a personal allowance equal to the difference between his said salary for the time being and the higher salary (if any) to which he was, or would have been, entitled in accordance with the scale of salary applicable to him as an employee of the Board immediately prior to the commencement of this Act: Provided that for the purpose of determining such person's pensionable emoluments, regard shall not be had to any allowance payable to him in terms of this sub-section.

Previous employment under the Government or the Railway Administration may be taken into account for pension purposes on certain conditions.

3. (1) Any person referred to in sub-section (3) of section *two* who becomes a member of the Fund and who, in order to enter into the employment of the Board, resigned from employment under the Government as defined in section *one hundred and one* of the Public Service Act, 1923, or from employment under the Railway Administration, may elect in writing, within a period of three months from the date upon which he is called upon by the head of his department to do so, to contribute to the Fund, subject to the provisions of the Government Service Pensions Act, 1936, in respect of such period of his past continuous employment under the Government or the Railway Administration as may be approved by the Treasury, and if he elects so to contribute, any period which may have elapsed between the date upon which his employment under the Government, or the Railway Administration as the case may be, terminated and the date upon which his employment under the Board commenced shall, for the purposes of the said Act, be regarded as special leave of absence without pay: Provided that any period so regarded as leave of absence without pay shall not be reckoned as service for pension purposes.

(2) The provisions of sub-section (1) shall not apply in respect of a person who has not elected, in terms of section *thirteen* of the Government Service Pensions Act, 1936, to contribute to the Fund in respect of his probationary service (if any) or who has not elected or been permitted, in terms of section *fifteen* of that Act, so to contribute in respect of the whole period of his continuous employment prior to the date of his appointment to a post in the public service (including his employment under the Board), or who is not deemed under sub-section (2) of section *five* to have elected to contribute to the Fund in respect of his probationary service and the whole of the said period of continuous employment.

Power of Treasury to determine certain emoluments for pension purposes.

4. Notwithstanding anything to the contrary contained in the Government Service Pensions Act, 1936, the contributions payable—

(a) to the Fund in respect of any period of employment prior to his appointment to a post in the Public Service; or

(b) from time to time, to the Government Employees' Provident Fund established by section *sixty-three* of the said Act,

by any person referred to in section *two*, shall be based on such emoluments as may be determined by the Treasury, on the recommendation of the Commission, and such emoluments shall for the purposes of that Act, be deemed to be the pensionable emoluments of the person concerned.

Special provisions with regard to employees who are absent on military service.

5. (1) If a person who has become an employee of the Government in terms of sub-section (1) of section *two* is absent on military service, he may, notwithstanding the provisions of any other law, be appointed, during his absence, to a post in the public service in terms of sub-section (3) of that section, even though, owing to circumstances connected with such person's military service, it is not practicable to cause notification of the appointment to be conveyed to him.

(2) A person referred to in sub-section (1) shall be deemed, as from the date of his appointment to a post in the public service, to have elected to contribute to the Fund in respect of his probationary service (if any) and such period of his continuous employment immediately prior to the date of the said appointment as may be approved by the Treasury.

(3) A person who has been appointed to a post in the public service in terms of sub-section (1) shall be called upon by the head of his department not later than six months after his discharge from military service, to elect in writing, within one month from the date upon which he is called upon or within such further period as the Minister of Transport may determine, either—

toepaslik is op die pos waarin hy aangestel is, en wel op die kerf op daardie skaal wat deur die Kommissie aanbeveel word.

(5) Benewens die salaris wat van tyd tot tyd aan so iemand op grond van sy bekleding van 'n pos in die staatsdiens betaalbaar is, word daar aan hom 'n persoonlike toelae betaal gelyk aan die verskil tussen sy bedoelde salaris aldan, en die hoër salaris (indien daar een is) waarop hy geregtig was of sou gewees het ooreenkomstig die salarisskaal wat onmiddellik voor die inwerkingtreding van hierdie Wet op hom as werknemer van die Raad toepaslik was: Met dien verstande dat 'n toelae wat ingevolge hierdie sub-artikel aan so iemand betaalbaar is, by die berekening van sy pensioengewende verdienste nie in aanmerking geneem word nie.

3. (1) 'n In sub-artikel (3) van artikel twee bedoelde persoon wat 'n lid van die Fonds word en wat, ten einde by die Raad in diens te tree, uit diens by die Regering (soos in artikel honderd-en-een van die „Staatsdiens Wet, 1923” omskryf) of uit diens by die Spoorwegadministrasie bedank het kan skriftelik kies, binne 'n tydperk van drie maande vanaf die datum waarop hy deur die hoof van sy departement daartoe aangesê word, om tot die Fonds by te dra, onderworpe aan die bepalinge van die Regeringsdiens Pensioenwet, 1936, ten opsigte van so 'n termyn van sy vorige ononderbroke diens by die Regering of by die Spoorwegadministrasie as wat deur die Tesourie goedgekeur word, en indien hy kies om aldus by te dra, word 'n termyn wat verstryk het tussen die datum waarop sy diens by die Regering of by die Spoorwegadministrasie, na gelang van die geval, geëindig en die datum waarop sy diens by die Raad 'n aanvang geneem het, by die toepassing van bedoelde Wet as spesiale afwesigheidsverlof sonder besoldiging beskou: Met dien verstande dat 'n termyn wat aldus as afwesigheidsverlof sonder besoldiging beskou word, nie vir pensioendoeleindes as diens getel word nie.

Vorige diens by die Regering of die Spoorwegadministrasie kan op sekere voorwaardes vir pensioendoeleindes in aanmerking geneem word.

(2) Die bepalinge van sub-artikel (1) is nie van toepassing nie ten opsigte van iemand wat nie, ingevolge artikel dertien van die Regeringsdiens Pensioenwet, 1936, gekies het om ten opsigte van sy proefdiens (indien daar is) tot die Fonds by te dra nie, of wat nie, ingevolge artikel vyftien van daardie Wet, gekies het of toegelaat is om aldus by te dra nie ten opsigte van die hele termyn van sy ononderbroke diens vóór die datum van sy aanstelling in 'n pos in die staatsdiens (met inbegrip van sy diens by die Raad) of wat nie ingevolge sub-artikel (2) van artikel vyf geag word te gekies het om tot die Fonds by te dra nie ten opsigte van sy proefdiens en die hele genoemde termyn van ononderbroke diens.

4. Ondanks andersluidende bepalinge van die Regeringsdiens Pensioenwet, 1936, word die bydraes wat deur 'n in artikel twee bedoelde persoon betaalbaar is—

Bevoegdheid van Tesourie om sekere verdienste vir pensioendoeleindes te bepaal.

- (a) aan die Fonds, ten opsigte van 'n termyn van diens voor sy aanstelling in 'n pos in die staatsdiens; of
- (b) van tyd tot tyd, aan die Regeringswerknemers-ondersteuningsfonds deur artikel drie-en-estig van bedoelde Wet ingestel,

gebaseer op die verdienste wat deur die Tesourie opaanbeveling van die Kommissie bepaal word, en sodanige verdienste word by die toepassing van daardie Wet geag die pensioengewende verdienste van die betrokke persoon te wees.

5. (1) Indien iemand wat ingevolge sub-artikel (1) van artikel twee 'n werknemer van die Regering geword het, met militêre diens afwesig is, kan hy, ondanks andersluidende wetsbepalinge, gedurende sy afwesigheid ooreenkomstig sub-artikel (3) van daardie artikel in 'n pos in die staatsdiens aangestel word, selfs al is dit, op grond van omstandighede wat met so iemand se militêre diens in verband staan, nie doenlik om hom van die aanstelling in kennis te laat stel nie.

Besondere bepalinge met betrekking tot werknemers wat met militêre diens afwesig is.

(2) 'n In sub-artikel (1) bedoelde persoon word, met ingang van die datum van sy aanstelling in 'n pos in die staatsdiens, geag te gekies het om tot die Fonds by te dra ten opsigte van sy proefdiens (indien daar is) en sodanige termyn van sy ononderbroke diens onmiddellik voor die datum van bedoelde aanstelling as wat deur die Tesourie goedgekeur word.

(3) Iemand wat ingevolge sub-artikel (1) in 'n pos in die staatsdiens aangestel is, word deur die hoof van sy departement nie later as ses maande na sy ontslag uit militêre diens nie, aangesê om skriftelik te kies, binne een maand vanaf die datum waarop hy daartoe aangesê word, of binne so 'n verdere tydperk as wat die Minister van Vervoer bepaal, om of—

- (a) to remain in the public service ; or
- (b) subject to the proviso to sub-section (2) of section *two*, to revert to the conditions of employment applicable to him as an employee of the Government not being a member of the public service.

(4) A person who fails to make an election in terms of sub-section (3) shall be deemed to have made the election referred to in paragraph (a) of that sub-section.

(5) A person who elects, or is deemed to have elected, in terms of sub-section (3) or (4), to remain in the public service, shall further elect in writing, within one month of the date upon which he is called upon by the head of his department to do so, whether or not he will abide by the regulation of his pension rights in the manner provided by sub-section (2), and if he fails to make the election within the specified period, he shall be deemed to have elected to abide by the said regulation of his pension rights.

(6) Any contributions paid to the Fund by a person who, in terms of sub-section (3), elects to revert to the conditions of employment referred to in paragraph (b) of that sub-section, shall be regarded as erroneous and shall be refunded to him.

(7) If a person elects, in terms of sub-section (5), not to abide by the regulation of his pension rights in the manner prescribed by sub-section (2), any contributions paid by him to the Fund in respect of his probationary service and of any period of employment prior to the date of his appointment to a post in the public service shall be regarded as erroneous and shall be refunded to him.

Amendment of section 5 of Act 39 of 1930, as amended by section 4 of Act 15 of 1941.

6. Section *five* of the Motor Carrier Transportation Act, 1930, is hereby amended by the deletion of paragraph (g) of sub-section (1).

Short title and commencement.

7. This Act shall be called the Road Transportation Boards Service Act, 1945, and shall come into operation on a date to be fixed by the Governor-General by Proclamation in the *Gazette*.

- (a) in die staatsdiens te bly; òf
- (b) behoudens die voorbehoudsbepaling by sub-artikel (2) van artikel *twee*, terug te keer tot die diensvoorwaardes wat op hom van toepassing is as 'n werknemer van die Regering wat nie 'n lid van die staatsdiens is nie.

(4) Iemand wat versuim om 'n keuse ooreenkomstig sub-artikel (3) te doen, word geag die in paragraaf (a) van daardie sub-artikel bedoelde keuse te gedoen het.

(5) Iemand wat ooreenkomstig sub-artikel (3) of (4) gekies het of geag word te gekies het om in die staatsdiens te bly, moet verder skriftelik kies, binne 'n maand vanaf die datum waarop hy deur die hoof van sy departement daartoe aangesê word, of hy hom aan die reëling van sy pensioenregte volgens voorskrif van sub-artikel (2) sal hou al dan nie, en as hy versuim om die keuse binne die bepaalde tydperk te doen, word hy geag te gekies het om hom aan bedoelde reëling van sy pensioenregte te hou.

(6) Bydraes op die Fonds inbetaal deur iemand wat ooreenkomstig sub-artikel (3) kies om tot die in paragraaf (b) van daardie sub-artikel bedoelde diensvoorwaardes terug te keer, word geag verkeerdelik inbetaal te gewees het en word aan hom terugbetaal.

(7) Indien iemand ooreenkomstig sub-artikel (5) kies om hom nie aan die reëling van sy pensioenregte volgens voorskrif van sub-artikel (2) te hou nie, word alle bydraes wat deur hom op die Fonds inbetaal is ten opsigte van sy proefdiens en van 'n termyn van diens vòòr die datum van sy aanstelling in 'n pos in die staatsdiens, geag verkeerdelik inbetaal te gewees het en word aan hom terugbetaal.

6. Artikel *vyf* van die Motortransportwet, 1930, word hierby gewysig deur paragraaf (g) van sub-artikel (1) te skrap.

Wysiging van artikel 5 van Wet 39 van 1930, soos gewysig deur artikel 4 van Wet 15 van 1941.

7. Hierdie Wet heet die Wet op Diens by Padvervoerrade, 1945, en tree in werking op 'n datum deur die Goewerneur-generaal by Proklamasie in die *Staatskoerant* bepaal te word.

Kort titel en inwerkingtreding.

No. 27, 1945.]

ACT

To amend the Workmen's Compensation Act, 1941.

(English Text signed by the Officer Administering the Government.)

(Assented to on 5th June, 1945.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 2 of Act 30 of 1941.

1. Section *two* of the Workmen's Compensation Act, 1941, (hereinafter referred to as the principal Act), is hereby amended by the insertion in the definition of "medical aid", after the words "nursing services" of the words "any special remedial treatment approved by the commissioner."

Amendment of section 3 of Act 30 of 1941.

2. Section *three* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) after paragraph (a) of the following new paragraph:

"(a)*bis*. any person or class of persons excluded from the scope of this Act by the provisions of paragraph (b) of sub-section (2), sub-paragraph (ii) of paragraph (f), or paragraph (g), (h) or (j) of the said sub-section, if the employer of such person or class of persons has made special arrangements with the commissioner to that effect and complied with the conditions prescribed by the commissioner in regard thereto. An employer who has entered into any such special arrangement shall not be entitled to withdraw or depart therefrom unless he has, not later than the first day of July in any year, given notice to the commissioner of his intention to terminate such arrangement. Any such notice shall operate from the first day of January following the date of the notice and from that date the person or class of persons in respect of whom or which the arrangement was made and in respect of whom or which such notice was given shall, unless otherwise included in the definition of workman, cease to be workmen for the purposes of this Act."

(b) by the substitution in paragraph (c) of sub-section (1) for the word "contractor" of the word "employer";

(c) by the addition of the following proviso at the end of sub-section (2):

"Provided that the provisions of this Act in regard to compensation (including medical aid) shall apply to a person who is a workman in terms of paragraph (g) only in respect of an accident occurring while he is employed in connection with a vehicle or machine driven by mechanical power, and to a person who is a workman in terms of paragraph (j) only in respect of an accident occurring while he is employed in connection with the use of explosives or any vehicle or machine driven by mechanical power."

Amendment of section 4 of Act 30 of 1941.

3. Section *four* of the principal Act is hereby amended by the insertion, after the word "widow" in paragraph (b) of sub-section (1), of the words "who, at the time of the accident, was wholly or partly dependent upon the workman for the necessities of life".

Amendment of section 7 of Act 30 of 1941.

4. The English version of section *seven* of the principal Act is hereby amended by the substitution in paragraph (b) for the word "consideration" of the word "compensation".

Amendment of section 8 of Act 30 of 1941.

5. Section *eight* of the principal Act is hereby amended—

(a) by the insertion, in sub-section (2), after the words "within a period fixed by the commissioner", of the words "or having instituted such proceedings, thereafter abandons the proceedings,";

(b) by the addition to sub-section (2) of the following new paragraph as paragraph (b), the existing sub-section becoming paragraph (a):

No. 27, 1945.]

WET

Tot wysiging van die Ongevallewet, 1941.

(Engelse Teks deur die Amptenaar Belas met die Uitoefening
van die Uitvoerende Gesag geteken.)
(Goedgekeur op 5 Junie 1945.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel twee van die Ongevallewet, 1941 (hierna die Wysiging van Hoofwet genoem), word hiermee gewysig deur in die woord- artikel 2 van omskrywing van „geneeskundige behandeling” na die woord Wet 30 van 1941. „verplegingsdienste” die woorde „enige spesiale genesende behandeling deur die kommissaris goedgekeur” in te voeg.

2. Artikel drie van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (1) na paragraaf (a) die volgende nuwe paragraaf in te voeg:

Wysiging van artikel 3 van Wet 30 van 1941.

„(a)*bis*. 'n Persoon of kategorie van persone wat ten gevolge van die bepalings van paragraaf (b) van sub-artikel (2), sub-paragraaf (ii) van paragraaf (f), of paragraaf (g), (h) of (j) van genoemde sub-artikel buite die bestek van hierdie Wet val, indien die werkgewer van sodanige persoon of kategorie van persone spesiale reëlins in dier voege met die kommissaris getref het, en die voorwaardes wat die kommissaris in verband daarmee voorgeskryf het, nagekom het. 'n Werkgewer wat sodanige spesiale reëlins aangegaan het is nie geregtig om hom daaraan te onttrek, of daarvan af te wyk nie, tensy hy nie later dan die eerste dag van Julie in een of ander jaar, die kommissaris kennis gegee het van sy voorneme om sodanige reëlins te beëindig nie. So 'n kennisgewing tree in werking op die eerste dag van Januarie wat op die datum van die kennisgewing volg en vanaf daardie datum is die persoon of kategorie van persone ten opsigte van wie die reëlins aangegaan is en ten opsigte van wie die kennis gegee is, tensy hulle andersins binne die bestek van die woordbepaling van werksman val, nie langer werksmense by die toepassing van hierdie Wet nie.”;

(b) deur in paragraaf (c) van sub-artikel (1) die woord „aannemer” te vervang deur die woord „werkgewer”;

(c) deur aan die end van sub-artikel (2) die volgende voorbehoudsbepaling by te voeg:

„Met dien verstande dat die bepalings van hierdie Wet met betrekking tot skadeloosstelling (met inbegrip van geneeskundige behandeling) op 'n persoon, wat ingevolge paragraaf (g) 'n werksman is, van toepassing is slegs ten opsigte van 'n ongeval wat plaasvind terwyl hy diens doen in verband met 'n voor- of werktuig wat deur meganiese krag gedryf word, en op 'n persoon wat ingevolge paragraaf (j) 'n werksman is, slegs ten opsigte van 'n ongeval wat plaasvind terwyl hy diens doen in verband met die gebruik van springstowwe of enige voor- of werktuig wat deur meganiese krag gedryf word.”.

3. Artikel vier van die Hoofwet word hiermee gewysig deur Wysiging van in paragraaf (b) van sub-artikel (1), na die woorde „weduwee artikel 4 van is nie” die woorde „wat ten tyde van die ongeval geheel of Wet 30 van 1941. gedeeltelik afhanklik was van die werksman vir lewensbehoefte” in te voeg.

4. Die Engelse teks van artikel sewe van die Hoofwet word hiermee gewysig deur in paragraaf (b) die woord „consideration” Wysiging van artikel 7 van Wet 30 van 1941. te vervang deur die woord „compensation”.

5. Artikel agt van die Hoofwet word hiermee gewysig—

Wysiging van artikel 8 van Wet 30 van 1941.

(a) deur in sub-artikel (2) na die woorde „binne 'n tydperk deur die kommissaris vasgestel nie,” die woorde „of, nadat hy sulke geregtelike stappe ingestel het, die geregtelike stappe laat vaar,” in te voeg;

(b) deur die volgende nuwe paragraaf as paragraaf (b) aan die end van sub-artikel (2) by te voeg, waardeur die bestaande sub-artikel paragraaf (a) word:

“(b) Whenever a workman abandons any proceedings instituted by him under this section, he shall forthwith notify the commissioner, or the employer individually liable, as the case may be, that he has abandoned the proceedings.”;

(c) by the substitution for sub-section (4) of the following :

“(4) For the purpose of this section, ‘compensation’ includes the cost of medical aid and any amount paid or payable in terms of sub-section (2) of section *forty*, section *forty-four*, sub-section (2) of section *seventy-six* or sub-section (2) of section *eighty-six*, and in the case of a continuing liability, also the capitalized value, as determined by the commissioner, of the pension (irrespective of whether a lump sum is at any time paid in lieu of the whole or a portion of such pension in terms of section *forty-nine*), periodical payment or allowance, as the case may be, which constitutes the liability”;

(d) by the addition of the following new sub-section :

“(5) No proceedings in a court of law to recover damages against any person referred to in sub-section (1) may be taken by a workman without the written consent of the commissioner unless he has lodged a claim for compensation, or unless, in the case of a native workman, his employer has furnished particulars of the accident to the officer in terms of sub-section (3) of section *eighty-three*.”

Amendment of section 12 of Act 30 of 1941.

6. Section *twelve* of the principal Act is hereby amended by the deletion, in sub-section (2), of the words “, and may delegate any power or function of the commissioner to any such person” ; and by the addition of the following new sub-section :

“(3) The commissioner may, subject to any conditions imposed by the Minister, delegate any of his powers or functions to any officer on the fixed establishment of the public service.”

Amendment of section 13 of Act 30 of 1941.

7. Section *thirteen* of the principal Act is hereby amended by the insertion, after sub-section (4), of the following new sub-section :

“(4)*bis*. In addition to the assessors appointed under sub-section (4), the Minister may appoint one or more medical practitioners (including a medical practitioner appointed under sub-section (2) of section *twelve*) to be medical assessors.”

Amendment of section 15 of Act 30 of 1941.

8. Section *fifteen* of the principal Act is hereby amended—

(a) by the addition to the marginal note of the words “and to borrow money” ;

(b) by the insertion of the following words after the word “may”—

“(a) borrow money if, in his opinion, it is necessary to do so in order to meet any unforeseen contingency ; or

(b) ”.

Amendment of section 25 of Act 30 of 1941.

9. Section *twenty-five* of the principal Act is hereby amended—

(a) by the addition, at the end of paragraph (a) of sub-section (3), of the words “or of any medical assessors appointed under sub-section (4)*bis* of section *thirteen*” ;

(b) by the insertion, in sub-section (4), after the words “sub-section (3)”, of the words “(excluding any medical assessors)” ;

(c) by the insertion in paragraph (d) of sub-section (7) after the word “assessors” of the words “or the Minister” ;

(d) by the insertion, in sub-section (8), before the word “application” of the words “an appeal has been lodged or”.

Amendment of section 27 of Act 30 of 1941.

10. Section *twenty-seven* of the principal Act is hereby amended—

(a) by the deletion of sub-paragraphs (ii) and (iii) of paragraph (a) of sub-section (1) ;

(b) by the substitution in paragraph (c) of sub-section (1), for the words “of the workman” of the words—
“or physical defect or infirmity of the workman, or any injury previously sustained by the workman, the existence of which was” ;

- „(b) Wanneer 'n werksman enige kragtens hierdie artikel ingestelde geregtelike stappe laat vaar, gee hy onverwyld kennis aan die kommissaris, of die werkgewer individueel aanspreeklik, na gelang van die geval, dat hy die geregtelike stappe laat vaar het.”;
- (c) deur sub-artikel (4) te vervang deur die volgende :
 „(4) By die toepassing van hierdie artikel omvat „skadeloosstelling” ook die koste van geneeskundige behandeling en enige bedrag betaal of betaalbaar ingevolge sub-artikel (2) van artikel *veertig*, artikel *vier-en-veertig*, sub-artikel (2) van artikel *ses-en-sewentig* of sub-artikel (2) van artikel *ses-en-tagtig*, en in die geval van 'n voortdurende verpligting ook die gekapitaliseerde waarde, soos deur die kommissaris vasgestel, van die pensioen (onverskillig of 'n enkele geldsom in plaas van die pensioen of 'n gedeelte daarvan te eniger tyd kragtens artikel *negen-en-veertig* betaal word), periodieke uitkering of toelae wat, na gelang van die geval, die verpligting uitmaak.”;
- (d) deur die volgende nuwe sub-artikel aan die end daarvan by te voeg :
 „(5) Sonder die skriftelike toestemming van die kommissaris word geen geregtelike stappe deur 'n werksman in 'n geregshof teen 'n in sub-artikel (1) bedoelde persoon gedoen om skadevergoeding te verhaal nie, tensy hy 'n eis om skadeloosstelling ingedien het, of tensy, in die geval van 'n naturelle werksman, sy werkgewer die nodige besonderhede van die ongeval aan die beampte ingevolge sub-artikel (3) van artikel *drie-en-tagtig* verstrek het.”.
6. Artikel *twaalf* van die Hoofwet word hiermee gewysig deur in sub-artikel (2) die woorde „en kan hy enige bevoegdheid of ampsplig van die kommissaris aan enige sodanige persoon oordra” te skrap, en die volgende nuwe sub-artikel aan die end daarvan by te voeg :
 „(3) Die kommissaris kan, behoudens voorwaardes wat die Minister mag ople, enige van sy bevoegdhede of ampspligte aan 'n amptenaar op die vaste diensstaat van die staatsdiens oordra.”. Wysiging van artikel 12 van Wet 30 van 1941.
7. Artikel *dertien* van die Hoofwet word hiermee gewysig deur na sub-artikel (4) die volgende nuwe sub-artikel in te voeg :
 „(4)*bis*. Benewens die kragtens sub-artikel (4) aangestelde assessore, kan die Minister een of meer geneeshere (insluitende 'n kragtens sub-artikel (2) van artikel *twaalf* aangestelde geneesheer), as geneeskundige assessore aanstel.”. Wysiging van artikel 13 van Wet 30 van 1941.
8. Artikel *vyftien* van die Hoofwet word hiermee gewysig—
 (a) deur aan die kantskrif die woorde „en om geld te leen” toe te voeg ; Wysiging van artikel 15 van Wet 30 van 1941.
 (b) deur die volgende woorde na die woord „kommissaris” waar dit vir die eerste keer voorkom, in te voeg :
 „(a) geld leen as dit na sy oordeel nodig is om voorsiening te maak vir onvoorsiene uitgawe ; of
 (b)”.
9. Artikel *vyf-en-twintig* van die Hoofwet word hiermee gewysig—
 (a) deur aan die end van paragraaf (a) van sub-artikel (3) die woorde „of van enige kragtens sub-artikel (4)*bis* van artikel *dertien* aangestelde geneeskundige assessore” by te voeg ;
 (b) deur in sub-artikel (4) na die woorde „in sub-artikel (3) bedoelde assessore” die woorde „(met uitsluiting van enige geneeskundige assessore)” ; in te voeg ;
 (c) deur in paragraaf (d) van sub-artikel (7) na die woord „assessore” die woorde „of die Minister” in te voeg ;
 (d) deur in sub-artikel (8) voor die woord „aansoek” die woorde „appèl ingevolge sub-artikel (7) aange-teken is, of” in te voeg. Wysiging van artikel 25 van Wet 30 van 1941.
10. Artikel *sewen-en-twintig* van die Hoofwet word hiermee gewysig—
 (a) deur sub-paragrafe (ii) en (iii) van paragraaf (a) van sub-artikel (1) te skrap ;
 (b) deur in paragraaf (c) van sub-artikel (1) die woorde „waarvan hy self bewus was maar waarvan die werkgewer onbewus was, verkeer het nie” te vervang deur die woorde—
 „verkeer het nie, of aan 'n liggaamsgebrek of -swaakteit gelyk het nie, of 'n besering opgedoen het nie, waarvan hyself bewus was, maar waarvan die werkgewer onbewus was” ; Wysiging van artikel 27 van Wet 30 van 1941.

(c) by the insertion after sub-section (1) of the following new sub-section :

"(1)*bis*. Where in any case no compensation is paid in pursuance of the provisions of paragraph (b), (c) or (d) of sub-section (1), the commissioner, or, if authorized thereto by the commissioner, the employer individually liable, may further refuse to pay the whole or any portion of the cost of medical aid."

Amendment of section 28 of Act 30 of 1941.

11. Section *twenty-eight* of the principal Act is hereby amended—

(a) by the substitution in paragraphs (a) and (b) for the words "first aid" of the words "organized first aid";

(b) by the insertion at the end of paragraph (b) of the word "or" and after paragraph (b) of the following new paragraph :

"(c) while engaged with the consent of his employer in any organized first aid, ambulance or rescue work on any mine, works or premises, other than his employer's;"

Amendment of section 29 of Act 30 of 1941.

12. Section *twenty-nine* of the principal Act is hereby amended—

(a) by the deletion in sub-section (1) of the words "within one month after the date of his retirement or death";

(b) by the insertion after sub-section (1) of the following new sub-section :

"(1)*bis*. Such election shall be made—

(a) within one month of—

(i) the date on which the workman is advised of the amounts of the benefits referred to in paragraphs (a) and (b) of sub-section (1); or

(ii) the date on which a decision is reached in respect of an objection against a decision of the commissioner on any relevant matter which has been lodged in terms of sub-section (2) of section *twenty-five*, or if any such matter forms the subject of appeal or review in terms of sub-section (7) of the said section, the date on which the matter is finally determined; or

(b) within such further period as the commissioner may allow;"

(c) by the deletion, in sub-section (2), of the words "of one month."

Amendment of section 31 of Act 30 of 1941.

13. Section *thirty-one* of the principal Act is hereby amended—

(a) by the insertion in sub-paragraph (i) of paragraph (a) of sub-section (1) after the word "under" of the words "this Act or";

(b) by the insertion, after sub-section (1), of the following new sub-section :

"(1)*bis*. Whenever a workman has received compensation for permanent disablement under this Act and subsequently meets with an accident resulting in further permanent disablement in respect of which compensation is payable under this Act, the commissioner may, if the workman shews, to the satisfaction of the commissioner, that it would be to his advantage to do so, calculate his compensation in respect of the further permanent disablement on the earnings which he was receiving when he met with any previous accident in respect of which compensation was paid."

Amendment of section 32 of Act 30 of 1941.

14. Section *thirty-two* of the principal Act is hereby amended by the insertion, in sub-section (2), after the word "physical" wherever it occurs of the words "defect or".

Amendment of section 35 of Act 30 of 1941.

15. Section *thirty-five* of the principal Act is hereby amended—

(a) by the insertion, after the word "compensation" where it occurs for the second time, of the words :
"and the commissioner, or, if authorized thereto by the commissioner, the employer individually liable, may further refuse to pay the whole or any portion of the cost of medical aid";

- (e) deur na sub-artikel (1) die volgende nuwe sub-artikel in te voeg :

„(1)*bis*. Waar daar in enige geval geen skadeloosstelling ten gevolge van die bepalinge van paragraaf (b), (c) of (d) van sub-artikel (1) betaal word nie, kan die kommissaris, of, indien deur die kommissaris daartoe gemagtig, die werkgewer individueel aanspreeklik, ook weier om die geheel of enige gedeelte van die koste van geneeskundige behandeling te betaal.”.

11. Artikel *agt-en-twintig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 28 van Wet 30 van 1941.

- (a) deur in paragraaf (a) en (b) die woorde „eerste hulp” te vervang deur die woorde „georganiseerde eerste hulp”;
- (b) deur die woord „of” aan die end van paragraaf (b), en die volgende nuwe paragraaf na paragraaf (b), in te voeg :
- „(c) terwyl hy met die toestemming van sy werkgewer op enige myn, werke of perseel, wat nie dié van sy werkgewer is nie, met georganiseerde eerste hulp, ambulans- of reddingswerk besig is ;”.

12. Artikel *negen-en-twintig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 29 van Wet 30 van 1941.

- (a) deur in sub-artikel (1) die woorde „binne een maand na datum van aftreding of afsterwe” te skrap ;
- (b) deur na sub-artikel (1) die volgende nuwe sub-artikel in te voeg :
- „(1)*bis*. Sodanige keuse moet gedoen word—
- (a) binne een maand na—
- (i) die datum waarop die werksman in kennis gestel word van die bedrae van die in paragraaf (a) en (b) van sub-artikel (1) bedoelde voordele ; of
- (ii) die datum waarop ’n beslissing bereik word ten opsigte van ’n beswaar ingedien ingevolge sub-artikel (2) van artikel *vyf-en-twintig* teen ’n beslissing van die kommissaris op enige aanverwante aangeleentheid, of as sodanige aangeleentheid op appèl of onder hersiening is ingevolge sub-artikel (7) van genoemde artikel, die datum waarop die aangeleentheid finaal beslis word ; of
- (b) binne sodanige verdere tydperk as wat die kommissaris mag goedkeur.” ;
- (c) deur in sub-artikel (2) die woorde „van een maand” te skrap.

13. Artikel *een-en-dertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 31 van Wet 30 van 1941.

- (a) deur in sub-paragraaf (i) van paragraaf (a) van sub-artikel (1) na die woord „ingevolge” die woorde „hierdie of” in te voeg ;
- (b) deur na sub-artikel (1) die volgende nuwe sub-artikel in te voeg :
- „(1)*bis*. Wanneer ’n werksman skadeloosstelling weens blywende arbeidsongeskiktheid ingevolge hierdie Wet ontvang het, en daarna ’n ongeval oorkom wat verdere blywende arbeidsongeskiktheid tot gevolg het ten opsigte waarvan skadeloosstelling ingevolge hierdie Wet betaalbaar is, kan die kommissaris, as die werksman hom daarvan oortuig dat dit tot sy voordeel sal strek, sy skadeloosstelling ten opsigte van die verdere blywende arbeidsongeskiktheid bereken op die verdienste wat hy ontvang het toe hy ’n vorige ongeval ten opsigte waarvan skadeloosstelling betaal was, oorgekom het.”.

14. Artikel *twee-en-dertig* van die Hoofwet word hiermee gewysig deur in sub-artikel (2) na die woord „liggaamsgebrek” waar dit ook al voorkom die woorde „of swakheid” in te voeg. Wysiging van artikel 32 van Wet 30 van 1941.

15. Artikel *vyf-en-dertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 35 van Wet 30 van 1941.

- (a) deur na die woorde „toe te wys” die woorde :
- „en die kommissaris, of, indien daartoe deur die kommissaris gemagtig, die werkgewer individueel aanspreeklik, kan ook weier om die geheel of enige gedeelte van die koste van geneeskundige behandeling te betaal” ;

(b) by the addition at the end of paragraph (b), of the words :

“ in respect of any injury, disease or illness, whether caused by the accident or sustained or contracted before the accident.”

Amendment of
section 36 of Act
30 of 1941.

16. Section *thirty-six* of the principal Act is hereby amended—

(a) by the deletion of the proviso to paragraph (a) ;

(b) by the deletion, in paragraph (b), of the words “ or dies ” ;

(c) by the addition at the end of the section of the following proviso :

“ Provided that the commissioner may revive the right to periodical payments if—

(i) the workman suffers further disablement as a result of the same accident ; or

(ii) the workman undergoes further medical, surgical or remedial treatment necessitating further absence from work if, in the opinion of the commissioner, the treatment will reduce the disability from which the workman suffers,

and any pension payable to the workman shall be suspended while the workman is in receipt of periodical payments in terms of this proviso.”

Amendment of
section 37 of Act
30 of 1941.

17. Section *thirty-seven* of the principal Act is hereby amended by the substitution in sub-section (2) for the words “ who has not paid his assessment shall be individually liable to pay compensation in respect of an accident to any workman in his employment ” of the words “ who has failed to furnish the commissioner with the prescribed particulars of his business in terms of sub-section (1) of section *ninety-six* shall be individually liable to pay compensation in respect of an accident occurring to any workman in his employment while such failure continues.”

Amendment of
section 38 of Act
30 of 1941.

18. Section *thirty-eight* of the principal Act is hereby amended—

(a) by the substitution in paragraph (b) of sub-section (1) for the word “ six ”, wherever it occurs, of the word “ twelve ” and by the substitution for the words “ for a further period not exceeding six months ” of the words “ for such further period or periods as he may from time to time determine.” ;

(b) by the deletion of paragraph (c) of the said sub-section ;

(c) by the deletion of sub-section (2).

Amendment of
section 39 of Act
30 of 1941.

19. Section *thirty-nine* of the principal Act is hereby amended—

(a) by the substitution, in paragraph (c) of sub-section (1), for the words “ fifty-five ” and “ twenty-seven and one half ” of the words “ sixty-six and two thirds ” and “ thirty-seven and one half ” respectively ;

(b) by the addition of the following proviso to the said paragraph :

“ Provided that the monthly pension payable under this paragraph may be increased to an amount to be determined by the commissioner, not exceeding the rate of the workman's earnings, or six pounds ten shillings per month, whichever is the less, when, in the opinion of the commissioner, the workman would be unable to maintain himself and those dependent upon him on the said pension.” ;

(c) by the addition of the following new sub-section :

“ (6) (a) After carrying out such investigation as he deems necessary the commissioner may recommend to the Minister that the First Schedule to the Act be amended in accordance with the provisions of this sub-section.

(b) The Governor-General may, by proclamation in the *Gazette*, amend the said Schedule in accordance with any such recommendation : Provided that not less than one month before the publication of the proclamation there has been published in the *Gazette* a notice—

(i) of the intention to publish the proclamation and of its proposed contents ; and

- (b) deur in paragraaf (b) na die woord „behandeling” die woorde :

„ten opsigte van enige besering of siekte, hetsy dit deur die ongeval veroorsaak is of voor die ongeval opgeloopt is,” in te voeg.

16. Artikel *ses-en-dertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 36 van Wet 30 van 1941.

- (a) deur die voorbehoudsbepaling by paragraaf (a) te skrap;
(b) deur in paragraaf (b) die woorde „of wanneer hy sterf” te skrap;

- (c) deur die volgende voorbehoudsbepaling aan die end van die artikel by te voeg :

„Met dien verstande dat die kommissaris die reg op ’n periodieke uitkering kan laat herleef as—

(i) die werksman as gevolg van dieselfde ongeval weer arbeidsongeskiktheid ly ; of

(ii) die werksman verdere geneeskundige, heelkundige of genesende behandeling ondergaan wat verdere afwesigheid van sy diens genoodsaak, mits die behandeling na die oordeel van die kommissaris die arbeidsongeskiktheid waaraan hy ly sal verminder,

en enige pensioen aan die werksman betaalbaar, word opgeskort vir solank hy ingevolge hierdie voorbehoudsbepaling periodieke uitkerings ontvang.”.

17. Artikel *sewen-en-dertig* van die Hoofwet word hiermee gewysig deur in sub-artikel (2) die woorde „nie sy aanslag betaal het nie, indiuidueel aanspreeklik vir die betaling van skadeloosstelling ten opsigte van ’n ongeval wat ’n werksman in sy diens oorkom” te vervang met die woorde „en wat versuim het om aan die kommissaris die voorgeskrewe besonderhede van sy besigheid ingevolge sub-artikel (1) van artikel *ses-en-negentig* te verstrek, indiuidueel aanspreeklik vir die betaling van skadeloosstelling ten opsigte van ’n ongeval wat ’n werksman in sy diens oorkom vir solank sodanige versuim duur.”. Wysiging van artikel 37 van Wet 30 van 1941.

18. Artikel *agt-en-dertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 38 van Wet 30 van 1941.

- (a) deur in paragraaf (b) van sub-artikel (1) die woord „ses” waar dit ook al voorkom, te vervang deur die woord „twaalf” en al die woorde na die woord „uitkerings”, waar dit vir die tweede keer voorkom, te vervang deur die woorde „vir sodanige verdere tydperk of tydperke as wat hy van tyd tot tyd mag bepaal, kan gelas.”.

- (b) deur paragraaf (c) van genoemde sub-artikel te skrap ;

- (c) deur sub-artikel (2) te skrap.

19. Artikel *negen-en-dertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 39 van Wet 30 van 1941.

- (a) deur in paragraaf (c) van sub-artikel (1) die woorde „vyf-en-vyftig” en „sewen-en-twintig en ’n half” te vervang deur die woorde „ses-en-sestig en tweederdes” en „sewen-en-dertig en ’n half” onderskeidelik;

- (b) deur die volgende voorbehoudsbepaling aan die end van genoemde paragraaf by te voeg :—

„Met dien verstande dat die maandelikse pensioen ingevolge hierdie paragraaf betaalbaar verhoog kan word soos die kommissaris mag bepaal tot ’n bedrag van hoogstens die skaal van die werksman se verdienste of ses pond tien sjielings per maand, na gelang die een of die ander minder bedra, wanneer na oordeel van die kommissaris die werksman nie in staat sou wees om uit bedoelde pensioen homself en diegene wat van hom afhanklik is, te onderhou nie.” ;

- (c) deur die volgende nuwe sub-artikel aan die end daarvan by te voeg :

„(6) (a) Na sodanige ondersoek as wat hy nodig ag, kan die kommissaris by die Minister aanbeveel dat die Eerste Bylae by hierdie Wet gewysig word ooreenkomstig die bepaling van hierdie sub-artikel.

(b) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* bedoelde Bylae ooreenkomstig so ’n aanbeveling wysig : Met dien verstande dat daar minstens een maand voor die uitvaardiging van die proklamasie, in die *Staatskoerant* ’n kennisgewing gepubliseer is—

(i) van die voorneme om daardie proklamasie uit te vaardig en van sy voorgestelde inhoud ; en

- (ii) inviting any person who objects to the publication of the proclamation to lodge an objection thereto in writing with the commissioner.
- (c) Any such proclamation may include amendments whereby the percentage of disablement for any injury or class of injury differs in respect of specified occupations or classes of occupations, or according to specified circumstances."

Amendment of
section 40 of Act
30 of 1941.

20. Section *forty* of the principal Act is hereby amended—

- (a) by the insertion, in paragraph (a) of sub-section (1), after the word "children" of the words "a lump sum not exceeding twice the workman's monthly earnings or fifty pounds, whichever is the less, and";
- (b) by the substitution for the final proviso to paragraph (c) of the said sub-section, of the following:

"Provided further that where a workman leaves as dependants only one or more children—

- (i) the pension payable in terms of this paragraph may, in the discretion of the commissioner, be increased to an amount not exceeding the total pension which would have been payable under paragraph (b) had the provisions of that paragraph been applicable;
- (ii) if the total compensation payable does not amount to at least an amount equal to two years' earnings of the workman, or five hundred pounds, whichever is the less, the commissioner may, in his discretion, increase the compensation to an amount not exceeding an amount equal to the said two years' earnings or five hundred pounds, whichever is the less;
- (iii) any increase under this proviso shall be allocated in such manner as the commissioner may deem equitable and the amount thereof and the method of allocation may be revised by him from time to time."

- (c) by the substitution for sub-section (4) of the following:

"(4) The pension payable to a widow or invalid widower under the provisions of this section shall cease if she or he dies, remarries or lives as man and wife with any person: Provided that—

- (i) in the case of the death of the widow or invalid widower—

- (a) the total pension payable to any children of the workman may, in the discretion of the commissioner, be increased by an amount not exceeding the pension which was payable to the said widow or invalid widower;

- (b) if the total compensation payable does not amount to at least an amount equal to two years' earnings of the workman, or five hundred pounds, whichever is the less, the commissioner may, in his discretion, increase the compensation to an amount not exceeding an amount equal to the said two years' earnings or five hundred pounds, whichever is the less;

- (c) any increase under this proviso shall be allocated in such manner as the commissioner may deem equitable and the amount thereof and the method of allocation may be revised by him from time to time;

- (ii) in the case of re-marriage, the widow or invalid widower shall be paid a lump sum equivalent to twenty-four times the monthly pension."

- (d) by the addition of the following new sub-section:

"(6) If the workman leaves two or more dependants of the classes referred to in paragraphs (a), (b) or (c) of sub-section (1), and the total monthly pensions

- (ii) wat elkeen, wat beswaar het teen die uitvaardiging van die proklamasie, uitnodig om 'n beswaarskrif daarteen by die kommissaris in te dien.
- (c) Enige sodanige proklamasie kan wysigings insluit waardeur die persentasie van arbeidsongeskiktheid vir enige besering of kategorie van besering verskil ten opsigte van bepaalde werksaamhede of kategorieë van werksaamhede, of ooreenkomstig bepaalde omstandighede."
20. Artikel veertig van die Hoofwet word hiermee gewysig— Wysiging van artikel 40 van Wet 30 van 1941.
- (a) deur in paragraaf (a) van sub-artikel (1) na die woorde „kinders is” die woorde „'n enkele geldsom van hoogstens tweemaal die maandelikse verdienste van die werksman of vyftig pond, na gelang die een of die ander minder bedra, en” in te voeg;
- (b) deur die laaste voorbehoudsbepaling by paragraaf (c) van genoemde sub-artikel te vervang deur die volgende:
- „Met dien verstande verder dat waar 'n werksman slegs een of meer kinders as nabestaandes nalaat—
- (i) die pensioen ingevolge hierdie paragraaf na goëddunke van die kommissaris verhoog kan word tot 'n bedrag van hoogstens die totaal van die pensioene wat ingevolge paragraaf (b) betaalbaar sou gewees het as die bepalings van daardie paragraaf van toepassing was;
- (ii) as die totale betaalbare skadeloosstelling nie minstens 'n bedrag gelyk aan twee jaar se verdienste van die werksman of vyfhonderd pond, na gelang die een of die ander minder bedra, beloop nie, die kommissaris na sy goëddunke die skadeloosstelling kan verhoog tot 'n bedrag van hoogstens 'n bedrag gelyk aan bedoelde twee jaar se verdienste, of vyfhonderd pond, na gelang die een of die ander minder bedra;
- (iii) die bedrag van die verhoging kragtens hierdie voorbehoudsbepaling toegedeel word op 'n wyse wat die kommissaris billik ag en dat hy die bedrag en die wyse van toedeling daarvan van tyd tot tyd in hersiening kan neem."
- (c) deur sub-artikel (4) te vervang deur die volgende:
- „(4) Die pensioen betaalbaar aan 'n weduwee of sieklike wewenaar ingevolge die bepalings van hierdie artikel staak as sy of hy sterf, weer trou, of as man en vrou met 'n ander persoon saamlewe: Met dien verstande dat—
- (i) in die geval van die dood van die weduwee of sieklike wewenaar—
- (a) die totale pensioen betaalbaar aan die kinders van die werksman, na goëddunke van die kommissaris verhoog kan word met 'n bedrag van hoogstens die pensioen wat aan bedoelde weduwee of sieklike wewenaar betaalbaar was;
- (b) as die totale betaalbare skadeloosstelling nie minstens 'n bedrag gelyk aan twee jaar se verdienste van die werksman of vyfhonderd pond, na gelang die een of die ander minder bedra, beloop nie, die kommissaris na sy goëddunke die skadeloosstelling kan verhoog tot 'n bedrag van hoogstens 'n bedrag gelyk aan bedoelde twee jaar se verdienste, of vyfhonderd pond, na gelang die een of die ander minder bedra;
- (c) die bedrag van die verhoging kragtens hierdie voorbehoudsbepaling toegedeel word op 'n wyse wat die kommissaris billik ag en dat hy die bedrag en die wyse van toedeling daarvan van tyd tot tyd in hersiening kan neem;
- (ii) in die geval waar die weduwee of sieklike wewenaar weer trou, word 'n enkele geldsom wat gelykstaan aan vier-en-twintig maal die maandelikse pensioen, aan bedoelde weduwee of wewenaar uitbetaal."
- (d) deur die volgende nuwe sub-artikel aan die end daarvan by te voeg:
- „(6) As die werksman twee of meer nabestaandes van die in paragrafe (a), (b) of (c) van sub-artikel (1) bedoelde klasse nalaat en die totale bedrag van

payable to them in terms of this section do not at least equal the rate of the workman's earnings, or six pounds ten shillings per month, whichever is the less, the commissioner may, notwithstanding the proviso to paragraph (b) of sub-section (1), increase the pensions to the said amount when in his opinion the said dependants would be unable to maintain themselves on the pensions otherwise payable. The increase shall be allocated in such manner as the commissioner may deem equitable, and the amount thereof and the method of allocation may be revised by him from time to time."

Amendment of
section 41 of Act
30 of 1941.

21. Section *forty-one* of the principal Act is hereby amended—

(a) by the addition to paragraph (a) of sub-section (1) of the words "save for the purpose of determining the amount of any periodical payment payable in respect of any period of temporary disablement during which the workman receives both food and quarters to the satisfaction of the commissioner from his employer, or as part of the medical aid to which he is entitled";

(b) by the insertion after sub-section (3) of the following new sub-section:

"(3)*bis*. Notwithstanding anything to the contrary in this Act contained, the earnings of an employer who is a workman for the purposes of this Act in terms of paragraph (c) of sub-section (1) of section *three* shall, for the purpose of determining the compensation payable, be deemed to be the amount of his personal wages and profits as estimated in the last statement of annual wages transmitted by him under section *sixty-eight*."

Amendment of
section 43 of Act
30 of 1941.

22. Section *forty-three* of the principal Act is hereby amended—

(a) by the insertion of the following new sub-paragraphs in paragraph (a) of sub-section (1):

"(iv) of a certificated engineer appointed to be in general charge of machinery, or a person appointed to assist such certificated engineer in terms of any regulation made under the Mines and Works Act, 1911 (Act No. 12 of 1911); or

(v) of a person appointed to be in charge of machinery in terms of any regulation made under the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941); or";

(b) by the addition of the following proviso at the end of the said sub-section:

"Provided that the commissioner may extend the said period by a further period not exceeding six months if he is satisfied that the workman had good reason for not making the application within the said period, and that the accident fund or the employer will not be seriously prejudiced thereby";

(c) by the addition of the following new sub-section:

"(6) The provisions of this section may *mutatis mutandis* be applied by the commissioner at any time within twelve months of the accident in any case where, notwithstanding the fact that no application has been made under sub-section (1), the commissioner considers that there is *prima facie* proof that the workman is entitled to additional compensation in terms of this section."

Amendment of
section 49 of Act
30 of 1941.

23. Section *forty-nine* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "pay or order the payment of a lump sum, in lieu of a part of such pension not exceeding a prescribed percentage" of the words "in lieu of a portion of such pension, pay or order the payment of a lump sum not exceeding the maximum sum which, in the opinion of the commissioner, would have been payable under sub-section (1) had the pension not exceeded the prescribed amount: Provided that if the balance of the pension payable is less than ten shillings per month, the commissioner may pay or order the payment of a lump sum in lieu of the whole of such pension."

die aan hulle ingevolge hierdie artikel betaalbare maandelikse pensioene nie ten minste die skaal van die werksman se verdienste, of ses pond tien sjielings per maand, na gelang die een of die ander minder bedra, beloop nie, kan die kommissaris, wanneer na sy oordeel genoemde nabestaandes nie in staat sou wees om hulself uit die andersins betaalbare pensioene te onderhou nie, ondanks die voorbehoudsbepaling by paragraaf (b) van sub-artikel (1), die pensioene tot bedoelde bedrag verhoog. Die bedrag van die verhoging word toegedeel op 'n wyse wat die kommissaris billik ag, en hy kan die bedrag en die wyse van toedeling daarvan van tyd tot tyd in hersiening neem."

21. Artikel *een-en-veertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 41 van Wet 30 van 1941.

- (a) deur aan die end van paragraaf (a) van sub-artikel (1) die woorde „behalwe ter bepaling van die bedrag van enige periodieke uitkering wat betaalbaar is ten opsigte van enige tydperk van tydelike arbeidsongeskiktheid gedurende welke die werksman kos en huisvesting tot bevrediging van die kommissaris van sy werkgewer, of as deel van die geneeskundige behandeling waarop hy geregtig is ontvang" in te voeg ;
- (b) deur na sub-artikel (3) die volgende nuwe sub-artikel in te voeg :—

„(3)*bis*. Ter bepaling van die betaalbare skadeloosstelling word die verdienste van 'n werkgewer wat kragtens paragraaf (c) van sub-artikel (1) van artikel drie 'n werksman is by die toepassing van hierdie Wet, ondanks andersluidende bepalinge in hierdie Wet, geag die bedrag te wees van sy persoonlike loon en winste soos beraam in die jongste staat van jaarlikse lone deur hom ingestuur ingevolge artikel *agt-en-sestig*."

22. Artikel *drie-en-veertig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 43 van Wet 30 van 1941.

- (a) deur in paragraaf (a) van sub-artikel (1) die volgende nuwe sub-paragrafe in te voeg :
- „(iv) van 'n gediplomeerde ingenieur in algemene beheer oor masjinerie aangestel, of van iemand wat kragtens 'n regulasie uitgevaardig uit hoofde van die „Mijnen en Bedrijven Wet, 1911" (Wet No. 12 van 1911) aangestel is om sodanige gediplomeerde ingenieur behulpsaam te wees ; of
- (v) van iemand wat kragtens 'n regulasie uitgevaardig uit hoofde van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941) in beheer oor masjinerie aangestel is ; of"

- (b) deur die volgende voorbehoudsbepaling aan die end van genoemde sub-artikel by te voeg :

„Met dien verstande dat die kommissaris genoemde tydperk met 'n verdere tydperk van hoogstens ses maande kan verleng as hy daarvan oortuig is dat daar goeie redes bestaan waarom die werksman nie binne genoemde tydperk die aansoek gedoen het nie, en dat die ongevallefonds, of die werkgewer, nie daardeur ernstig benadeel sal word nie."

- (c) deur die volgende nuwe sub-artikel aan die end daarvan by te voeg :

„(6) Ondanks die feit dat geen aansoek ingevolge sub-artikel (1) gedoen is nie, kan die kommissaris, as daar na sy oordeel *prima facie* bewys bestaan dat die werksman op addisionele skadeloosstelling kragtens hierdie artikel geregtig is, die bepalinge van hierdie artikel *mutatis mutandis* op enige geval, binne twaalf maande na die ongeval, toepas."

23. Artikel *negen-en-veertig* van die Hoofwet word hiermee gewysig deur in sub-artikel (2) die woorde „maar nie meer as 'n voorgeskrewe persentasie nie, 'n enkele geldsom betaal of gelas dat dit betaal word" te vervang deur die woorde „'n enkele geldsom van hoogstens die maksimum bedrag wat na oordeel van die kommissaris kragtens sub-artikel (1) betaalbaar sou gewees het as die pensioen die voorgeskrewe bedrag nie te bowe gegaan het nie, betaal of gelas dat dit betaal word : Met dien verstande dat as die oorskot van die betaalbare pensioen minder dan tien sjielings per maand beloop, die kommissaris 'n enkele geldsom in plaas van die hele pensioen kan betaal of gelas dat dit betaal word."

Wysiging van artikel 49 van Wet 30 van 1941.

Amendment of
section 50 of Act
30 of 1941.

24. Section *fifty* of the principal Act is hereby amended—

- (a) by the deletion in sub-paragraph (i) of paragraph (b) of sub-section (1) of the words “and the hearing postponed”;
- (b) by the substitution in the English version of paragraph (b) of sub-section (2) for the word “employer” where it occurs for the first time of the word “owner”.

Amendment of
section 59 of Act
30 of 1941.

25. Section *fifty-nine* of the principal Act is hereby amended by the addition of the following new sub-sections:

“(4) Any person who accepts or attempts to recover any fee, costs, reward or expenses in respect of any assistance rendered to a workman in connection with any compensation proceedings under this Act, to which he is not entitled under sub-section (2) or (3), shall be guilty of an offence.

(5) For the purpose of this section “compensation proceedings” includes any act done in connection with a claim for compensation, whether or not such claim forms the subject of a formal hearing under the provisions of this Chapter.”

Amendment of
section 69 of Act
30 of 1941.

26. Section *sixty-nine* of the principal Act is hereby amended—

- (a) by the substitution for the proviso to sub-section (1) of the following:

“Provided that the commissioner may—

- (i) in respect of any employer or class of employers adopt such alternative method of assessment as he may deem necessary; or
- (ii) levy a minimum assessment on any employer”;

- (b) by the substitution for sub-section (7) of the following:

“(7) If an employer has failed to transmit within the prescribed time a statement in terms of section *sixty-eight* in respect of any period, the commissioner may—

- (a) assess him and such assessment shall be final and not subject to adjustment under sub-section (5) or (6); and
- (b) in his discretion, impose upon and recover from the employer, a penalty, to be determined by him, not exceeding ten per cent. of the amount so assessed, or ten shillings, whichever is the greater:

Provided that if it is subsequently ascertained that the amount assessed under paragraph (a) would have been greater had the employer transmitted the required statement within the prescribed time, the employer shall pay to the commissioner the difference between the amount assessed and the amount which would have been assessed had the statement been available.”

Amendment of
section 73 of Act
30 of 1941.

27. Section *seventy-three* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (2) of the words “including the capitalized value of any pension”;
- (b) by the addition thereto of the following new sub-section:

“(5) For the purpose of this section ‘compensation’ includes the cost of medical aid and any amount paid or payable in terms of sub-section (2) of section *forty*, section *forty-four*, sub-section (2) of section *seventy-six*, or sub-section (2) of section *eighty-six*, and in the case of a continuing liability, also the capitalized value, as determined by the commissioner, of the pension (irrespective of whether a lump sum is at any time paid in lieu of the whole or a portion of such pension in terms of section *forty-nine*), periodical payment or allowance, as the case may be, which constitutes the liability.”

Amendment of
section 74 of Act
30 of 1941.

28. (1) Section *seventy-four* of the principal Act is hereby amended—

- (a) by the substitution, in sub-section (2), for all the words from and including “Such loss” to the end of the sub-section of the words “The employers individually liable referred to in paragraph (a) of sub-section (1) of section *seventy* and every mutual association shall pay to the commissioner, in such manner and

24. Artikel *vyftig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 50 van Wet 30 van 1941.
- (a) deur in sub-paragraaf (i) van paragraaf (b) van sub-artikel (1) die woorde „en die verhoor uitgestel” te skrap;
- (b) deur in paragraaf (b) van sub-artikel (2) in die Engelse teks die woord „employer”, waar dit vir die eerste keer voorkom, te vervang deur die woord „owner”.
25. Artikel *negen-en-vyftig* van die Hoofwet word hiermee gewysig deur die volgende nuwe sub-artikels aan die end daarvan by te voeg: Wysiging van artikel 59 van Wet 30 van 1941.
- „(4) Iemand wat ’n honorarium of koste of beloning of uitgawes ten opsigte van enige hulp in verband met skadeloosstellingsverrigtings kragtens hierdie Wet aanneem of probeer invorder, waarop hy kragtens sub-artikel (2) of (3) nie geregtig is nie, is aan ’n misdryf skuldig.
- (5) By die toepassing van hierdie artikel omvat „skadeloosstellingsverrigtings” enige handeling in verband met ’n eis vir skadeloosstelling, onverskillig of sodanige eis die onderwerp van ’n formele verhoor kragtens hierdie Hoofstuk uitmaak al dan nie.”.
26. Artikel *negen-en-sestig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 69 van Wet 30 van 1941.
- (a) deur die voorbehoudsbepaling by sub-artikel (1) deur die volgende te vervang: „Met dien verstande dat die kommissaris—
- (i) ten opsigte van enige werkgewer of kategorie van werkgewers sodanige ander metode van aanslag kan volg as wat hy mag nodig ag; of
- (ii) ’n minimum aanslag op enige werkgewer kan hef.”;
- (b) deur sub-artikel (7) deur die volgende te vervang: „(7) As ’n werkgewer versuim het om binne die voorgeskrewe tydperk ’n staat ten opsigte van enige tydperk ingevolge artikel *agt-en-sestig* in te stuur, dan kan die kommissaris—
- (a) hom aanslaan en sodanige aanslag is finaal en nie onderworpe aan verrekening ingevolge sub-artikel (5) of (6) nie; en
- (b) na sy goëddunke, ’n pene soos deur hom bepaal, van hoogstens tien persent van die aldus aangeslaande bedrag, of tien sjielings, na gelang die een of die ander meer bedra, aan die werkgewer opleë en dit op hom verhaal:
- Met dien verstande dat as dit daarna vasgestel word dat die kragtens paragraaf (a) aangeslane bedrag groter sou gewees het as die werkgewer die vereiste staat binne die voorgeskrewe tydperk ingestuur het, dan betaal die werkgewer aan die kommissaris die verskil tussen die aangeslane bedrag en die bedrag wat sou aangeslaan gewees het as genoemde staat beskikbaar was.”.
27. Artikel *drie-en-sewentig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 73 van Wet 30 van 1941.
- (a) deur in sub-artikel (2) die woorde „met inbegrip van die gekapitaliseerde waarde van enige pensioen” te skrap;
- (b) deur die volgende nuwe sub-artikel aan die end daarvan by te voeg:
- „(5) By die toepassing van hierdie artikel omvat „skadeloosstelling” ook die koste van geneeskundige behandeling en enige bedrag betaal of betaalbaar ingevolge sub-artikel (2) van artikel *veertig*, artikel *vier-en-veertig*, sub-artikel (2) van artikel *ses-en-sewentig* of sub-artikel (2) van artikel *ses-en-tagtig*, en in die geval van ’n voortdurende verpligting, ook die gekapitaliseerde waarde, soos deur die kommissaris vasgestel, van die pensioen (onverskillig of ’n enkele geldsom in plaas van die pensioen of ’n gedeelte daarvan te eniger tyd kragtens artikel *negen-en-veertig* betaal word), periodieke uitkering of toelae wat, na gelang van die geval, die verpligting uitmaak.”.
28. (1) Artikel *vier-en-sewentig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 74 van Wet 30 van 1941.
- (a) deur in sub-artikel (2) al die woorde vanaf die woorde „Sodanige verlies” tot die end van genoemde sub-artikel te vervang deur die woorde „Die in paragraaf (a) van sub-artikel (1) van artikel *sewentig* bedoelde werkgewers individueel aanspreeklik, en elke onderlinge vereniging, moet aan die kommissaris sodanige

at such times as he may determine, such proportion of the said loss as he may deem equitable”.

(b) by the substitution for sub-section (4) of the following :

“(4) For the purpose of this section ‘compensation’ includes the cost of medical aid and any amount paid or payable in terms of sub-section (2) of section *forty*, section *forty-four*, sub-section (2) of section *seventy-six*, or sub-section (2) of section *eighty-six*, and in the case of a continuing liability, also the capitalized value, as determined by the commissioner, of the pension (irrespective of whether a lump sum is at any time paid in lieu of the whole or a portion of such pension in terms of section *forty-nine*), periodical payment or allowance, as the case may be, which constitutes the liability.”

(2) Paragraph (a) of sub-section (1) shall be deemed to have come into operation on the first day of January, 1944.

Amendment of
section 77 of Act
30 of 1941.

29. Section *seventy-seven* of the principal Act is hereby amended—

(a) by the substitution for the proviso to sub-section (2) of the following :

“Provided that the total period in respect of which such expenses are to be defrayed (excluding expenses in respect of medical, surgical or remedial treatment approved by the commissioner in terms of paragraph (ii) of the proviso to section *thirty-six*) shall not exceed two years from the date of the accident.”;

(b) by the deletion of sub-section (3).

Amendment of
section 79 of Act
30 of 1941.

30. Section *seventy-nine* of the principal Act is hereby amended by the insertion, after the words “fixed by that scale” of the words “or, if no charge has been so fixed, in excess of the charges deemed by the commissioner to be reasonable.”

Amendment of
section 84 of Act
30 of 1941.

31. Section *eighty-four* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the words “six months”, where they occur for the first time, of the words “twelve months”;

(b) by the substitution, in paragraph (a) of the proviso to sub-section (1), for the words “during the continuance of such disablement, or during a specific period, but in either case for not more than six months” of the words “for such further period or periods as he may from time to time determine”;

(c) by the deletion of paragraph (b) of the said proviso;

(d) by the insertion after paragraph (a) of the said proviso of the following new paragraph :

“(b) if the periodical payments amount to less than six pounds ten shillings per month, they shall be increased to the said amount, or to seventy-five per cent. of the workman’s monthly earnings, whichever is the less.”

Amendment of
section 86 of Act
30 of 1941.

32. Section *eighty-six* of the principal Act is hereby amended by the deletion, in sub-section (1) of the words “eighty per cent. of.”

Substitution of
section 87 of Act
30 of 1941.

33. The following section is hereby substituted for section *eighty-seven* of the principal Act :

“Medical
Aid.

87. The provisions of section *seventy-seven* shall apply to native workmen, subject to the substitution, in sub-section (1) thereof, for the words ‘one year’, of the words ‘six months’ and for the words ‘one hundred pounds’ of the words ‘fifty pounds’ respectively.”

Insertion of
section 98bis in
Act 30 of 1941.

34. The following new section is hereby inserted in the principal Act after section *ninety-eight* :

“False

statements.

98bis. Any person who in a claim for compensation under this Act, or in any notice, report or statement required to be given, made or furnished under the provisions of this Act, knowingly makes or causes to be made a statement which is false in a material particular, shall be guilty of an offence.”

Amendment of
section 99 of Act
30 of 1941.

35. Section *ninety-nine* of the principal Act is hereby amended by the substitution for sub-section (2) of the following :

“(2) For the purpose of this section ‘compensation’ includes the cost of medical aid and any amount paid or payable in terms of sub-section (2) of section *forty*,

gedeelte van genoemde verlies as wat die kommissaris billik ag, en op sodanige wyse en op sodanige tye as wat hy mag bepaal, betaal.”;

(b) deur sub-artikel (4) deur die volgende te vervang:

„(4) By die toepassing van hierdie artikel omvat „skadeloosstelling” ook die koste van geneeskundige behandeling en enige bedrag betaal of betaalbaar ingevolge sub-artikel (2) van artikel *veertig*, artikel *vier-en-veertig*, sub-artikel (2) van artikel *ses-en-sewentig* of sub-artikel (2) van artikel *ses-en-tagtig*, en in die geval van ’n voortdurende verpligting ook die gekapitaliseerde waarde, soos deur die kommissaris vasgestel, van die pensioen (onverskillig of ’n enkele geldsom in plaas van die pensioen of ’n gedeelte daarvan te eniger tyd kragtens artikel *negen-en-veertig* betaal word), periodieke uitkering of toelae wat, na gelang van die geval, die verpligting uitmaak.”.

(2) Paragraaf (a) van sub-artikel (1) word geag in werking te getree het op die eerste dag van Januarie, 1944.

29. Artikel *sewen-en-sewentig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 77 van Wet 30 van 1941.

(a) deur die voorbehoudsbepaling by sub-artikel (2) te vervang deur die volgende:

„Met dien verstande dat die totale tydperk ten opsigte waarvan sodanige onkoste betaal moet word (met uitsluiting van onkoste ten opsigte van geneeskundige, heelkundige of genesende behandeling deur die kommissaris goedgekeur kragtens paragraaf (ii) van die voorbehoudsbepaling by artikel *ses-en-dertig*), nie twee jaar vanaf die datum van die ongeval te bowe gaan nie.”;

(b) deur sub-artikel (3) te skrap.

30. Artikel *negen-en-sewentig* van die Hoofwet word hiermee gewysig deur na die woorde „tarief vasgestel” die woorde „of as geen koste aldus vasgestel is nie, geen groter bedrag dan die koste wat die kommissaris billik ag,” in te voeg. Wysiging van artikel 79 van Wet 30 van 1941.

31. Artikel *vier-en-tagtig* van die Hoofwet word hiermee gewysig— Wysiging van artikel 84 van Wet 30 van 1941.

(a) deur in sub-artikel (1) die woorde „ses maande”, waar hulle vir die eerste keer voorkom, te vervang deur die woorde „twaalf maande”;

(b) deur in paragraaf (a) van die voorbehoudsbepaling by sub-artikel (1) die woorde „die duur van sodanige arbeidsongeskiktheid, of gedurende ’n vasgestelde tydperk, maar in enige geval vir nie meer as ses maande nie” te vervang deur die woorde „sodanige verdere tydperk of tydperke as wat hy van tyd tot tyd mag bepaal.”;

(c) deur paragraaf (b) van genoemde voorbehoudsbepaling te skrap;

(d) deur na paragraaf (a) van genoemde voorbehoudsbepaling die volgende nuwe paragraaf in te voeg:

„(b) indien die periodieke uitkerings minder dan ses pond tien sjetings per maand beloop, word hulle tot bedoelde bedrag, of tot vyf-en-sewentig persent van die werksman se maandelikse verdienste, na gelang die een of die ander minder bedra, verhoog.”.

32. Artikel *ses-en-tagtig* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woorde „tagtig persent van” te skrap. Wysiging van artikel 86 van Wet 30 van 1941.

33. Artikel *sewen-en-tagtig* van die Hoofwet word hiermee deur die volgende artikel vervang: Vervanging van artikel 87 van Wet 30 van 1941.

„Geneeskundige behandeling. 87. Die bepalings van artikel *sewen-en-sewentig* is, onderworpe aan die vervanging in sub-artikel (1) daarvan van die woorde „een jaar” en „een honderd pond” met die woorde „ses maande” en „vyftig pond” onderskeidelik, op alle naturellewerksmense van toepassing.”.

34. Die volgende nuwe artikel word hiermee na artikel *agt-en-negentig* in die Hoofwet ingevoeg:— Invoeging van artikel 98bis in Wet 30 van 1941.

„Valse verklarings. 98bis. Iemand wat in ’n eis vir skadeloosstelling ingevolge hierdie Wet, of in enige kennisgewing, verslag of staat wat ingevolge die bepalings van hierdie Wet gegee, gedoen of verstrek moet word, ’n verklaring doen of laat doen wat in ’n vername opsig vals is, met wete dat dit vals is, is aan ’n misdryf skuldig.”.

35. Artikel *negen-en-negentig* van die Hoofwet word hiermee gewysig deur sub-artikel (2) deur die volgende te vervang: Wysiging van artikel 99 van Wet 30 van 1941.

„(2) By die toepassing van hierdie artikel omvat „skadeloosstelling” ook die koste van geneeskundige behandeling en enige bedrag betaal of betaalbaar ingevolge

section *forty-four*, sub-section (2) of section *seventy-six*, or sub-section (2) of section *eighty-six*, and in the case of a continuing liability, also the capitalized value, as determined by the commissioner, of the pension (irrespective of whether a lump sum is at any time paid in lieu of the whole or a portion of such pension in terms of section *forty-nine*), periodical payment or allowance, as the case may be, which constitutes the liability."

Short title, date of commencement and application of Act.

36. (1) This Act shall be called the Workmen's Compensation Amendment Act, 1945, and the several provisions thereof shall, save as is otherwise specially provided, come into operation on a date to be fixed by the Governor-General with reference to any particular provision by proclamation in the *Gazette*.

(2) Compensation in respect of accidents which occurred prior to the date of commencement of paragraphs (a) and (b) of section *nineteen*, paragraphs (a), (b) and (d) of section *twenty*, paragraph (d) of section *thirty-one*, and section *thirty-two* shall be determined as if these provisions were not enacted.

sub-artikel (2) van artikel *veertig*, artikel *vier-en-veertig*, sub-artikel (2) van artikel *ses-en-sewentig* of sub-artikel (2) van artikel *ses-en-tagtig*, en in die geval van 'n voortdurende verpligting ook die gekapitaliseerde waarde, soos deur die kommissaris vasgestel, van die pensioen (onverskillig of 'n enkele geldsom in plaas van die pensioen of 'n gedeelte daarvan te eniger tyd kragtens artikel *negen-en-veertig* betaal word), periodieke uitkering of toelae wat, na gelang van die geval, die verpligting uitmaak."

36. (1) Hierdie Wet heet die Ongevalle-wysigingswet, 1945, en die verskillende bepalings daarvan tree in werking, behalwe vir sover uitdruklik anders bepaal word, op 'n datum wat deur die Goewerneur-generaal met betrekking tot een of ander besondere bepaling by proklamasie in die *Staatskoerant* vasgestel word.

Kort titel, datum van inwerking-treding en toepassing van Wet.

(2) Skadeloosstelling ten opsigte van ongevallen wat plaasgevind het voor die datum van inwerking-treding van paragrafe (a) en (b) van artikel *negentien*, paragrafe (a), (b) en (d) van artikel *twintig*, paragraaf (d) van artikel *een-en-dertig* en artikel *twee-en-dertig*, word vasgestel asof daardie bepalings nie aangeneem was nie.

No. 28, 1945.]

ACT

To amend the Precious Stones Act, 1927.

(Afrikaans Text signed by the Officer Administering the Government.)

(Assented to on 5th June, 1945.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of
section 52 of
Act 44 of 1927.

1. Section *fifty-two* of the Precious Stones Act, 1927 (hereinafter referred to as the principal Act) is hereby amended by the addition to sub-section (3) of the following provisos:

“Provided that where a claimholder dies or his estate is placed under sequestration or where the claimholder is a company which is being liquidated, the claim shall not lapse if the executor, trustee or liquidator, as the case may be, renews the claim licence within thirty days of the date of his appointment: Provided further that the claim licence shall be renewed in the name of the executor, trustee or liquidator, as the case may be, who shall, so long as the claim is not worked, not be required to obtain a digger's certificate.”

Amendment of
section 57 of
Act 44 of 1927.

2. Section *fifty-seven* of the principal Act is hereby amended—

(1) by the substitution for sub-sections (2), (3) and (4) of the following sub-sections:

“(2) (a) The decision of a diggers' committee whether or not a digger's certificate shall be issued to an applicant shall be by a majority of members present at the meeting called to consider the application.

(b) If the diggers' committee or magistrate, as the case may be, does not give a decision within two months after the receipt of the application, or if the application is refused, the applicant may appeal in the manner hereinafter provided: Provided that no appeal shall lie where the refusal was based on a conviction against the applicant by a competent court of any offence against any law for the prevention of illicit dealing in or illicit possession of precious stones.

(3) (a) An applicant who desires to appeal against the decision of or delay on the part of a diggers' committee or magistrate shall note his appeal in writing, in the case of a decision or delay on the part of a diggers' committee, with the mining commissioner, or, in the case of a decision or delay on the part of the magistrate, with the Minister.

(b) A mining commissioner shall on receipt of an appeal under paragraph (a) summon in writing any officer in the criminal investigation department of the police force, of or above the rank of sub-inspector, and a chairman of a diggers' committee in the same province (other than the committee to which the application was made) to meet at a time and place appointed by him for holding an enquiry into the case.

(c) Any two or more of those three persons present together at the time and place appointed shall enquire into the case, and consult, if necessary, the diggers' committee concerned and any other persons.

(d) On receipt of an appeal under paragraph (a) the Minister may nominate any officer of the rank of mining commissioner or any magistrate (other than the magistrate to whom the application was made) to hear and record, at a time and place appointed by the Minister, any evidence that may be brought for or against the grant of the certificate.

(e) The appellate body referred to in paragraphs (b) and (c) or the Minister, as the case may be, may confirm or reverse the decision against which the appeal is brought or decide the application in respect of

No. 28, 1945.]

WET

Tot wysiging van die Wet op Edelgesteentes, 1927.

(Afrikaanse Tekst deur die Amptenaar Belas met die Uitoefening
van die Uitvoerende Gesag geteken.)
(Goedgekeur op 5 Junie 1945.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel twee-en-vyftig van die Wet op Edelgesteentes, 1927 (hieronder die Hoofwet genoem) word hiermee gewysig deur die volgende voorbehoudsbepalings aan die end van sub-artikel (3) by te voeg—

Wysiging van
artikel 52 van
Wet 44 van
1927.

„Met dien verstande dat waar 'n kleimhouer te sterwe kom of sy boedel gesekwestreer word of waar die kleimhouer 'n maatskappy is wat gelikwideer word, die kleim nie verval nie indien die eksekuteur, kurator of likwidateur, na gelang van die geval, die kleimlisensie binne dertig dae na die datum van sy aanstelling vernuwe: Met dien verstande voorts dat die kleimlisensie in die naam van die eksekuteur, kurator of likwidateur, na gelang van die geval, vernuwe word en dit nie van hom vereis word, solank as die kleim nie bewerk word nie, om 'n delwersertifikaat te verkry nie.”

2. Artikel sewen-en-vyftig van die Hoofwet word hiermee gewysig—

Wysiging van
artikel 57
van Wet 44
van 1927.

(1) deur sub-artikels (2), (3) en (4) te vervang deur die volgende sub-artikels:

„(2) (a) Die besluit van 'n delwerskomitee of 'n delwersertifikaat aan 'n aanvrager uitgereik moet word al dan nie, geskied by meerderheidsbesluit van die lede wat aanwesig is op die vergadering wat vir die oorgang van die aanvraag belê is.

(b) Indien die delwerskomitee of magistraat, na gelang van die geval, nie binne twee maande na die ontvangs van die aanvraag 'n beslissing gee nie, of indien die aanvraag geweier word, mag die aanvrager appelleer soos hieronder bepaal: Met dien verstande dat daar geen reg van appel is nie waar die weiering berus op 'n veroordeling van die aanvrager deur 'n bevoegde hof weens 'n oortreding van 'n wet tot voorkoming van onwettige handel met of onwettige besit van edelgesteentes.

(3) (a) 'n Aanvrager wat teen 'n beslissing van of vertraging aan die kant van 'n delwerskomitee of magistraat wil appelleer moet sy appel skriftelik aanteken, in die geval van 'n beslissing of vertraging aan die kant van 'n delwerskomitee, by die mynkommissaris, of in die geval van 'n beslissing of vertraging aan die kant van 'n magistraat, by die Minister.

(b) Op ontvangs deur 'n mynkommissaris van 'n appel ingevolge paragraaf (a) roep hy skriftelik 'n amptenaar in die speurdiens van die polisiemag wat die rang van onder-inspekteur of 'n hoër rang beklee, en 'n voor-sitter van 'n delwerskomitee in dieselfde provinsie (behalwe van die komitee by wie aanvraag gedoen is) op om op 'n deur hom bepaalde tyd en plek bymekaar te kom om die saak te ondersoek.

(c) Enige twee of meer van daardie drie persone tesame aanwesig op die bepaalde tyd en plek moet dan die saak ondersoek en so nodig die betrokke delwerskomitee en enige ander persone raadpleeg.

(d) Op ontvangs van 'n appel ingevolge paragraaf (a) kan die Minister enige amptenaar met die rang van mynkommissaris of enige magistraat (behalwe die magistraat by wie aanvraag gedoen is) benoem om op 'n tyd en plek deur die Minister bepaal getuienis wat ten gunste van of teen die bestaan van die sertifikaat aangevoer mag word, aan te hoor en te notuleer.

(e) Die in paragrafe (b) en (c) vermelde liggaam van appel of die Minister, na gelang van die geval, kan die beslissing waarteen geappelleer word, bekrachtig, of dit vernietig of 'n beslissing gee op die aanvraag ten

which the giving of a decision was delayed and the diggers' committee or magistrate, as the case may be, shall give effect to the decision on the appeal.

(f) Where the appeal is heard by the body referred to in paragraphs (b) and (c) the decision of the majority of the members of that body who are present at the enquiry shall be the decision on appeal.

(4) A decision given under paragraph (e) of sub-section (3) shall be final and conclusive.”;

(2) by the substitution in sub-section (5) for the words “may determine, and no appeal against the decision or delay of the diggers' committee” of the words “or magistrate, as the case may be, may determine and no appeal against a decision or delay in giving a decision ”; and

(3) by the insertion in sub-section (6) after the word “committee” of the words “or magistrate, as the case may be”.

Substitution of
section 58 of
Act 44 of 1927.

3. The following section is hereby substituted for section *fifty-eight* of the principal Act:

“Cancel-
lation of
diggers'
certificate
and con-
sequent
removal
from
register of
claims.

58. (1) A diggers' committee, or if no diggers' committee has been constituted for the area in which the holder of a diggers' certificate is entitled to exercise the rights conferred by the certificate, the magistrate, may give notice to the holder of the certificate that on a date specified in the notice, which shall be not less than one month after the service of the notice, his certificate will be cancelled.

(2) (a) The holder of the certificate may within fourteen days after the receipt of the notice and subject to the proviso to paragraph (b) of sub-section (2) of section *fifty-seven* and the provisions of paragraph (a) of sub-section (3) of that section, note an appeal to an appellate body to be constituted as under that section is provided, or to the Minister where the notice was issued by a magistrate, and a decision on the appeal shall be given within thirty days of the date on which the appeal is noted.

(b) Where the appeal is heard by an appellate body the decision of the majority of the members of that body who are present at the enquiry shall be the decision on the appeal.

(3) If the holder of the certificate does not so note an appeal or if the appeal is dismissed his name shall on a date mentioned in the notice or upon the decision on appeal being given, whichever is the later, be removed from the register of holders of diggers' certificates and his claim licence or prospecting permit shall *ipso facto* lapse and shall not be renewed, and in the case of the holder of discoverer's claims, the discoverer shall not be entitled to work such claims: Provided that at any time prior to the cancellation of the diggers' certificate, or in the event of an appeal having been noted, within seven days from the date of the decision on appeal, the claimholder may, subject to the provisions of section *two* of the Precious Stones Amendment Act, 1941 (Act No. 40 of 1941), sell or dispose of his right in respect of the claim to any holder of a diggers' certificate.

(4) A decision given under sub-section (2) shall be final and conclusive”.

Amendment of
section 59 of
Act 44 of 1927.

4. Section *fifty-nine* of the principal Act is hereby amended—

(1) by the substitution in sub-section (1) for the words “diggers' committee or other prescribed authority if” of the words “magistrate or diggers' committee or an administrative board appointed in terms of section *eighty-seven*, as the case may be, if he or ;” and for the words “committee or other authority” of the words “magistrate, committee or administrative board, as the case may be”;

(2) by the substitution in sub-section (2) for the words “diggers' committee” of the words “magistrate, diggers' committee or administrative board, as the case may be” and for the words “under his jurisdiction” of the words “and administrative boards within his area of jurisdiction

opsigte waarvan die gee van 'n beslissing vertraag is, en die delwerskomitee of magistraat, na gelang van die geval, moet uitvoering gee aan die beslissing by appèl.

(f) Waar die appèl deur 'n in paragrafe (b) en (c) vermelde liggaam verhoor word, is die beslissing van die meerderheid van die lede van daardie liggaam wat by die ondersoek aanwesig is, die beslissing by appèl.

(4) 'n Beslissing ingevolge paragraaf (e) van sub-artikel (3) gegee, is finaal en afdoende.”;

(2) deur in sub-artikel (5) die woorde „komitee mag bepaal en geen appèl teen die beslissing of vertraging van die delwerskomitee” te vervang deur die woorde „delwerskomitee of magistraat, na gelang van die geval, mag bepaal en geen appèl teen 'n beslissing of vertraging om 'n beslissing te gee”; en

(3) deur in sub-artikel (6) na die woord „delwerskomitee” die woorde „of magistraat, na gelang van die geval” in te voeg.

3. Artikel *agt-en-vyftig* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Intrekking van delwersertifikaat en gevolglike verwydering uit register van kleims.

58. (1) 'n Delwerskomitee kan, of as daar geen delwerskomitee saamgestel is vir die gebied waarin die houer van 'n delwersertifikaat geregtig is om die regte deur sy delwersertifikaat verleen uit te oefen nie, kan die magistraat aan die houer van die delwersertifikaat kennis gee dat op 'n in die kennisgewing vermelde datum, wat minstens een maand moet wees na die datum waarop die kennisgewing gedien word, sy delwersertifikaat ingetrek sal word.

Vervanging van artikel 58 van Wet 44 van 1927.

(2) (a) Die houer van die delwersertifikaat kan binne veertien dae na die ontvangs van die kennisgewing en met inagneming van die voorbehoudsbepaling by paragraaf (b) van sub-artikel (2) van artikel *sewen-en-vyftig* en die bepaling van paragraaf (a) van sub-artikel (3) van daardie artikel, appèl aanteken by 'n liggaam van appèl saamgestel te word soos in daardie artikel bepaal, of by die Minister, waar die kennisgewing deur 'n magistraat uitgereik is, en die appèl moet beslis word binne dertig dae na die datum waarop die appèl aangeteken word.

(b) Waar die appèl deur 'n liggaam van appèl verhoor word, is die beslissing van die meerderheid van die lede van daardie liggaam wat by die ondersoek aanwesig is, die beslissing by appèl.

(3) Indien die houer van die sertifikaat nie aldus appèl aanteken nie of as die appèl van die hand gewys word, word sy naam op 'n in die kennisgewing vermelde datum of by die beslissing van die appèl, na gelang die een of die ander later is, uit die register van houters van delwersertifikate verwyder en sy kleimlisensie of prospekterpermit verval *ipso facto* en word nie vernuwe nie, en in die geval van die houer van ontdekkerskleims is die ontdekker nie geregtig om daardie kleims te bewerk nie: Met dien verstande dat die kleimhouer behoudens die bepaling van artikel *twee* van die Wysigingswet op Edelgesteentes, 1941 (Wet No. 40 van 1941) te eniger tyd voor die intrekking van die delwersertifikaat, of ingeval appèl aangeteken is, binne sewe dae na die beslissing by appèl, sy reg ten opsigte van die kleim aan 'n houer van 'n delwersertifikaat mag verkoop of van die hand sit.

(4) 'n Beslissing ingevolge sub-artikel (2) gegee, is finaal en afdoende.”

4. Artikel *negen-en-vyftig* van die Hoofwet word hiermee gewysig—

(1) deur in sub-artikel (1) die woorde „delwerskomitee of 'n ander voorgeskrewe outoriteit” te vervang deur die woorde „magistraat of delwerskomitee of 'n administratiewe raad ingevolge artikel *sewen-en-tagtig* aangestel, na gelang van die geval”, en die woorde „komitee of ander outoriteit” deur die woorde „magistraat, delwerskomitee of administratiewe raad, na gelang van die geval”;

(2) deur in sub-artikel (2) die woord „delwerskomitee” te vervang deur die woorde „magistraat, delwerskomitee of administratiewe raad, na gelang van die geval” en die woorde „in sy gebied” deur die woorde „en administratiewe rade

Wysiging van artikel 59 van Wet 44 van 1927.

and any magistrate within that area who is required to administer the provisions of this Act relating to diggers' certificates"; and

(3) by the substitution in sub-section (3) for the words "diggers' committee", in both places where they occur, of the words "magistrate, diggers' committee or administrative board."

Amendment of section 60 of Act 44 of 1927, as amended by section 3 of Act 40 of 1941.

5. Section *sixty* of the principal Act is hereby amended—

(1) by the insertion in sub-section (2) after the word "committee" of the words "or where there is no diggers' committee, the magistrate" and after the word "it" of the words "or he"; and

(2) by the insertion in sub-section (3) after the word "*fifty-seven*" of the words "or to the Minister, if the appeal is brought against the decision of a magistrate", and the substitution in the said sub-section for the words "provisions of that sub-section and of sub-section" of the words "proviso to paragraph (b) of sub-section (2) and the provisions of sub-sections (3) and".

Amendment of section 66 of Act 44 of 1927.

6. Section *sixty-six* of the principal Act is hereby amended by the substitution for all the words up to and including the words "diggers' certificate" of the words "Subject to the provisions of section *two* of the Precious Stones Amendment Act, 1941 (Act No. 40 of 1941), a claim may on application to the mining commissioner or his deputy be transferred to a holder of a diggers' certificate by the holder of the claim (including the discoverer and the owner) or where the holder of the claim dies, by the executor in the estate, or where the estate of the holder of the claim is placed under sequestration, by the trustee in the insolvent estate, or where the holder of the claim is a company which is being liquidated, by the liquidator."

Amendment of section 71 of Act 44 of 1927.

7. Section *seventy-one* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

"(2) The provisions of sub-section (1) shall not apply to claims pegged under section *forty-nine* or distributed or allotted under section *fifty-one* or any regulation made thereunder or to claims which lapse in terms of sub-section (3) of section *fifty-two*, until after the expiration of a period of fourteen days calculated from the date on which the claims are pegged, distributed or allotted or on which they lapse, as the case may be."

Short title.

8. This Act shall be called the Precious Stones Amendment Act, 1945.

binne sy regsgebied en enige magistraat binne daardie gebied, van wie vereis word dat hy die bepalings van hierdie Wet betreffende delwersertifikate uitvoer"; en

(3) deur in sub-artikel (3) die woord „delwerskomitee” in albei plekke waar dit voorkom, te vervang deur die woorde „magistraat, delwerskomitee of administratiewe raad”.

5. Artikel *sestig* van die Hoofwet word hiermee gewysig—

(1) deur in sub-artikel (2) na die woord „delwerskomitee” die woorde „of waar daar nie ’n delwerskomitee is nie, die magistraat” in te voeg; en

(2) deur in sub-artikel (3) na die woord „*sewen-en-vyftig*” die woorde „of na die Minister as hy teen die beslissing van ’n magistraat appelleer” in te voeg, en in genoemde sub-artikel die woorde „bepalings van daardie sub-artikel en van sub-artikel” te vervang deur die woorde „voorbehoudsbepaling by paragraaf (b) van sub-artikel (2) en die bepalings van sub-artikels (3) en”.

Wysiging van artikel 60 van Wet 44 van 1927, soos gewysig deur artikel 3 van Wet 40 van 1941.

6. Artikel *ses-en-sestig* van die Hoofwet word hiermee gewysig deur alle woorde tot en met die woord „transporteer” te vervang deur die woorde „Behoudens die bepalings van artikel *twee* van die Wysigingswet op Edelgesteentes, 1941 (Wet No. 40 van 1941), kan ’n kleim op aansoek by die myn-kommissaris of sy verteenwoordiger aan ’n houer van ’n delwersertifikaat getranspoteer word deur die houer van die kleim (met inbegrip van die ontdekker en die eienaar), of waar die houer van die kleim te sterwe kom, deur die eksekuteur van sy boedel, of waar die boedel van die houer van die kleim gesekwestreer word, deur die kurator van die insolvente boedel, of waar die houer van die kleim ’n maatskappy is wat gelikwider word, deur die likwidateur.”

Wysiging van artikel 66 van Wet 44 van 1927.

7. Artikel *een-en-sewentig* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

Wysiging van artikel 71 van Wet 44 van 1927.

„(2) Die bepalings van sub-artikel (1) is nie van toepassing nie op kleims wat ingevolge artikel *negen-en-veertig* afgepen is of kragtens artikel *een-en-vyftig* of regulasies uitgevaardig ingevolge daarvan verdeel of toegewys is of wat ingevolge sub-artikel (3) van artikel *twee-en-vyftig* verval, tensy ’n tydperk van veertien dae, bereken vanaf die datum waarop die betrokke kleims afgepen, verdeel of toegewys is, of verval het, na gelang van die geval, verstryk het.”

8. Hierdie Wet heet die Wysigingswet op Edelgesteentes, Kort titel. 1945.

No. 29, 1945.]

ACT

To provide for the financing of native education, for the establishment of a Union Advisory Board on Native Education, and for matters incidental thereto ; and for the amendment of Acts Nos. 41 of 1925, 46 of 1925 and 12 of 1936.

(English Text signed by the Officer Administering the Government.)

(Assented to on 5th June, 1945.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Definitions.

1. In this Act and the regulations—

“board” means the Union Advisory Board on Native Education, referred to in section *three* ;

“education” means education other than “higher education” within the meaning of section *eleven* of the Financial Relations Fourth Extension Act, 1922 (Act No. 5 of 1922), as amended ;

“Minister” means the Minister of Education.

Appropriation of funds for native education.

2. (1) There shall from time to time be paid to each of the Provinces from the Consolidated Revenue Fund such sums of money in respect of native education as Parliament may appropriate for the purpose.

(2) At the close of each financial year all unexpended balances of any amounts paid to a Province during that year shall be repaid to the Consolidated Revenue Fund.

Appointment of Union Advisory Board on Native Education.

3. (1) The Minister may appoint a board, to be called the Union Advisory Board on Native Education, to advise the Union Government and the Administrations of the Provinces on matters relating to native education and the maintenance, extension and improvement of educational facilities for natives.

(2) The members of the board shall include—

(a) the Secretary for Native Affairs, who shall be chairman ;

(b) the Secretary for Education ; and

(c) a representative of each Province, nominated by the executive committee of the Province in question.

Regulations.

4. The Minister may make regulations with regard to—

(a) the constitution of the board (subject, however, to the provisions of sub-section (2) of section *three*), and the tenure of office, resignation and discharge of the members thereof ;

(b) the powers, duties and functions of the board ;

(c) the conduct of the business of the board and the procedure at meetings ;

(d) the fees and allowances payable to members of the board who are not public servants ;

(e) the manner and form in which draft estimates of expenditure shall be submitted by the Provinces for the purposes of an appropriation referred to in section *two* ;

(f) the expenditure of, and the accounting for, any moneys paid to a Province under section *two* ;

(g) generally for the better carrying out of the objects and purposes of this Act.

Amendment of laws.

5. The laws mentioned in the Schedule are hereby repealed or amended to the extent set out in the fourth column thereof.

Short title.

6. This Act shall be called the Native Education Finance Act, 1945, and shall come into operation on the first day of April, 1945.

No. 29, 1945.]

WET

**Om voorsiening te maak vir die finansiering van natuurle-
onderwys, vir die instelling van 'n Unie-adviesraad vir Naturelle-onderwys en vir daarmee in verband staande aangeleenthede; en tot wysiging van Wette Nos. 41 van 1925, 46 van 1925 en 12 van 1936.**

(Engelse Tekst deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 5 Junie 1945.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. In hierdie Wet en die regulasies beteken—
 - „raad” die Unie-adviesraad vir Naturelle-onderwys in artikel drie bedoel;
 - „onderwys” ander onderwys as „hoër onderwys” volgens die bedoeling van artikel elf van die „Finansiële Verhoudingen Vierde Verlengings Wet, 1922” (Wet No. 5 van 1922) soos gewysig;
 - „Minister” die Minister van Onderwys.

Woordbepaling.
2. (1) Daar word van tyd tot tyd aan elkeen van die Provinsies uit die Gekonsolideerde Inkomstefonds sulke geldsomme ten opsigte van natuurle-onderwys betaal as wat die Parlement vir daardie doel bewillig.

Bewilliging van fondse vir natuurle-onderwys.

 (2) Aan die einde van elke finansiële jaar word alle onbestede balanse van bedrae wat gedurende daardie jaar aan 'n Provinsie betaal is, aan die Gekonsolideerde Inkomstefonds terugbetaal.
3. (1) Die Minister kan 'n raad, wat die Unie-adviesraad vir Naturelle-onderwys sal heet, benoem om die Unie-regering en die Administrasies van die Provinsies van advies te dien omtrent aangeleenthede betreffende natuurle-onderwys en die instandhouding, uitbreiding en verbetering van onderwys-geriewe vir natuurle.

Benoeming van Unie-adviesraad vir Naturelle-onderwys.

 (2) Die lede van die raad sluit in—
 - (a) die Sekretaris van Naturellesake, wat die voorsitter is;
 - (b) die Sekretaris van Onderwys; en
 - (c) 'n verteenwoordiger van elke Provinsie, deur die uitvoerende komitee van die betrokke Provinsie benoem.
4. Die Minister kan regulasies uitvaardig met betrekking tot—

Regulasies.

 - (a) die samestelling van die raad (onderworpe egter aan die bepalings van sub-artikel (2) van artikel drie), en die ampstermyn, bedanking en ontslag van die lede daarvan;
 - (b) die bevoegdhede, pligte en werksaamhede van die raad;
 - (c) die leiding van die sake van die raad en die prosedure op vergaderings;
 - (d) die honoraria en toelaes betaalbaar aan lede van die raad wat nie staatsamptenare is nie;
 - (e) die wyse waarop en die vorm waarin konsep-begrotings van uitgawes deur die Provinsies voorgelê moet word vir die doeleindes van 'n bewilliging in artikel twee bedoel;
 - (f) die besteding en die verantwoording van gelde wat kragtens artikel twee aan 'n Provinsie betaal is;
 - (g) oor die algemeen, vir die meer doelmatige verwesenliking van die oogmerke en doeleindes van hierdie Wet.
5. Die wette wat in die Bylae genoem word, word hierby herroep of gewysig vir sover in die vierde kolom daarvan aangedui word.

Wysiging van wette.
6. Hierdie Wet heet die Wet tot Finansiering van Naturelle-onderwys, 1945, en tree op die eerste dag van April 1945 in werking.

Kort titel.

Schedule.

Province or Union.	No. and year of Law.	Title of Law.	Extent of Repeal or Amendment.
Union.	Act No. 41 of 1925.	Natives Taxation and Development Act, 1925.	The substitution of the words "one-fifth" for the words "the whole" in paragraph (a) of section <i>twelve</i> the substitution, in sub-section (1) of section <i>thirteen</i> , for the words "Subject to sub-section (2) of this section the" of the word "The"; the repeal of paragraph (a) of sub-section (1) and of sub-section (2) of that section.
Union.	Act No. 46 of 1925.	Provincial Subsidies and Taxation Powers (Amendment) Act, 1925.	The deletion of the word "and" at the end of paragraph (a) of sub-section (1) of section <i>two</i> ; the repeal of paragraph (b) of that sub-section and of sub-sections (1), (2) and (3) of section <i>three</i> .
Union.	Act No. 12 of 1936.	Representation of Natives Act, 1936.	The repeal of sub-paragraph (ii) of paragraph (a) of section <i>twenty-eight</i> .

Bylae.

Provinsie of Unie.	No. en jaar van Wet.	Titel van Wet.	In hoeverre herroep of gewysig.
Unie.	Wet No. 41 van 1925.	„Naturelle Belasting en Ontwikkeling Wet, 1925”.	Deur die woorde „het gehele” in paragraaf (a) van artikel <i>twaaif</i> deur „een-vijfde” te vervang; deur in sub-artikel (1) van artikel <i>dertien</i> die woorde „Met inacht- neming van sub- artikel (2) van dit artikel worden de” deur die woord „De” te vervang en deur die woord „worden” na die woord „reke- ning” in te voeg; deur paragraaf (a) van sub-artikel (1) en sub-artikel (2) van daardie artikel te her- roep.
Unie.	Wet No. 46 van 1925.	„Provinciale Sub- sidies en Belas- tings-bevoegdheden Wijzigings Wet, 1925”.	Deur die woord „en” aan die end van para- graaf (a) van sub- artikel (1) van artikel <i>twee</i> te skrap; deur paragraaf (b) van daardie sub-artikel en sub-artikels (1), (2) en (3) van artikel <i>drie</i> te herroep.
Unie.	Wet No. 12 van 1936.	Naturelle-Verteen- woordigings-Wet, 1936.	Deur sub-paragraaf (ii) van paragraaf (a) van artikel <i>agt-en-twintig</i> te herroep.

No. 30, 1945.]

ACT**To regulate the exercise of the calling of dental mechanics and to amend the Medical, Dental and Pharmacy Act, 1928.**

(Afrikaans Text signed by the Officer Administering the
(Government.)
(Assented to on 5th June, 1945.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - “board” means the Dental Mechanics Board established under section *two*;
 - “committee” means the Dental Mechanics Labour Committee established under section *twenty-two*;
 - “dental laboratory” means any place where artificial dentures or other dental appliances are made, repaired, altered or worked upon, or where any apparatus for the manufacture, repair or alteration of or the working upon such dentures or appliances is installed;
 - “dentist” means a person registered as such under the Medical Act;
 - “fixed date” means the date fixed by the Minister under section *two*;
 - “the Medical Act” means the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928);
 - “Minister” means the Minister of Welfare and Demobilisation;
 - “registered dental mechanic” means any person who is registered as a dental mechanic under section *twelve* or under the Medical Act;
 - “registrar” means the registrar appointed by the board under section *nine*;
 - “unmounted artificial teeth” means artificial teeth which have not been fitted in any denture or dental appliance for the use of a particular person.

Establishment of Dental Mechanics Board.

2. As from a date to be fixed by the Minister by notice in the *Gazette* there shall be established a body to be known as “The Dental Mechanics Board”, which shall be a body corporate capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the carrying out of its functions and powers under this Act.

Members of board.

3. (1) The Board shall consist of seven members, of whom—
 - (a) one shall be appointed by the Minister from the public service;
 - (b) one shall be a dental mechanic (other than an employee of a dentist or of a dental mechanic) appointed, for the first term of three years, by the Minister, and elected, for any subsequent term, by registered dental mechanics;
 - (c) two shall be dental mechanics appointed, for the first term of three years, by the Minister, and elected, for any subsequent term, by registered dental mechanics who are employees of dentists or dental mechanics; and
 - (d) three shall be appointed by the Dental Association of South Africa.
- (2) The member appointed under paragraph (a) of subsection (1) shall, for a period of twelve months after the fixed date, act as chairman of the board.
- (3) The members shall hold office for three years and shall be eligible for re-appointment or re-election as the case may be.

Disqualification, vacation of office, and filling of vacancies.

4. (1) No person shall be appointed as a member of the board if he—
 - (a) is an unrehabilitated insolvent; or
 - (b) has been disqualified under the Medical Act or under this Act, from carrying on his profession or calling.

No. 30, 1945.]

WET

Tot reëling van die uitoefening van die beroep van tandwerktuigkundiges en tot wysiging van die Wet op Geneeshere, Tandartse en Aptekers, 1928.

(Afrikaanse Teks deur die Amptenaar Belas met die Uitoefening van die Uitvoërende Gesag geteken.)
(Goedgekeur op 5 Junie 1945.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, Woordbepaling. beteken—

- „raad” die kragtens artikel twee ingestelde Raad vir Tandwerktuigkundiges;
- „komitee” die kragtens artikel twee-en-twintig ingestelde Arbeidskomitee vir Tandwerktuigkundiges;
- „laboratorium vir tandkundige werk” ’n plek waar kuns-tande of ander tandtoestelle vervaardig, herstel, verander of aan gewerk word, of waar enige apparaat vir die vervaardiging, herstel of verandering van, of werk aan sulke tande of toestelle geïnstalleer is;
- „tandarts” iemand wat ingevolge die Wet op Geneeshere as sulks geregistreer is;
- „vasgestelde datum” die datum kragtens artikel twee deur die Minister vasgestel;
- „die Wet op Geneeshere” die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928);
- „Minister” die Minister van Welsyn en Demobilisasie;
- „geregistreeerde tandwerktuigkundige” iemand wat kragtens artikel twaalf of kragtens die Wet op Geneeshere as tandwerktuigkundige geregistreer is;
- „registrateur” die registrator deur die raad kragtens artikel nege aangestel;
- „ongemonteerde kunstande” kunstande wat nie vir die gebruik van ’n bepaalde persoon in ’n gebit of tandtoestel gevoeg is nie.

2. Vanaf ’n datum wat deur die Minister by kennisgewing in die *Staatskoerant* vasgestel moet word, word daar ’n liggaam ingestel met die naam van „Die Raad vir Tandwerk-tuigkundiges” met regspersoonlikheid bekleed, wat as eiser en ver-weerder in sy naam as regspersoon in regte kan optree en wat al die handelings kan verrig wat nodig is vir of in verband staan met die uitvoering van sy werksaamhede en bevoegdhede ingevolge hierdie Wet.

Instelling van Raad vir Tandwerk-tuigkundiges.

3. (1) Die raad bestaan uit sewe lede, van wie—

Lede van raad.

- (a) een deur die Minister uit die staatsdiens aangestel word;
- (b) een ’n ander tandwerktuigkundige dan ’n werknemer van ’n tandarts of van ’n tandwerktuigkundige is, wat vir die eerste termyn van drie jaar deur die Minister aangestel word, en, vir enige latere termyn deur geregistreeerde tandwerktuigkundiges gekies word;
- (c) twee tandwerktuigkundiges is wat vir die eerste termyn van drie jaar deur die Minister aangestel word, en vir enige latere termyn deur geregistreeerde tandwerk-tuigkundiges wat werknemers van tandartse of tandwerk-tuigkundiges is, gekies word; en
- (d) drie deur die Tandheelkundige Vereniging van Suid-Afrika aangestel word.

(2) Die kragtens paragraaf (a) van sub-artikel (1) aange-stelde lid tree vir ’n tydperk van twaalf maande na die vasge-stelde datum as voorsitter van die raad op.

(3) Die lede bekleed hul amp vir drie jaar en kan weer, na gelang van die geval, aangestel of gekies word.

4. (1) Niemand word as ’n lid van die raad aangestel nie indien hy—

Onbevoegdheid, ontruiming van amp en aanvulling van vakatures.

- (a) ’n ongerehabiliteerde insolvent is; of
- (b) ingevolge die Wet op Geneeshere, of ingevolge hierdie Wet, onbevoeg geword het om sy beroep uit te oefen.

- (2) A member of the board shall vacate his office if he—
 - (a) becomes subject to a disqualification referred to in sub-section (1); or
 - (b) has been absent from more than two consecutive ordinary meetings of the board without its leave; or
 - (c) gives notice in writing to the board of his desire to resign office and his resignation is accepted.

(3) Every vacancy caused by the death of a member or by his vacation of office under sub-section (2), shall be filled by the appointment or election of another member, and such other member shall hold office for the unexpired portion of the period for which the member whose office has become vacant, had been appointed or elected.

Chairman, vice-chairman and treasurer.

5. (1) At the first meeting of the board the members shall elect from among themselves a vice-chairman and a treasurer for the period ending twelve months after the fixed date, and at the first meeting of the board after the expiration of the said twelve months, and annually thereafter, the members shall elect from among themselves a chairman, a vice-chairman and a treasurer for the ensuing year.

(2) The vice-chairman shall act as chairman whenever the chairman is unable to act and shall, when so acting, have all the powers and discharge all the duties of the chairman.

(3) If the chairman and vice-chairman are absent from any meeting, the members present shall elect one of their number to preside at that meeting and the person so elected shall during the absence from that meeting of the chairman and the vice-chairman exercise all the functions of the chairman.

(4) If any chairman, vice-chairman or treasurer who has been elected by the board vacates his office before the period thereof has expired, a new chairman, vice-chairman or treasurer, as the case may be, shall be elected at the next meeting of the board for the unexpired portion of the period for which the chairman, vice-chairman or treasurer whose office has become vacant, had been elected.

Meetings of the Board and expenses in connection therewith.

6. (1) The first meeting of the board shall be held on a day and at a place to be appointed by the Minister.

(2) Subsequent meetings shall be held at such times and places as the board may from time to time determine: Provided that at least two ordinary meetings of the board shall be held in every year.

(3) Special meetings may be convened by the chairman of the board and shall be convened by him upon the requisition in writing of at least three members: Provided that the said requisition shall state clearly the purposes for which the meeting is to be convened.

(4) The fees and allowances paid in connection with the service of the board to any member shall be defrayed from the revenues of the board.

Quorum and procedure.

7. (1) Four members shall form a quorum at any meeting of the board.

(2) The decision of the majority of the members present at any meeting shall constitute the decision of the board: Provided that in the event of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

Executive and other committees.

8. The board may appoint from its members an executive committee and such other committees as it may deem expedient, and may delegate to a committee such of its functions as it may from time to time determine, but no decision of a committee to impose a penalty referred to in paragraph (b) or (c) of sub-section (1) of section *forty-two* of the Medical Act, as applied by section *twenty-one*, shall be of any force or effect until confirmed by the board.

Appointment of registrar and officers.

9. (1) The board shall appoint a registrar (who may, if the Minister approves, be the registrar referred to in section *nine* of the Medical Act), and may employ such other persons as it may deem necessary for carrying out its functions and powers under this Act.

(2) The registrar shall act as secretary of the board.

Revenues of board.

10. (1) For the purpose of defraying its expenses the board shall make an annual levy—

- (a) upon every registered dental mechanician in an amount not exceeding one pound one shilling or such higher amount as the Governor-General may authorize; and
- (b) upon every dentist in an amount not exceeding one pound one shilling or, if the total amount of the levy in any year under paragraph (a) would, according to an estimate by the board, exceed the total

- (2) 'n Lid van die raad ontruim sy amp indien hy—
- (a) onderhewig word aan 'n in sub-artikel (1) bedoelde onbevoegdheid; of
 - (b) sonder verlof van die raad afwesig was van meer dan twee agtereenvolgende gewone vergaderings van die raad; of
 - (c) die raad skriftelik in kennis stel van sy verlange om sy amp neer te lê, en sy bedanking aangeneem word.
- (3) Iedere vakature wat ontstaan deur die dood van 'n lid of deur sy ontruiming, van sy amp ingevolge sub-artikel (2), word gevul deur die aanstelling of verkiesing van 'n ander lid, en bedoelde ander lid beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor die lid van wie die amp vakant geword het, aangestel of gekies was.
5. (1) Op die eerste vergadering van die raad kies die lede uit hul midde 'n vise-voorsitter en 'n tesourier vir die tydperk wat twaalf maande na die vasgestelde datum verstryk, en op die eerste vergadering van die raad na verloop van genoemde twaalf maande, en jaarliks daarna, kies die lede van die raad uit hul midde 'n voorsitter, 'n vise-voorsitter en 'n tesourier vir die volgende jaar.
- (2) Die vise-voorsitter tree as voorsitter op wanneer die voorsitter nie kan optree nie, en het, wanneer hy aldus optree, al die bevoegdhede en vervul al die pligte van die voorsitter.
- (3) Indien die voorsitter en vise-voorsitter van 'n vergadering afwesig is, kies die aanwesige lede een uit hul midde om op daardie vergadering voor te sit, en die aldus verkose persoon verrig tydens die afwesigheid van die voorsitter en die vise-voorsitter van daardie vergadering, al die werksaamhede van die voorsitter.
- (4) Indien 'n voorsitter, vise-voorsitter of tesourier wat deur die raad gekies is sy amp ontruim voordat sy ampstermyn verstryk het, word 'n nuwe voorsitter, vise-voorsitter of tesourier, na gelang van die geval, op die volgende vergadering van die raad gekies vir die onverstreke gedeelte van die tydperk waarvoor die voorsitter, vise-voorsitter of tesourier van wie die amp vakant geword het, gekies was.
6. (1) Die eerste vergadering van die raad word gehou op 'n dag en plek wat die Minister moet bepaal.
- (2) Daaropvolgende vergaderings word gehou op die tye en plekke wat die raad van tyd tot tyd mag bepaal: Met dien verstande dat elke jaar minstens twee gewone vergaderings van die raad gehou word.
- (3) Buitengewone vergaderings kan deur die voorsitter van die raad belê word, en moet deur hom belê word op skriftelike aansoek van minstens drie lede: Met dien verstande dat die aansoek die doel waarvoor die vergadering belê moet word, duidelik uiteensit.
- (4) Die gelde en toelaes wat in verband met die diens van die raad aan 'n lid betaal word, word uit die inkomste van die raad betaal.
7. (1) Vier lede maak 'n kworum uit op 'n vergadering van die raad.
- (2) Die beslissing van die meerderheid van die lede op 'n vergadering aanwesig, maak die beslissing van die raad uit: Met dien verstande dat die voorsitter by 'n staking van stemme, benewens sy beraadslagende stem, ook 'n beslissende stem het.
8. Die raad kan uit sy lede 'n uitvoerende komitee en die ander komitees wat hy wenslik mog ag, aanstel, en kan aan 'n komitee sodanige van sy werksaamhede opdra as wat hy van tyd tot tyd mag bepaal, maar geen beslissing van 'n komitee om 'n straf in paragraaf (b) of (c) van sub-artikel (1) van artikel twee-en-veertig van die Wet op Geneeshere, soos van toepassing verklaar deur artikel een-en-twintig, bedoel, op te lê, is geldig nie, alvorens dit deur die raad bekragtig is.
9. (1) Die raad stel 'n registrateur aan (wat met goedkeuring van die Minister, die in artikel nege van die Wet op Geneeshere bedoelde registrateur kan wees) en kan die ander persone in diens neem wat hy vir die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede ingevolge hierdie Wet, nodig mag ag.
- (2) Die registrateur tree op as sekretaris van die raad.
10. (1) Ten einde sy uitgawes te bestry, lê die raad—
- (a) aan elke geregistreerde tandwerktuigkundige 'n jaarlikse heffing op ten bedrae van hoogstens een pond een sjieling of van so 'n grotere bedrag as wat die Goewerneur-generaal mag magtig;
 - (b) aan elke tandarts 'n jaarlikse heffing op ten bedrae van hoogstens een pond een sjieling, of as die totaalbedrag van die heffing kragtens paragraaf (a) in enige jaar volgens die raad se beraming meer sou wees

Voorsitter, vise-voorsitter en tesourier.

Vergaderings van raad en onkoste in verband daarmee.

Kworum en prosedure.

Uitvoerende en ander komitees.

Aanstelling van registrateur en beamptes.

Inkomste van raad.

amount of the levy of one pound one shilling in that year under this paragraph, such higher amount as the Governor-General may authorize.

(2) All fees payable under this Act, other than the fee referred to in paragraph (a) of sub-section (1) of section *thirty-one*, shall be paid to the board.

Registers of dental
mechanicians.

11. The board shall keep a register or registers in which shall be entered the names, addresses, qualifications, dates of first registration thereof, and such other particulars relating to dental mechanicians and apprentices who are entitled to registration, as the board may prescribe.

Applications for
registration and
removal from
register kept under
Act 13 of 1928.

12. (1) Any person who desires to be registered as a dental mechanician shall make written application to the board for registration and submit to the board proof of the facts entitling him to registration.

(2) Any person who claims to be entitled to registration under paragraph (a) or (b) of sub-section (1) of section *thirteen*, shall apply to the board for registration within one month after the fixed date.

(3) The board may for good cause shown in any particular case extend from time to time the period referred to in sub-section (2), to a total period not exceeding six months.

(4) If the board is satisfied that the applicant is entitled to registration, it shall, upon payment of the registration fee mentioned in the Schedule, cause the necessary entry to be made in the register, and the registrar shall thereupon issue to the applicant a registration certificate in the form prescribed by the board.

(5) Any person who is registered as a dental mechanician under the Medical Act shall, upon the expiration of six months from the fixed date, or if he is registered under this section before the expiration of the said period, upon registration under this section, cease to be registered under the said Act.

Persons entitled to
registration.

13. (1) The following persons shall, subject to the provisions of section *twelve*, be entitled to registration as dental mechanicians :

(a) Any person who, prior to the fixed date—

- (i) has been registered under section *thirty-two* of the Medical Act ; or
- (ii) has qualified for registration under the said section and has not been registered thereunder.

(b) Any person who at the fixed date is not less than twenty-five years of age and satisfies the board—

- (i) that he is of good character and domiciled in the Union ;
- (ii) that he has prior to the fixed date had not less than five years practical experience in dental mechanics otherwise than as a learner ; and
- (iii) that he is competent to perform the work of a dental mechanician.

(c) Any person who is not less than twenty-one years of age and satisfies the board—

- (i) that a certificate of competency prescribed by the board under section *fourteen* has after examination been granted to him ;
- (ii) that he is of good character and domiciled in the Union ; and either
- (iii) that he has served as an indentured apprentice in the work of a dental mechanician within the Union for a period of not less than five years and was so serving at the fixed date or if the period of his apprenticeship commenced after the fixed date, that he has so served for the said period under a contract of apprenticeship registered under section *fifteen* ; or
- (iv) in the case of a person who has so served for a period of less than five years and who has also been employed in the work of a dental mechanician otherwise than as an apprentice, that the period of his apprenticeship together with the period of his employment otherwise than as an apprentice is not less than five years, and that he was so serving or employed at the fixed date, or if the period of his apprenticeship or employment otherwise than as an apprentice commenced after the fixed date, that he has during that

dan die totaalbedrag van die heffing in daardie jaar van een pond een sjeling kragtens hierdie paragraaf, van so 'n grotere bedrag as wat die Goewerneur-generaal mag magtig.

(2) Alle gelde, behalwe die in paragraaf (a) van sub-artikel (1) van artikel *een-en-dertig* bedoelde gelde, wat ingevolge hierdie Wet betaalbaar is, word aan die raad betaal.

11. Die raad hou 'n register of registers waarin die name, adresse, kwalifikasies, die datums van die eerste registrasie daarvan, en die ander besonderhede aangaande tandwerk-tuigkundiges en vakleerlinge wat op registrasie geregtig is, wat die raad mag voorskryf, ingeskryf word. Registers van tandwerk-tuigkundiges.

12. (1) Iemand wat verlang om as tandwerk-tuigkundige geregistreer te word, moet skriftelik by die raad aansoek doen om registrasie, en aan die raad bewys voorlê van die feite wat hom op registrasie geregtig maak. Aansoeke om registrasie en verwydering uit register ingevolge Wet 13 van 1928 gehou.

(2) Iemand wat aanspraak maak daarop dat hy kragtens paragraaf (a) of (b) van sub-artikel (1) van artikel *dertien* op registrasie geregtig is, moet binne 'n maand na die vasgestelde datum by die raad om registrasie aansoek doen.

(3) Die raad kan, in 'n besondere geval, as voldoende gronde aangevoer word, die in sub-artikel (2) bedoelde tydperk van tyd tot tyd verleng tot 'n gesamentlike tydperk van hoogstens ses maande.

(4) Indien die raad oortuig is dat die applikant op registrasie geregtig is, laat hy, by betaling van die registrasiegelde in die Bylae vermeld, die nodige inskrywing in die register doen, en die registrateur reik daarop aan die applikant 'n registrasie-sertifikaat uit in die vorm deur die raad voorgeskryf.

(5) Iemand wat kragtens die Wet op Geneeshere as 'n tandwerk-tuigkundige geregistreer is hou, na verloop van ses maande vanaf die vasgestelde datum, of as hy voor verloop van genoemde tydperk kragtens hierdie artikel geregistreer word, na registrasie kragtens hierdie artikel, op om kragtens genoemde Wet geregistreer te wees.

13. (1) Die volgende persone is, met inagneming van die bepalinge van artikel *twaalf*, op registrasie as tandwerk-tuig-kundiges geregtig. Persone wat op registrasie geregtig is.

(a) Iemand wat voor die vasgestelde datum—

- (i) kragtens artikel *twee-en-dertig* van die Wet op Geneeshere geregistreer is; of
- (ii) die bevoegdheid verwerf het om kragtens daardie artikel geregistreer te word en nie uit kragte daarvan geregistreer is nie.

(b) Iemand wat op die vasgestelde datum minstens vyf-en-twintig jaar oud is en die raad oortuig—

- (i) dat hy iemand van goeie sedelike gedrag en in die Unie gedomisilieer is;
- (ii) dat hy voor die vasgestelde datum minstens vyf jaar praktiese ondervinding in tandwerk-tuigkunde gehad het anders dan in die hoedanigheid van 'n leerling; en
- (iii) dat hy bevoeg is om die werk van 'n tandwerk-tuigkundige te doen.

(c) Iemand wat minstens een-en-twintig jaar oud is en die raad oortuig—

- (i) dat 'n bedrewenheidsertifikaat kragtens artikel *veertien* deur die raad voorgeskryf aan hom toegeken is nadat hy eksamen afgelê het;
- (ii) dat hy iemand van goeie sedelike gedrag en in die Unie gedomisilieer is; en of
- (iii) dat hy vir 'n tydperk van minstens vyf jaar in die Unie as 'n ingeboekte leerling in die werk van 'n tandwerk-tuigkundige gedien het, en dat hy op die vasgestelde datum aldus gedien het of, as die tydperk van sy leerling-skap na die vasgestelde datum begin het, dat hy vir vermelde tydperk aldus gedien het onder 'n leerlingkontrak wat kragtens artikel *vyftien* geregistreer is; of
- (iv) in die geval van iemand wat vir 'n tydperk van minder dan vyf jaar aldus gedien het en wat ook anders as in die hoedanigheid van 'n leerling in diens was in die werk van 'n tandwerk-tuigkundige, dat die tydperk van sy leerling-skap saam met die tydperk van sy diens in 'n ander hoedanigheid as die van 'n leerling, minstens vyf jaar beloop, en dat hy aldus gedien het of in diens was op die vasgestelde datum, of as die tydperk van sy leerling-skap of diens in 'n ander hoedanigheid as die van 'n leerling na die vasgestelde datum begin het, dat hy

period been apprenticed or employed otherwise than as an apprentice, as the case may be, under a contract registered under section *fifteen*; or

- (v) in the case of a person who has not so served for any period, that he has been employed in the work of a dental mechanician for a period of not less than five years, and that he was so employed at the fixed date, or if the period of his employment commenced after the fixed date, that he has been employed for the said period under a contract registered under section *fifteen*; or
- (vi) that by reason of practical experience in dental mechanics in the Union he has attained a standard of proficiency equal to the average standard of proficiency attained by persons referred to in sub-paragraph (iii); or
- (vii) if he has been trained in a country other than the Union, that he has undergone such a course of training for a period of not less than five years as is necessary to qualify him as a dental mechanician in that country, and that the standard of such training is equal to that of the training undergone by persons referred to in sub-paragraph (iii); or
- (viii) that he is the holder of a certificate of competency, issued by the registrar of apprenticeship under section *eighteen* of the Soldiers and War Workers Employment Act, 1944 (Act No. 40 of 1944), in respect of the trade of a dental mechanician.

(2) In calculating any period of not less than five years, referred to in paragraph (c) of sub-section (1)—

- (a) any period during which the person concerned was employed, otherwise than as an indentured apprentice at a time when he was below the age of twenty-one years and in an area within which the Apprenticeship Act, 1922 (Act No. 26 of 1922), or the Apprenticeship Act, 1944 (Act No. 37 of 1944), applied in respect of the trade of dental mechanician, shall not be taken into account;
- (b) any modification of the period of apprenticeship under section *thirteen* or *fourteen* of the Soldiers and War Workers Employment Act, 1944 (Act No. 40 of 1944), shall be given effect to; and
- (c) such portion of the period of military service (as defined in section *one* of the last mentioned Act) rendered by the person concerned, as may from time to time be determined by the Minister, either generally or in any particular case, shall, subject to paragraph (b) of this sub-section, be deemed to be a period during which he served or was employed as provided in paragraph (c) of sub-section (1).

Board may hold examinations and prescribe certificates.

14. (1) The Board may hold examinations for dental mechanicians and, subject to the approval of the Minister, and the provisions of sub-section (2), prescribe the several certificates of competency granted after examination, which are necessary to qualify any person for registration as a dental mechanician under this Act.

(2) No certificate of an examining authority outside the Union shall be prescribed by the board or accepted as a qualification for registration of the holder as a dental mechanician unless—

- (a) in the country or state in which it is granted, that certificate satisfies the requirements as to the certificate of competency which a person must hold before he is entitled to perform the work of a dental mechanician;
- (b) by the laws of that country or state a certificate of competency granted after examination in the Union and prescribed under this section satisfies the said requirements, without further examination of the holder thereof; and
- (c) the board is satisfied that possession of that certificate indicates a standard of training in dental mechanics not lower than the standard indicated by the certi-

- gedurende daardie tydperk as leerling ingeboek was of in 'n ander hoedanigheid dan die van 'n leerling in diens was, na gelang van die geval, onder 'n kontrak wat kragtens artikel *vyftien* geregistreer is; of
- (v) in die geval van iemand wat nie vir enige tydperk aldus gedien het nie, dat hy in diens was in die werk van 'n tandwerktuigkundige vir 'n tydperk van minstens vyf jaar, en dat hy op die vasgestelde datum aldus in diens was, of as die tydperk van sy diens na die vasgestelde datum begin het, dat hy vir vermelde tydperk in diens was onder 'n kontrak wat kragtens artikel *vyftien* geregistreer is; of
- (vi) dat hy uit hoofde van praktiese ondervinding in tandwerktuigkunde in die Unie 'n standaard van bekwaamheid bereik het wat gelykstaan met die gemiddelde standaard van bekwaamheid wat deur persone in sub-paragraaf (iii) bedoel, bereik word; of
- (vii) indien hy in 'n ander land as die Unie opgelei is, dat hy vir 'n tydperk van minstens vyf jaar die opleidingskursus gevolg het wat nodig is om hom in daardie land as tandwerktuigkundige te kwalifiseer, en dat die gehalte van daardie opleiding gelykstaan met dié van die opleiding wat die persone in sub-paragraaf (iii) bedoel, ontvang; of
- (viii) dat hy die houer is van 'n bedrewenheidsertifikaat deur die registrateur van vakleerlinge kragtens artikel *agtien* van die Wet op Indiensneming van Soldate en Oorlogswerkers, 1944 (Wet No. 40 van 1944) uitgereik, ten opsigte van die bedryf van 'n tandwerktuigkundige;
- (2) By die berekening van 'n in paragraaf (c) van sub-artikel (1) bedoelde tydperk van minstens vyf jaar—
- (a) word 'n tydperk gedurende welke die betrokke persoon in diens was in 'n ander hoedanigheid as dié van 'n ingeboekte leerling, terwyl hy benede dié ouderdom van een-en-twintig jaar was, in 'n gebied waarin die „Vakleerlingen Wet, 1922” (Wet No. 26 van 1922) of die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944) van toepassing was ten opsigte van die bedryf van tandwerktuigkundige, buite rekening gelaat;
- (b) word aan enige wysiging van die tydperk van leerlingskap kragtens artikel *dertien* of *veertien* van die Wet op Indiensneming van Soldate en Oorlogswerkers, 1944 (Wet No. 40 van 1944), gevolg gegee; en
- (c) word die gedeelte van die tydperk van militêre diens (soas in artikel *een* van laasgenoemde Wet omskryf) deur die betrokke persoon verrig, wat die Minister, of in die algemeen of in 'n bepaalde geval van tyd tot tyd, mag bepaal, behoudens dié by paragraaf (b) van hierdie sub-artikel bepaalde, geag 'n tydperk te wees gedurende welke hy gedien het of in diens was soas in paragraaf (c) van sub-artikel (1) bepaal.
14. (1) Die raad kan eksamens stel vir tandwerktuigkundiges en, onderworpe aan die goedkeuring van die Minister en die bepalinge van sub-artikel (2), die verskillende bedrewenheidsertifikate, na afgelegde eksamen toegeken, voorskryf, wat nodig is om aan iemand die bevoegdheid te verleen om ingevolge hierdie Wet as 'n tandwerktuigkundige geregistreer te word.
- (2) 'n Sertifikaat van 'n eksaminerende outoriteit buite die Unie word nie deur die raad voorgeskryf of erken as 'n kwalifikasie van die besitter om as tandwerktuigkundige geregistreer te word nie, tensy—
- (a) daardie sertifikaat in die land of staat waarin dit toegeken word, voldoen aan die vereistes betreffende die bedrewenheidsertifikaat wat iemand moet besit alvorens hy geregtig is om die werk van 'n tandwerktuigkundige te doen;
- (b) 'n bedrewenheidsertifikaat in die Unie na afgelegde eksamen toegeken en ingevolge hierdie artikel voorgeskryf, volgens die wette van daardie land of staat aan vermelde vereistes voldoen, sonder dat die besitter daarvan verder eksamen moet aflê; en
- (c) die raad oortuig is dat besit van daardie sertifikaat getuig van 'n standaard van opleiding in tandwerktuigkunde wat nie laer staan nie dan die standaard

Raad kan
eksamens stel en
sertifikate voor-
skryf.

ificates of competency granted after examination in the Union and prescribed under this section.

Contracts of apprenticeship and of employment in dental mechanics.

15. (1) No contract of apprenticeship or of employment in the work of a dental mechanician otherwise than as an apprentice shall, if entered into after the fixed date, be recognized by the board for the purposes of section *thirteen*, unless a duplicate original of the contract has been lodged with the registrar for registration within three months after the date of the contract, and has been registered by the registrar upon the direction of the board.

(2) The board shall not direct the registrar to register any such contract unless it is satisfied that the person mentioned as an employer in the contract has at his disposal in the dental laboratory at which the contract is to be carried out, suitable accommodation and sufficient facilities, equipment, and material for the proper training of the apprentice or employee, and that the laboratory is so conducted that the apprentice or employee will receive a proper training as a dental mechanician.

(3) Any contract of apprenticeship in the work of a dental mechanician which is a registered contract in terms of the Apprenticeship Act, 1944 (Act No. 37 of 1944), at the date of commencement of this Act, shall as from the fixed date be deemed to be a contract registered under sub-section (1).

(4) The provisions of the Apprenticeship Act, 1944 (Act No. 37 of 1944), shall, as from the fixed date, cease to apply in respect of apprenticeship in the work of a dental mechanician.

Acts which may only be performed by dentists or registered dental mechanicians.

16. (1) After the expiration of two years from the commencement of this Act—

(a) no person other than a dentist shall, for gain—

(i) supply or undertake to supply any artificial denture or other dental appliance to a particular person for use by that person; or

(ii) make, repair, alter or work upon, or undertake to make, repair, alter or work upon any artificial denture or other dental appliance unless the denture or appliance, or the impression, model or other guide for the making, repairing or altering of or the working upon the denture or appliance has been or is to be delivered to him by a dentist, and the denture or appliance is to be returned or delivered, as the case may be, by him to the dentist;

(b) no person other than a dentist shall—

(i) pretend or by any means whatsoever hold himself out to be entitled or prepared to supply, make, repair, alter or work upon any artificial denture or other dental appliance otherwise than in accordance with the provisions of paragraph (a); or

(ii) solicit or accept, for execution by any person, in contravention of paragraph (a), any order for the supply, making, repair or alteration of or the working upon any artificial denture or other dental appliance; and

(c) no person (other than a person referred to in paragraph (c) of sub-section (3)) shall for gain carry on the work of a dental mechanician or perform any act specially pertaining to the work of a dental mechanician, unless he has been registered as a dental mechanician under section *twelve*.

(2) (a) No person who is not registered under section *twelve* shall hold himself out to be registered as a dental mechanician, or use any name, title, description or symbol indicating or calculated to lead persons to infer that he is registered as a dental mechanician.

(b) For the purposes of this sub-section a person who has been registered as a dental mechanician under the Medical Act and who has not been registered under section *twelve* shall, until the expiration of six months from the fixed date, be deemed to be registered under that section.

(3) (a) The prohibitions in paragraphs (a) and (b) of sub-section (1) shall be in addition to and not in substitution for those contained in sub-section (1) of section *thirty-five* of the Medical Act.

waarvan die bedrewenheidsertifikate getuig wat na afgelegde eksamen in die Unie toegeken word en ingevolge hierdie artikel voorgeskryf is.

15. (1) Geen leerlingkontrak of dienskontrak vir die verrigting van die werk van 'n tandwerktuigkundige in 'n ander hoedanigheid as die van 'n leerling word, indien na die vasgestelde datum aangegaan, deur die raad vir die doeleindes van artikel *dertien* erken nie, tensy 'n duplikaat-eksemplaar van daardie kontrak binne drie maande na die datum van die kontrak by die registrateur ter registrasie ingedien is, en deur die registrateur op las van die raad geregistreer is.

Leerlingkontrakte vir opleiding en kontrakte vir diens in tandwerktuigkunde.

(2) Die raad gelas die registrateur nie om so 'n kontrak te registreer nie tensy hy oortuig is dat die persoon wat in die kontrak as werkgewer genoem word, in die laboratorium vir tandkundige werk waar die kontrak uitgevoer moet word, geskikte plaasruimte en voldoende geriewe, uitrusting en materiaal tot sy beskikking het vir die behoorlike opleiding van die leerling of werknemer, en dat die laboratorium op so 'n wyse bestuur word dat die leerling of werknemer 'n behoorlike opleiding as 'n tandwerktuigkundige sal ontvang.

(3) 'n Leerlingkontrak vir opleiding in die werk van 'n tandwerktuigkundige wat op die datum van inwerkingtreding van hierdie Wet volgens die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944) 'n geregistreerde kontrak is, word met ingang vanaf die vasgestelde datum geag 'n kragtens sub-artikel (1) geregistreerde kontrak te wees.

(4) Die bepalings van die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), is vanaf die vasgestelde datum nie meer ten opsigte van vakleerlinge in die werk van 'n tandwerktuigkundige van toepassing nie.

16. (1) Na verloop van twee jaar vanaf die inwerking-treding van hierdie Wet—

Handelings wat alleen deur tand-artse of geregi-streerde tandwerk-tuigkundiges verrig mag word.

(a) mag niemand behalwe 'n tandarts vir wins—

(i) kunstande of 'n ander tandtoestel aan 'n bepaalde persoon vir gebruik deur daardie persoon verskaf of onderneem om dit aan hom te verskaf nie; of

(ii) kunstande of 'n ander tandtoestel vervaardig, herstel of verander, of daaraan werk, of onderneem om dit te vervaardig, te herstel, te verander, of om daaraan te werk nie, tensy die tande of toestel, of die afdruk, model of ander leidraad waarvolgens dit vervaardig, herstel of verander of daaraan gewerk moet word, aan hom deur 'n tandarts oorhandig is of moet word, en die tande of toestel deur hom aan die tandarts, na gelang van die geval, terugbesorg of afgelewer moet word;

(b) mag niemand behalwe 'n tandarts—

(i) hom voordoën as, of op watter manier ook uitgee vir iemand wat geregtig of bereid is om kunstande of 'n ander tandtoestel aan of vir enig iemand te verskaf, vervaardig, herstel of verander of daaraan te werk nie, anders as ooreenkomstig die bepalings van paragraaf (a); of

(ii) 'n bestelling vir die verskaffing, vervaardiging, herstel of verandering van of die werk aan kunstande of 'n ander tandtoestel, vra of aanneem, om deur enig iemand in stryd met paragraaf (a) uitgevoer te word nie; en

(c) mag niemand (behalwe 'n in paragraaf (c) van sub-artikel (3) bedoelde persoon) vir wins die werk van 'n tandwerktuigkundige doen of 'n handeling verrig wat spesiaal by die werk van 'n tandwerktuigkundige behoort nie, tensy hy ingevolge artikel *twalf* as 'n tandwerktuigkundige geregistreer is.

(2) (a) Niemand wat nie ingevolge artikel *twalf* geregistreer is nie, mag hom uitgee vir iemand wat as 'n tandwerktuigkundige geregistreer is nie, of gebruik maak van 'n naam, titel, beskrywing of teken wat aandui of mense sou kan laat aflei dat hy as 'n tandwerktuigkundige geregistreer is nie.

(b) Iemand wat ingevolge die Wet op Geneeshere as 'n tandwerktuigkundige geregistreer is en wat nie ingevolge artikel *twalf* geregistreer is nie, word, tot verloop van ses maande vanaf die vasgestelde datum, vir die doeleindes van hierdie artikel geag ingevolge daardie artikel geregistreer te wees.

(3) (a) Die verbodsbepalings in paragrafe (a) en (b) van sub-artikel (1), word bygevoeg by en vervang nie dié wat in sub-artikel (1) van artikel *vyf-en-dertig* van die Wet op Geneeshere vervat is nie.

- (b) The provisions of sub-paragraph (ii) of paragraph (b) of sub-section (1) shall not imply that any dentist who solicits or allows any person to solicit on his behalf, any order referred to in that sub-paragraph, or accepts any such order so solicited, is not guilty of improper conduct, or that an enquiry under Chapter IV of the Medical Act may not be instituted against any such dentist.
- (c) The prohibition in paragraph (c) of sub-section (1) shall not apply—
 - (i) to a dentist; or
 - (ii) to any person who is employed in the work of a dental mechanician, as an apprentice or otherwise, under a contract registered under section *fifteen*, while acting within the scope of his employment; or
 - (iii) for a period of five years as from the fixed date or for the period during which any contract herein referred to continues to be in force, whichever may be the lesser period, to any person of not less than twenty-one years of age who is employed in the work of a dental mechanician in any area within which the Apprenticeship Act, 1944 (Act No. 37 of 1944), applies in respect of the trade of dental mechanics, under a contract which is in force at the fixed date, or to any person who is employed in such work under such a contract in an area within which the said Act does not so apply, while such person is acting within the scope of his employment; or
 - (iv) for such period pending registration or refusal of the application as the board may allow, to any person who is employed in the work of a dental mechanician and has applied or is about to apply for registration under section *twelve*, while such person is acting within the scope of his employment.

Dental laboratory to be under control of dentist or dental mechanician.

17. After the expiration of six months from the fixed date—

- (a) no person shall conduct a dental laboratory except under the continuous personal supervision of a dentist or registered dental mechanician; and
- (b) no person who is not a dentist or registered dental mechanician shall supervise any dental laboratory.

Commission, partnership and companies.

18. (1) No dental mechanician shall pay to a dentist any commission or any remuneration whatsoever or carry on any business in partnership with a dentist in connection with his work as a dental mechanician, and no dentist shall accept such commission or remuneration or carry on any such business in partnership with a dental mechanician.

(2) After the expiration of six months from the fixed date, no company shall carry on any business in which is performed any act specially pertaining to the work of a dental mechanician, unless the directors and shareholders of the company are all registered dental mechanicians.

Importation, possession and supply of unmounted artificial teeth.

19. After the expiration of six months from the fixed date—

- (a) no person other than a dentist or a registered dental mechanician shall manufacture, import, buy or be in possession of any unmounted artificial teeth except under a permit issued in accordance with regulations; and
- (b) no person shall supply any unmounted artificial teeth to any person who is not a dentist, a registered dental mechanician or the holder of a permit issued under paragraph (a).

Register of transactions in unmounted artificial teeth.

20. After the expiration of six months from the fixed date, every dentist, registered dental mechanician or holder of a permit issued under sub-section (1) of section *nineteen* shall keep a register in the prescribed form wherein he shall enter the prescribed particulars with regard to all unmounted artificial teeth which he has manufactured, imported, bought, sold or supplied, or which he has in his possession, and shall at all reasonable times, at the request of any policeman of or above the rank of a sergeant or any other person authorized in writing by a magistrate or the Secretary for Public Health

- (b) Uit die bepalings van sub-paragraaf (ii) van paragraaf (b) van sub-artikel (1) word nie afgelei nie dat 'n tandarts wat 'n bestelling in daardie sub-paragraaf bedoel vra, of iemand toelaat om dit ten behoeve van hom te vra, of so 'n bestelling wat aldus gevra is aanneem, nie aan onbetaamlike gedrag skuldig is nie, of dat 'n ondersoek ingevolge Hoofstuk IV van die Wet op Geneeshere nie teen so 'n tandarts ingestel kan word nie.
- (c) Die verbod in paragraaf (c) van sub-artikel (1) is nie van toepassing nie—
 - (i) op 'n tandarts; of
 - (ii) op iemand wat in diens is in die werk van 'n tandwerktuigkundige as 'n leerling of andersins onder 'n kontrak wat ingevolge artikel vyftien geregistreer is, solank hy binne die perke van sy diens handel; of
 - (iii) vir 'n tydperk van vyf jaar vanaf die vasgestelde datum of vir die tydperk gedurende welke 'n hierin bedoelde kontrak van krag bly, na gelang die een of die ander tydperk die kortste is, op enig iemand van minstens een-en-twintig jaar oud wat in 'n gebied waarin die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944) van toepassing is ten aansien van die bedryf van tandwerktuigkunde, in die werk van 'n tandwerktuigkundige in diens is onder 'n kontrak wat op die vasgestelde datum van krag is, of op enig iemand wat in 'n gebied waarin genoemde Wet nie aldus van toepassing is nie, in sulke werk in diens is onder so 'n kontrak, solank so iemand binne die perke van sy diens handel; of
 - (iv) vir die tydperk, terwyl hy, wag op registrasie of weiering van die aansoek wat die raad mag toestaan, op iemand wat in die werk van 'n tandwerktuigkundige in diens is en om registrasie ingevolge artikel twaalf aansoek gedoen het of op die punt staan om dit te doen, solank so iemand binne die perke van sy diens handel.

17. Na verloop van ses maande vanaf die vasgestelde datum—
- (a) mag niemand 'n laboratorium vir tandkundige werk dryf nie, dan alleen onder die voortdurende persoonlike toesig van 'n tandarts of geregistreerde tandwerktuigkundige; en
 - (b) mag niemand wat nie 'n tandarts of geregistreerde tandwerktuigkundige is nie toesig hou oor 'n laboratorium vir tandkundige werk.

Laboratorium vir tandkundige werk moet onder beheer van tandarts of tandwerktuigkundige staan.

18. (1) 'n Tandwerktuigkundige mag nie in verband met sy werk as 'n tandwerktuigkundige enige kommissie of vergoeding hoegenaamd aan 'n tandarts betaal of enige besigheid in vennootskap met hom dryf nie, en 'n tandarts mag nie so 'n kommissie of vergoeding aanneem of so 'n besigheid in vennootskap met 'n tandwerktuigkundige dryf nie.

Kommissie, vennootskap en maatskappye.

- (2) Na verloop van ses maande vanaf die vasgestelde datum, mag geen maatskappye enige besigheid waarby 'n handeling verrig word wat spesiaal tot die werk van 'n tandwerktuigkundige behoort, dryf nie, tensy die direkteure en aandeelhouders van die maatskappye almal geregistreerde tandwerktuigkundiges is.

19. Na verloop van ses maande vanaf die vasgestelde datum—

Invoer, besit en verskaffing van ongemonteerde kunstande.

- (a) mag niemand behalwe 'n tandarts of 'n geregistreerde tandwerktuigkundige ongemonteerde kunstande verskaf, invoer of koop, of in besit daarvan wees nie, dan alleen kragtens 'n permit ooreenkomstig regulasies uitgereik; en
- (b) mag niemand ongemonteerde kunstande verskaf aan enig iemand wat nie 'n tandarts, 'n geregistreerde tandwerktuigkundige of die besitter van 'n kragtens paragraaf (a) uitgereikte permit is nie.

20. Na verloop van ses maande vanaf die vasgestelde datum, moet iedere tandarts, geregistreerde tandwerktuigkundige of besitter van 'n kragtens sub-artikel (1) van artikel negentien uitgereikte permit 'n register in die voorgeskrewe vorm hou waarin hy die voorgeskrewe besonderhede moet opteken in verband met alle ongemonteerde kunstande wat hy verskaf, ingevoer, gekoop, verkoop of verskaf het, of wat hy in sy besit het, en moet op alle redelike tye op versoek van 'n polisiedienaar met die rang van 'n sersant of hoër of van 'n ander persoon wat skriftelik deur 'n magistraat of die Sekretaris

Register van transaksies met ongemonteerde kunstande.

to act under this section, produce such register and any unmounted artificial teeth which are in his possession, for the inspection of such policeman or other person.

Application of certain provisions of Act 13 of 1928.

21. (1) Sections *sixteen* to and including *twenty-one*, *forty-one* to and including *forty-three*, *forty-five* to and including *forty-seven*, section *eighty-four*, except paragraph (c) thereof, section *ninety* and sub-sections (1) and (3) of section *ninety-two* of the Medical Act shall *mutatis mutandis* apply with reference to dental mechanicians.

(2) Any reference in the said sections as so applied to the South African Medical Council or the South African Pharmacy Board shall be deemed to be a reference to the board, and any reference therein to the Second Schedule to the said Act shall be deemed to be a reference to the Schedule to this Act.

Establishment of Dental Mechanicians Labour Committee.

22. (1) As from a date to be fixed by the Minister by notice in the *Gazette* there shall be established a body to be known as the Dental Mechanicians Labour Committee which shall consist of nine members of whom—

- (a) one (who shall be chairman of the committee) shall be the chairman of the board;
- (b) four shall be appointed to represent the interests of registered dental mechanicians who are employees;
- (c) two shall be appointed to represent the interests of registered dental mechanicians who are employers of dental mechanicians; and
- (d) two shall be appointed to represent the interests of dentists who are employers of dental mechanicians.

(2) The members referred to in paragraphs (b), (c) and (d) of sub-section (1) shall be appointed by the employers' organizations and the trade unions, respectively, which are, in the opinion of the Minister of Labour, for the time being representative of employers or employees, as the case may be, in the occupation of dental mechanician: Provided that if in the opinion of the said Minister there is no such organization or no such trade union, the members to represent the interests of employers or employees, as the case may be, shall be appointed by the said Minister after consultation with the board.

(3) Such number of alternates to the members referred to in paragraphs (b), (c) and (d) of sub-section (1) as the Minister of Labour may, after consultation with the board, determine, shall after such consultation be appointed by him.

(4) The said members, and their alternates, shall hold office for a period to be fixed by the Minister at the time of their appointment, and upon expiration of the said period, new members and alternates shall be appointed in accordance with the provisions of this section.

(5) Members and alternates whose period of office has expired shall be eligible for re-appointment.

(6) The provisions of section *four* shall, *mutatis mutandis*, apply to members of the committee and their alternates.

(7) The registrar of the board shall act as secretary of the committee.

Meetings of the committee, and minutes of Proceedings.

23. (1) The first meeting of the committee shall be held at a time and place to be appointed by the Minister of Labour.

(2) All subsequent meetings of the committee shall be held at such times and places as the committee may from time to time determine: Provided that the chairman may at any time call a special meeting of the committee, to be held at a time and place appointed by him.

(3) Any officer nominated by the Minister of Labour for the purpose may attend any meetings of the committee and may take part in the proceedings, but shall not be entitled to vote.

(4) Minutes of all proceedings of every meeting of the committee shall be kept by the secretary.

(5) The minutes of a meeting shall be submitted to the next ensuing meeting and shall, if they are passed as correct, be signed by the chairman.

Sub-committees.

24. (1) The committee may at any time appoint from amongst its members and their alternates a sub-committee to investigate any particular matter falling within the functions of the committee and to report to the committee thereon.

(2) The committee may designate one of the members of a sub-committee as chairman of the sub-committee, and another to act whenever the chairman is unable to act.

van Volksgesondheid gemagtig is om kragtens hierdie artikel op te tree, die register en alle ongemonteerde kunstande wat in sy besit is, toon ter besigtiging deur bedoelde polisie-dienaar of ander persoon.

21. (1) Artikels *sestien* tot en met *een-en-twintig*, *een-en-veertig* tot en met *drie-en-veertig*, *vyf-en-veertig* tot en met *sewen-en-veertig*, artikel *vier-en-tagtig*, behalwe paragraaf (c) daarvan, artikel *negentig* en sub-artikels (1) en (3) van artikel *twee-en-negentig* van die Wet op Geneeshere is *mutatis mutandis* met betrekking tot tandwerktuigkundiges van toepassing.

Toepassing van sekere bepalinge van Wet 13 van 1928.

(2) 'n Verwysing in genoemde artikels soos aldus van toepassing verklaar, na die Suid-Afrikaanse Geneeskundige Raad of die Suid-Afrikaanse Aptekerskommissie word geag 'n verwysing na die raad te wees, en 'n verwysing in bedoelde artikels na die Tweede Bylae van daardie Wet word geag 'n verwysing na die Bylae by hierdie Wet te wees.

22. (1) Vanaf 'n datum wat deur die Minister by kennisgewing in die *Staatskoerant* vasgestel moet word, word daar 'n liggaam ingestel met die naam van die Arbeidskomitee vir Tandwerktuigkundiges, wat uit nege lede bestaan, van wie—

Instelling van Arbeidskomitee vir Tandwerktuigkundiges.

- (a) een (wat voorsitter is van die komitee) die voorsitter van die raad is;
- (b) vier aangestel word om die belange te verteenwoordig van geregistreerde tandwerktuigkundiges wat werknemers is;
- (c) twee aangestel word om die belange van geregistreerde tandwerktuigkundiges wat werkgewers van tandwerktuigkundiges is te verteenwoordig; en
- (d) twee aangestel word om die belange van tandartse wat werkgewers van tandwerktuigkundiges is te verteenwoordig.

(2) Die in paragrafe (b), (c) en (d) van sub-artikel (1) bedoelde lede word aangestel deur die werkgewersorganisasies en die vakverenigings, onderskeidelik, wat alsdan na die mening van die Minister van Arbeid verteenwoordigend is van werkgewers of werknemers, na gelang van die geval, in die beroep van tandwerktuigkundige: Met dien verstande dat indien daar na die mening van genoemde Minister nie so 'n organisasie of nie so 'n vakvereniging bestaan nie, die lede wat die belange van werkgewers of werknemers, na gelang van die geval, verteenwoordig, deur genoemde Minister na raadpleging met die raad aangestel word.

(3) Die getal plaasvervangers van die in paragrafe (b), (c) en (d) van sub-artikel (1) bedoelde lede wat die Minister van Arbeid na raadpleging met die raad mag vasstel, word na sodanige raadpleging deur hom, aangestel.

(4) Genoemde lede en hul plaasvervangers beklee hul amp vir 'n tydperk wat die Minister by hul aanstelling moet vasstel, en by verloop van genoemde tydperk word nuwe lede en plaasvervangers ooreenkomstig die bepalinge van hierdie artikel aangestel.

(5) Lede en plaasvervangers wie se ampstermyn verstryk het, kan weer aangestel word.

(6) Die bepalinge van artikel *vier* is *mutatis mutandis* op lede van die komitee en hul plaasvervangers van toepassing.

(7) Die registrateur van die raad tree as sekretaris van die komitee op.

23. (1) Die eerste vergadering van die komitee word gehou op 'n dag en plek wat die Minister van Arbeid bepaal.

Vergaderings van die komitee, en notule van verrigtings.

(2) Alle daaropvolgende vergaderings van die komitee word gehou op die tye en plekke wat die komitee van tyd tot tyd mag bepaal: Met dien verstande dat die voorsitter te eniger tyd 'n buitengewone vergadering van die komitee, wat gehou moet word op 'n dag en plek deur hom bepaal, kan byeenroep.

(3) 'n Amptenaar deur die Minister van Arbeid daartoe benoem, kan enige vergadering van die komitee bywoon en kan aan die verrigtings deelneem, maar is nie geregtig om 'n stem uit te bring nie.

(4) Notule van alle verrigtings van elke vergadering van die komitee word deur die sekretaris gehou.

(5) Die notule van 'n vergadering word aan die daaropvolgende vergadering voorgelê, en indien hul as juis aangeneem word, word hul deur die voorsitter onderteken.

24. (1) Die komitee kan te eniger tyd uit sy lede en hul plaasvervangers 'n onderkomitee benoem om ondersoek in te stel na 'n bepaalde aangeleentheid wat binne die werksaamhede van die komitee val, en aan die komitee daarvoor verslag te doen.

Onderkomitees.

(2) Die komitee kan een van die lede van 'n onderkomitee aanwys as voorsitter van die onderkomitee, en 'n ander om op te tree wanneer die voorsitter nie daartoe in staat is nie.

(3) The member so designated to act shall, when so acting, have all the powers and discharge all the duties of the chairman.

Committee to
function as an
industrial council.

25. (1) For the purposes of the Industrial Conciliation Act, 1937 (Act No. 36 of 1937), the committee shall be deemed to be an industrial council, which has been registered under sub-section (3) of section *nineteen* of the said Act in respect of the Union and of the occupation of dental mechanician, and the provisions of the said Act in respect of industrial councils shall, in so far as they are applicable, *mutatis mutandis*, apply in respect of the committee, with the exception of sub-sections (5), (6), (7) and (8) of section *nineteen*, sections *twenty* and *twenty-two*, paragraph (p) of sub-section (1) of section *twenty-four*, and sections *twenty-six*, *twenty-seven*, *twenty-eight*, *twenty-nine*, *thirty-two*, *thirty-three* and *thirty-four*.

(2) Any expenditure incurred by the committee under sub-section (5) of section *thirty*, or sub-section (2) of section *forty-seven* of the Industrial Conciliation Act, 1937, as applied by this section, shall be defrayed from the funds of the board.

Compulsory
arbitration and
prohibition of
strikes.

26. (1) Whenever a dispute relating to conditions of employment has been referred to the committee, the provisions of section *forty-six* of the Industrial Conciliation Act, 1937 (Act No. 36 of 1937), shall, *mutatis mutandis*, apply in respect of that dispute.

(2) The provisions of paragraph (b) of sub-section (1) of section *sixty-five* of the said Act shall apply in respect of dental mechanicians as though the work performed by them were a service referred to in section *forty-six* of the said Act.

Functions of
committee in
respect of
apprenticeship.

27. (1) The committee shall—

- (a) investigate and make recommendations to the Minister on any matter referred to in paragraph (d) of sub-section (1) of section *thirty-one*;
- (b) investigate any dispute arising out of a contract of apprenticeship referred to it by one of the parties to the contract or by the secretary or any member of the committee; and
- (c) perform such other duties and functions in regard to any other matter concerning apprenticeship as may be prescribed by the Minister.

(2) For the purpose of carrying out its functions under this Act, the committee shall have the powers conferred on an apprenticeship committee under section *fourteen* of the Apprenticeship Act, 1944 (Act No. 37 of 1944), and the said section and section *fifteen* of the said Act, shall *mutatis mutandis* apply.

Validity of
decisions and
acts of board
and committee.

28. No decision or act of the board or of the committee, or act done under the authority of the board or the committee, shall be invalid by reason only of the fact that there was a vacancy on the board or the committee, as the case may be, or that a disqualified person sat or acted as a member at the time the decision was taken or the act was done or authorized: Provided that if a disqualified person sat or acted as a member, the decision or act was taken, done or authorized by a majority of the members present at the time who were duly qualified to sit or act as members.

Penalties.

29. Any person who contravenes or fails to comply with—

- (a) the provisions of sections *sixteen*, *seventeen*, *eighteen*, *nineteen* or *twenty*;
- (b) any condition of a permit issued under section *nineteen*;
- (c) any provision of any contract of employment or apprenticeship registered under this Act; or
- (d) the provisions of sub-section (8), (10) or (11) of section *fourteen* or section *fifteen* of the Apprenticeship Act, 1944 (Act No. 37 of 1944), as applied by sub-section (2) of section *twenty-seven* of this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, or to imprisonment for a period not exceeding six months.

Forfeiture.

30. The court convicting any person of a contravention of section *nineteen*, or of a failure to comply with the conditions of a permit issued under the said section, may declare any unmounted artificial teeth with reference to which the contra-

(3) Die lid wat aldus aangewys is om op te tree, het, wanneer hy aldus optree, al die bevoegdhede en vervul al die pligte van die voorsitter.

25. (1) Vir die doeleindes van die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937), word die komitee geag 'n nywerheidsraad te wees wat ingevolge sub-artikel (3) van artikel *negentien* van genoemde Wet ten opsigte van die Unie en van die beroep van tandwerktuigkundige geregistreer is, en die bepalings van genoemde Wet met betrekking tot nywerheidsrade is, vir sover hul toepaslik is, *mutatis mutandis* van toepassing ten opsigte van die komitee, met uitsondering van sub-artikels (5), (6), (7) en (8) van artikel *negentien*, artikels *twintig* en *twee-en-twintig*, paragraaf (p) van sub-artikel (1) van artikel *vier-en-twintig*, en artikels *ses-en-twintig*, *sewen-en-twintig*, *agt-en-twintig*, *negen-en-twintig*, *twee-en-dertig*, *drie-en-dertig* en *vier-en-dertig*.

Komitee tree op as 'n nywerheidsraad.

(2) Uitgawes deur die komitee ingevolge sub-artikel (5) van artikel *dertig*, of sub-artikel (2) van artikel *sewen-en-veertig* van die Nywerheid-versoeningswet, 1937, soas deur hierdie artikel toegepas, beloop, word uit die fondse van die raad bestry.

26. (1) Wanneer 'n geskil betreffende diensvoorwaardes na die komitee verwys is, is die bepalings van artikel *ses-en-veertig* van die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937), *mutatis mutandis* ten opsigte van daardie geskil van toepassing.

Verpligte arbitrasie en verbod op stakings.

(2) Die bepalings van paragraaf (b) van sub-artikel (1) van artikel *vyf-en-sestig* van genoemde Wet is ten opsigte van tandwerktuigkundiges van toepassing asof die werk wat hul verrig 'n in artikel *ses-en-veertig* van genoemde Wet bedoelde diens is.

27. (1) Die komitee—

Werksaamhede van komitee ten opsigte van vakleerlinge.

(a) stel ondersoek in en doen by die Minister aanbevelings betreffende enige in paragraaf (d) van sub-artikel (1) van artikel *een-en-dertig* bedoelde aangeleentheid;

(b) stel ondersoek in betreffende enige geskil wat uit 'n leerlingkontrak ontstaan en deur een van die partye by die kontrak of deur die sekretaris of 'n lid van die komitee na hom verwys is; en

(c) vervul die pligte en verrig die werksaamhede met betrekking tot enige ander aangeleentheid betreffende vakleerlinge wat die Minister mag voorskryf.

(2) Ten einde sy werksaamhede ingevolge hierdie Wet te verrig, het 'n komitee die bevoegdhede wat by artikel *veertien* van die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944) aan 'n komitee vir vakleerlinge verleen word, en is genoemde artikel, asook artikel *vyftien* van genoemde Wet, *mutatis mutandis* van toepassing.

28. 'n Besluit of handeling van die raad of van die komitee, of handeling op gesag van die raad of die komitee verrig, is nie ongeldig nie slegs omdat daar 'n vakature, na gelang van die geval, op die raad of die komitee was, of omdat 'n onbevoegde persoon as 'n lid sitting geneem of opgetree het, toe die besluit geneem is of die handeling verrig of gemagtig is: Met dien verstande dat indien 'n onbevoegde persoon as 'n lid sitting geneem of opgetree het, die besluit of handeling geneem, verrig of gemagtig is deur 'n meerderheid van die lede wat toe aanwesig was en wel bevoeg was om as lede sitting te neem of op te tree.

Geldigheid van besluite en handelings van raad en komitee.

29. Iemand wat—

Strafbepalings.

(a) die bepalings van artikels *sestien*, *sewentien*, *agtien*, *negentien* of *twintig*;

(b) 'n voorwaarde van 'n permit kragtens artikel *negentien* uitgereik;

(c) 'n bepaling van 'n dienskontrak of leerlingkontrak wat ingevolge hierdie Wet geregistreer is; of

(d) die bepalings van sub-artikel (8), (10) of (11) van artikel *veertien* of artikel *vyftien* van die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), soas van toepassing verklaar deur sub-artikel (2) van artikel *sewen-en-twintig* van hierdie Wet,

oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

30. Die hof wat iemand aan 'n oortreding van artikel *negen-tien* skuldig bevind, of aan 'n versuim om aan die voorwaardes van 'n permit kragtens daardie artikel uitgereik, te voldoen, kan enige ongemonteerde kunstande in verband waarmee die

Verbeurd-verklaring.

vention has taken place, to be forfeited to the State and such teeth may thereupon be sold or otherwise disposed of as the Minister may direct.

Regulations:

31. (1) The Minister may make regulations—

- (a) prescribing the officers by whom permits under section *nineteen* may be issued, the form in which and the conditions subject to which such permits shall be issued and the fee payable therefor;
- (b) prescribing the form in which the register referred to in section *twenty* shall be kept, and the particulars which shall be entered therein;
- (c) prescribing the manner in which members of the board shall be elected;
- (d) relating to apprenticeship in the occupation of dental mechanician, including—
 - (i) the period during which and the conditions under which any person may be employed on probation prior to apprenticeship;
 - (ii) the form of contracts of apprenticeship;
 - (iii) the registration, transfer, suspension and cancellation of contracts of apprenticeship;
 - (iv) the measures which may be taken against employers or apprentices who commit any breach of the contract or conditions of apprenticeship;
 - (v) the qualifications required for apprenticeship, the period of apprenticeship, remuneration, education, technical and practical training, testing, examination, hours of work and holidays of apprentices and any other condition of apprenticeship he may deem desirable;
 - (vi) the records to be kept by employers of apprentices and the period during which such records shall be retained; and
 - (vii) the circumstances under which and the authority by which a departure from any regulation under this paragraph may be permitted; and
- (e) prescribing generally any matter which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Before making any regulation under paragraph (d) of sub-section (1), the Minister shall consult the committee.

(3) Different regulations may be made under the said paragraph in respect of different classes of employers and apprentices and different areas, and in making such regulations the Minister may apply any method of differentiation he may deem advisable.

(4) Any regulations made under sub-section (1) may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of fifty pounds or imprisonment for a period of six months.

Rules by the board.

32. (1) The board may make rules not inconsistent with the provisions of this Act or any regulation made under section *thirty-one*, providing for—

- (a) the procedure at meetings of the board and of committees of the board, and the keeping of minutes of the proceedings;
- (b) the manner in which the accounts of the board shall be kept;
- (c) the fees and allowances to be paid to members when engaged on the service of the board;
- (d) the duties of the registrar and other officers of the board;
- (e) the form of the registers to be kept under section *eleven*, and of certificates issuable under *this Act*;
- (f) the forms to be filled in and the documents to be submitted by applicants for registration or for restoration to the register;
- (g) the form and method of and the fee for registration of contracts of employment in the work of a dental mechanician otherwise than as an apprentice, the accommodation, facilities, equipment and material to be provided in dental laboratories where such contracts are carried out, and the inspection of dental laboratories where such contracts are carried out;

misdryf plaasgevind het, aan die Staat verbeurd verklaar en sulke tande kan dan verkoop of andersins van die hand gesit word, soos die Minister mag gelas.

31. (1) Die Minister kan regulasies uitvaardig—

Regulasies.

- (a) wat die beamptes deur wie permitte ingevolge artikel *negentien* uitgereik kan word, die vorm waarin en die voorwaardes waarop sulke permitte uitgereik word en die gelde wat daarvoor betaalbaar is, voorskryf;
- (b) wat die vorm waarin die in artikel *twintig* bedoelde register gehou moet word en die besonderhede wat daarin opgeteken moet word, voorskryf;
- (c) wat die wyse voorskryf waarop lede van die raad gekies moet word;
- (d) met betrekking tot vakleerlinge in die beroep van tandwerktuigkundige, met inbegrip van—
 - (i) die tydperk gedurende welke en die voorwaardes waarop iemand, alvorens 'n leerlingkontrak met hom aangegaan word, op proef in diens geneem kan word;
 - (ii) die vorm van leerlingkontrakte;
 - (iii) die registrasie, oordrag, skorsing en ontbinding van leerlingkontrakte;
 - (iv) die stappe wat gedoen kan word teen werknemers of vakleerlinge wat die bepalings van die kontrak of leervoorwaardes nie nakom nie;
 - (v) die kwalifikasies wat van vakleerlinge vereis word, die leertyd, besoldiging, onderwys, tegniese en praktiese opleiding, en die toets, afneem van eksamens, werkure en vakansiedae van vakleerlinge, en enige ander leervoorwaarde wat hy raadsaam mag ag;
 - (vi) die aantekenings wat werkgewers van vakleerlinge moet hou en die tydperk gedurende welke die aantekenings behou moet word; en
 - (vii) die omstandighede waarin en die outoriteit deur wie 'n afwyking van 'n kragtens hierdie paragraaf uitgevaardigde regulasie toegelaat kan word; en
- (e) wat in die algemeen enige aangeleentheid voorskryf wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(2) Alvorens 'n regulasie kragtens paragraaf (d) van sub-artikel (1) uit te vaardig, raadpleeg die Minister die komitee.

(3) Verskillende regulasies kan ingevolge genoemde paragraaf ten opsigte van verskillende kategorieë werkgewers en werknemers en verskillende gebiede uitgevaardig word, en die Minister kan, wanneer hy sulke regulasies uitvaardig, op enige grond wat hy raadsaam ag, 'n verskil trek.

(4) Regulasies kragtens sub-artikel (1) uitgevaardig kan op enige oortreding daarvan of versuim om daaraan te voldoen, strawwe stel van hoogstens 'n boete van vyftig pond of gevangenisstraf vir 'n tydperk van ses maande.

32. (1) Die raad kan reëls neerlê wat nie met die bepalings van hierdie Wet of 'n kragtens artikel *een-en-dertig* uitgevaardigde regulasie onbestaanbaar is nie, wat voorsiening maak vir—

Reëls deur die raad.

- (a) die prosedure by vergaderings van die raad en van komitees van die raad, en die hou van notule van die verrigtings;
- (b) die manier waarop die rekenings van die raad gehou moet word;
- (c) die gelde en toelaes wat aan lede betaal moet word wanneer hul in diens van die raad werkzaam is;
- (d) die pligte van die registrateur en ander beamptes van die raad;
- (e) die vorm van die registers wat ingevolge artikel *elf* gehou moet word, en van sertifikate wat ingevolge hierdie Wet uitgereik kan word;
- (f) die vorms wat ingevul en die dokumente wat ingestuur moet word deur applikante vir registrasie of vir herstel op die register;
- (g) die vorm en manier van en die gelde vir registrasie van dienskontrakte vir die verrigting van die werk van 'n tandwerktuigkundige in 'n ander hoedanigheid as die van 'n leerling, die plaasruimte, geriewe, uitrusting en materiaal waarvoor in laboratoria vir tandkundige werk waar sulke kontrakte uitgevoer word, voorsiening gemaak moet word, en die inspeksie van laboratoria vir tandkundige werk waar sulke kontrakte uitgevoer word of uitgevoer gaan word;

- (h) the minimum age and the standard of general education required of candidates for examinations for certificates of competency in dental mechanics, the persons who may be admitted to such examinations, the courses of study and the training required for such examinations, the institutions at which such courses or training may be taken, the fees payable by candidates for examination, the appointment and remuneration of examiners, the issue of certificates by the board and any other matter incidental to such examinations ;
- (i) the conditions under which dental mechanics may carry on their calling ;
- (j) the acts or omissions of which the board may take cognisance under section *forty-one* of the Medical Act as applied by section *twenty-one* ; and
- (k) any matter which under this Act is permitted to be prescribed by the board.

(2) The rules may prescribe penalties not exceeding a fine of ten pounds for a contravention thereof or failure to comply therewith.

(3) No rule made under this section shall be of any force or effect unless approved by the Minister and (except in the case of rules made under paragraphs (a) to and including (e) of sub-section (1)) published in the *Gazette*.

Rules by the committee.

33. The committee may, subject to the approval of the Minister of Labour, given after consultation with the Minister, make rules as to—

- (a) the admittance to meetings of the committee or of any sub-committee thereof, of persons other than those entitled under this Act to be present thereat ;
- (b) the voting powers of the chairman ;
- (c) the quorum at any such meeting, the procedure to be followed if there is no quorum, and the majority of votes by which a decision of the committee or a sub-committee thereof shall be taken ;
- (d) the circumstances under which an alternate may sit as a member of the committee ;
- (e) the procedure at meetings of the committee or a sub-committee thereof, including the procedure to be followed in the event of an equality of votes ;
- (f) the taking of decisions by the members of the committee or a sub-committee thereof without holding a meeting ;
- (g) the procedure for dealing with disputes between employers and employees on any matter falling within the committee's functions ; and
- (h) such other matters as may be necessary or expedient for the proper functioning of the committee or a sub-committee thereof.

Amendment of Schedule.

34. The Governor-General may from time to time by proclamation in the *Gazette*, after the Minister has consulted with the board or has received a recommendation of the board, amend the Schedule by increasing or reducing any of the fees mentioned therein.

Amendment of Act 13 of 1928.

35. The Medical Act is hereby amended with effect as from the fixed date—

- (a) by the deletion in sub-section (1) of section *thirty-two* of the words "dental mechanics" and "dental mechanics" ;
- (b) by the deletion in paragraph (b) of section *forty* of the words "dental mechanic" ;
- (c) by the deletion in sub-section (1) of section *ninety-three*, and in paragraphs (j) and (k) of sub-section (2) of section *ninety-four*, of the words "dental mechanics" ; and
- (d) by the deletion in sub-section (1) of section *ninety-six* of the definition of "dental mechanic".

Short title and commencement.

36. This Act shall be called the Dental Mechanics Act, 1945, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

- (h) die minimum-leeftyd en die standaard van algemene opvoeding wat vereis word van kandidate by eksamens vir bedrewenheidsertifikate in tandwerktuigkunde, die persone wat tot sulke eksamens toegelaat mag word, die studiekursusse en die opleiding wat nodig is vir sulke eksamens, die inrigtings waar daardie kursusse gevolg of bedoelde opleiding ontvang mag word, die gelde deur eksamenkandidate betaalbaar, die benoeming en besoldiging van eksaminatore, die uitreiking van sertifikate deur die raad en enige ander saak wat op bedoelde eksamens betrekking het ;
- (i) die voorwaardes waaronder tandwerktuigkundiges hul beroep mag uitoefen ;
- (j) die dade of versuime waarvan die raad kragtens artikel *een-en-veertig* van die Wet op Geneeshere soos van toepassing verklaar deur artikel *een-en-twintig*, kennis mag neem ; en
- (k) enige aangeleentheid wat volgens hierdie Wet deur die raad voorgeskryf kan word.

(2) Die reëls kan op 'n oortreding daarvan of versuim om daaraan te voldoen strawwe stel van hoogstens 'n boete van tien pond.

(3) Geen reël ingevolge hierdie artikel neergelê is van enige krag nie tensy dit deur die Minister goedgekeur en (behalwe in die geval van reëls kragtens paragrafe (a) tot en met (e) van sub-artikel (1) neergelê) in die *Staatskoerant* gepubliseer is.

33. Die komitee kan, met goedkeuring van die Minister van Reëls deur die Arbeid na raadpleging met die Minister verleen, reëls neerlê komitee. aangaande—

- (a) die verleen van toegang tot vergaderings van die komitee of 'n onderkomitee daarvan, aan ander persone dan die wat ingevolge hierdie Wet geregtig is om daarop aanwesig te wees ;
- (b) die stemkrag van die voorsitter ;
- (c) die kworum by so 'n vergadering, die prosedure wat by gebrek aan 'n kworum gevolg moet word, en die meerderheid van stemme waarmee 'n besluit van die komitee of 'n onderkomitee daarvan geneem moet word ;
- (d) die omstandighede waarin 'n plaasvervanger as lid van die komitee kan sitting neem ;
- (e) die prosedure by vergaderings van die komitee of 'n onderkomitee daarvan, met inbegrip van die prosedure wat by 'n staking van stemme gevolg moet word ;
- (f) die neem van besluite deur die lede van die komitee of 'n onderkomitee daarvan sonder om 'n vergadering te hou ;
- (g) die prosedure vir die behandeling van geskille tussen werkgewers en werknemers betreffende 'n aangeleentheid wat binne die komitee se werksaamhede val ; en
- (h) sodanige ander aangeleenthede as wat nodig of raadzaam mag wees vir die behoorlike verrigting van die werksaamhede van die komitee of 'n onderkomitee daarvan.

34. Die Goewerneur-generaal kan van tyd tot tyd by proklamasie in die *Staatskoerant*, nadat die Minister met die raad beraadslaag het of 'n aanbeveling van die raad ontvang het, die Bylae wysig deur verhoging of vermindering van enigeen van die daarin vermelde gelde. Wysiging van Bylae.

35. Die Wet op Geneeshere word hiermee met ingang vanaf die vasgestelde datum gewysig—. Wysiging van Wet 13 van 1918.

- (a) deur in sub-artikel (1) van artikel *twee-en-dertig* die woorde „tandwerktuigkundiges” en „tandwerktuigkunde” te skrap ;
- (b) deur in paragraaf (b) van artikel *veertig* die woord „tandwerktuigkundige” te skrap ;
- (c) deur in sub-artikel (1) van artikel *drie-en-negentig* en in paragrafe (j) en (k) van sub-artikel (2) van artikel *vier-en-negentig* die woord „tandwerktuigkundiges” te skrap ; en
- (d) deur in sub-artikel (1) van artikel *ses-en-negentig* die omskrywing van „tandwerktuigkundige” te skrap.

36. Hierdie Wet heet die Wet op Tandwerktuigkundiges, Kort titel en 1945, en tree in werking op 'n datum wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal moet word. inwerkingtreding

Schedule.

FEES PAYABLE UNDER THIS ACT.

	£	s.	d.
1. For a registration certificate—			
(a) in the case of a person referred to in sub-paragraph (i) of paragraph (a) of sub-section (1) of section <i>thirteen</i> ..			Nil
(b) in the case of a person referred to in sub-paragraph (ii) of the said paragraph ..	1	1	0
(c) in the case of a person referred to in paragraph (b) of the said sub-section ..	3	3	0
(d) in the case of a person referred to in paragraph (c) of the said sub-section ..	3	3	0
2. For restoration of name to register after erasure under section <i>seventeen</i> of the Medical Act as applied by section <i>twenty-one</i> ..	0	10	6
3. For a duplicate registration certificate, a certified extract from the register or a certificate under the hand of the registrar under section <i>twenty-one</i> of the Medical Act, as so applied ..	0	10	6
4. For alteration of the name or qualifications of a person whose name appears in the register ..	0	10	6

Bylae.

GELDE INGEVOLGE HIERDIE WET BETAALBAAR.

	£ s. d.		
1. Vir 'n registrasiesertifikaat—			
(a) in die geval van 'n persoon in sub-paragraaf (i) van paragraaf (a) van sub-artikel (1) van artikel <i>dertien</i> bedoel	Nul		
(b) in die geval van 'n persoon in sub-paragraaf (ii) van die genoemde paragraaf bedoel	1	1	0
(c) in die geval van 'n persoon in paragraaf (b) van die genoemde sub-artikel bedoel	3	3	0
(d) in die geval van 'n persoon in paragraaf (c) van die genoemde sub-artikel bedoel	3	3	0
2. Vir herstel van naam op register na skraping ingevolge artikel <i>sewentien</i> van die Wet op Geneeshere soas van toepassing verklaar deur artikel <i>een-en-twintig</i>	0	10	6
3. Vir 'n duplikaat van 'n registrasiesertifikaat, 'n gesertifiseerde uittreksel uit die register of 'n sertifikaat onder die handtekening van die registrateur ingevolge artikel <i>een-en-twintig</i> van die Wet op Geneeshere, soas aldus van toepassing verklaar	0	10	6
4. Vir verandering van die naam of kwalifikasies van 'n persoon wie se naam in die register voorkom	0	10	6

No. 31, 1945.]

ACT

To amend the Public Servants (Military Service) Act, 1944.

(English Text signed by the Officer Administering the Government.)

(Assented to on 5th June, 1945.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of
section 1 of
Act 27 of 1944.

1. Section *one* of the Public Servants (Military Service) Act, 1944 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of the expression "Treasury" of the following definition:

" 'whole-time service', in relation to military service, includes the period represented by any cash payment in lieu of leave made to the person concerned on his discharge from military service, but does not include any part of a continuous period of more than twenty-one days during which the person concerned was granted leave of absence without pay or was unlawfully absent from duty or, in the case of any person appointed or otherwise employed in terms of section *four* or *seven*, any part of a continuous period of more than twenty-one days during which such person was in custody, under detention in barracks, or undergoing punishment entailing, in each case, forfeiture of military pay.";

(b) by the addition thereto of the following sub-section, the existing section becoming sub-section (1):

"(2) Any period of whole-time service by any person with any force or service referred to in paragraphs (a) and (b) of the definition of 'military service' in sub-section (1) (other than the South African Permanent Force) which extends beyond the date declared by the Governor-General to be the date of termination of the war shall, if it commenced before the said date be regarded as military service for the purposes of this Act."

Amendment of
section 2 of
Act 27 of 1944.

2. Section *two* of the principal Act is hereby amended by the deletion of sub-section (7).

Amendment of
section 3 of
Act 27 of 1944.

3. Section *three* of the principal Act is hereby amended by the addition thereto of the following sub-section:

"(3) Any employee whose employment under the Government was terminated on or before the first day of February, 1941, in consequence of his release for military service shall, for the purposes of this Act, be deemed to have been granted leave of absence without civil pay between the date upon which his employment was so terminated and the date of his re-employment under the Government, or the first day of July, 1942, whichever date may be the earlier."

Amendment of
section 4 of
Act 27 of 1944.

4. Section *four* of the principal Act is hereby amended—

(a) by the insertion in the proviso to sub-section (5) after the word "sub-section" of the words "if that part of his military service is, or was, pensionable service under the provisions of any other law, or";

(b) by the addition at the end of sub-section (5), of the following further proviso:

"Provided further, that no part of any period of his military service prior to the date upon which he attained the age prescribed as the minimum age for the particular post or employment to which he is appointed or in which he is employed, shall be so included in his pensionable service.";

No. 31, 1945.]

WET

Tot wysiging van die Wet op Staatsamptenare (Militêre Diens), 1944.

(Engelse Tekst deur die Amptenaar Belas met die Uitoeffening van die Uitvoerende Gesag geteken.)
((Goedgekeur op 5 Junie 1945.))

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel een van die Wet op Staatsamptenare (Militêre Diens), 1944 (hieronder die Hoofwet genoem) word hierby gewysig—

Wysiging van artikel 1 van Wet 27 van 1944.

- (a) deur die volgende woordbepaling na die omskrywing van die uitdrukking „Tesourie” in te voeg:
„voltydse diens”, met betrekking tot militêre diens, ook die termyn wat verteenwoordig word deur ’n kontantbetaling in plaas van verlof wat by sy ontslag aan die betrokke persoon gedoen is, maar omvat dit geen gedeelte van ’n ononderbroke termyn van meer as een-en-twintig dae gedurende welke aan die betrokke persoon afwesigheidsverlof sonder soldy toegestaan is of gedurende welke hy onregmatiglik uit sy diens afwesig was of, in die geval van iemand wat ingevolge artikel vier of sewe aangestel of andersins in diens geneem is, geen gedeelte van ’n ononderbroke termyn van meer as een-en-twintig dae gedurende welke so iemand in versekerde bewaring aangehou is of onder kaserne-detensie was of straf ondergaan het waarop daar, in elke geval, verbeuring van militêre soldy gevolg het.”;
- (b) deur die volgende sub-artikel daaraan toe te voeg, met aanduiding van die bestaande artikel as sub-artikel (1):
„(2) ’n Termyn van voltydse diens deur iemand by ’n mag of diens wat in paragrafe (a) en (b) van die omskrywing van die uitdrukking „militêre diens” in sub-artikel (1) bedoel word (behalwe die Suid-Afrikaanse Staande Mag) wat voortduur na die datum wat deur die Goewerneur-generaal verklaar is die datum van beëindiging van die oorlog te wees, word, indien dit voor bedoelde datum ’n aanvang geneem het, by die toepassing van hierdie Wet as militêre diens beskou.”.

2. Artikel twee van die Hoofwet word hierby gewysig deur sub-artikel (7) te skrap.

Wysiging van artikel 2 van Wet 27 van 1944.

3. Artikel drie van die Hoofwet word hierby gewysig deur die volgende sub-artikel daaraan toe te voeg:

Wysiging van artikel 3 van Wet 27 van 1944.

- „(3) By die toepassing van hierdie Wet word dit beskou dat daar aan ’n werknemer wie se diens by die Regering op of voor die eerste dag van Februarie 1941 ten gevolge van sy vrystelling vir militêre diens beëindig is, afwesigheidsverlof sonder burgerlike besoldiging toegestaan is tussen die datum waarop sy diens aldus beëindig is en die datum van sy herindiensneming by die Regering, of die eerste dag van Julie 1942, na gelang van watter die vroegste is.”.

4. Artikel vier van die Hoofwet word hierby gewysig—

Wysiging van artikel 4 van Wet 27 van 1944.

- (a) deur na die woorde „ingesluit word nie” in die voorbehoudsbepaling by sub-artikel (5), die volgende woorde in te voeg: „as daardie gedeelte van sy militêre diens ingevolge die bepalings van ’n ander wet, pensioengewende diens is of was, of”;
- (b) deur die volgende verdere voorbehoudsbepaling aan die end van sub-artikel (5) by te voeg: „Met dien verstande voorts dat geen gedeelte van enige termyn van sy militêre diens voor die datum waarop hy die leeftyd bereik het wat voorgeskryf is as die minimum-leeftyd vir die bepaalde pos of diensbetrekking waarin hy aangestel of in diens geneem word, aldus by sy pensioengewende diens ingesluit mag word nie.”;

- (c) by the deletion in sub-section (6), of all words after the word "between" and the substitution therefor of the words "the date of his first enlistment for military service and the date of his appointment or employment under the Government, which does not count as military service."
- Amendment of section 7 of Act 27 of 1944.
5. Section *seven* of the principal Act is hereby amended—
- (a) by the insertion, after the word "sub-section" in the proviso to sub-section (5), of the words "if that part of his military service is, or was, pensionable service under the provisions of any other law, or";
- (b) by the deletion, in sub-section (6), of all words after the word "between" and the substitution therefor of the words "the date of his first enlistment for military service and the date of his appointment or employment under the Railway Administration, which does not count as military service."
- Amendment of section 10 of Act 27 of 1944.
6. Section *ten* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "this Act", where they occur for the first time of the words "or was granted leave of absence without civil pay in respect of any period of his absence on military service,".
- Amendment of section 11 of Act 27 of 1944.
7. Section *eleven* of the principal Act is hereby amended by the insertion in sub-section (2), after the word "without" of the word "civil".
- Short title and commencement.
8. This Act shall be called the Public Servants (Military Service) Amendment Act, 1945, and shall, save for paragraph (b) of section *four*, be deemed to have come into operation on the date of commencement of the principal Act.

- (c) deur in sub-artikel (6) al die woorde na die woord „tussen” te skrap en deur die volgende woorde te vervang: „die datum van sy eerste inskrywing vir militêre diens en die datum van sy aanstelling of indiensneming by die Regering, wat nie as militêre diens tel nie.”
5. Artikel *sewe* van die Hoofwet word hierby gewysig— Wysiging van artikel 7 van Wet 27 van 1944.
- (a) deur na die woorde „ingesluit word nie” in die voorbehoudsbepaling by sub-artikel (5), die volgende woorde in te voeg: „as daardie gedeelte van sy militêre diens ingevolge die bepalings van ’n ander wet, pensioengewende diens is of was, of”;
- (b) deur in sub-artikel (6) al die woorde na die woord „tussen” te skrap en deur die volgende woorde te vervang: „die datum van sy eerste inskrywing vir militêre diens en die datum van sy aanstelling of indiensneming by die Spoorwegadministrasie, wat nie as militêre diens tel nie.”
6. Artikel *tien* van die Hoofwet word hierby gewysig deur na die woorde „in diens geneem word” in sub-artikel (1), die volgende woorde in te voeg: „of wanneer afwesigheidsverlof sonder burgerlike besoldiging ten opsigte van enige tydperk van sy afwesigheid in militêre diens aan hom toegestaan is”. Wysiging van artikel 10 van Wet 27 van 1944.
7. Artikel *elf* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „burgerlike” tussen die woord „sonder” en die woord „besoldiging” in te voeg. Wysiging van artikel 11 van Wet 27 van 1944.
8. Hierdie Wet heet die Wysigingswet op Staatsamptenare (Militêre diens), 1945, en behalwe vir paragraaf (b) van artikel *vier*, word dit geag op die datum van inwerkingtreding van die Hoofwet in werking te getree het. Kort titel en inwerkingtreding.