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DEPARTMENT OF THE PRIME MINISTER.

No. 1048. 23rd June, 1971.

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

No. 60 of 1971: Workmen's Compensation Amendment Act, 1971.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1048. 23 Junie 1971.

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

No. 60 van 1971: Ongevallewysigingswet, 1971.

Act No. 60, 1971

WORKMEN'S COMPENSATION AMENDMENT ACT, 1971.

ACT

To amend sections 38 and 39 of the Workmen's Compensation Act, 1941, in order to increase the maximum amount of compensation payable to a White, Coloured and Asiatic workman for temporary and permanent disablement; and to amend sections 84 and 85 of the said Act in order to increase the maximum amount of compensation payable to a Bantu workman for temporary and permanent disablement.

*(English text signed by the State President.)
(Assented to 4th June, 1971.)*

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

Amendment of section 38 of Act 30 of 1941, as amended by section 18 of Act 27 of 1945, section 14 of Act 36 of 1949, section 13 of Act 51 of 1956, section 4 of Act 7 of 1961 and section 2 of Act 58 of 1967.

1. Section 38 of the Workmen's Compensation Act, 1941 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 - “(a) Compensation for temporary total disablement shall be periodical payments during such temporary disablement at a rate of seventy-five per cent of the monthly earnings of the workman up to two hundred rand of such earnings: Provided that the periodical payment shall not be less than thirteen rand per month or the rate of the workman's earnings at the time of the accident, whichever is the lesser.”; and
- (b) by the substitution for subsection (4) of the following subsection:
 - “(4) In determining the amount of any periodical payments, any excess of any monthly earnings of a workman above two hundred rand shall not be taken into consideration.”.

Amendment of section 39 of Act 30 of 1941, as amended by section 19 of Act 27 of 1945, section 15 of Act 36 of 1949, section 14 of Act 51 of 1956, section 5 of Act 7 of 1961 and section 3 of Act 58 of 1967.

2. Section 39 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 - “(a) Where the degree of disablement is thirty per cent, a lump sum equal to twelve times the monthly earnings of the workman up to forty rand of such earnings, together with ten times his monthly earnings in excess of forty rand up to two hundred rand.”;
- (b) by the substitution for paragraph (c) of the said subsection of the following paragraph:
 - “(c) Where the degree of disablement is one hundred per cent, a monthly pension equal to seventy-five per cent of the monthly earnings of the workman up to two hundred rand of such earnings:

WET

Tot wysiging van artikels 38 en 39 van die Ongevallewet, 1941, ten einde die maksimum bedrag van skadeloosstelling betaalbaar aan 'n Blanke-, Kleurling- en Asiatiese werksman vir tydelike en blywende arbeidsongeskiktheid te verhoog; en tot wysiging van artikels 84 en 85 van gemelde Wet ten einde die maksimum bedrag van skadeloosstelling betaalbaar aan 'n Bantoewerksman vir tydelike en blywende arbeidsongeskiktheid te verhoog.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 Junie 1971.)

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

1. Artikel 38 van die Ongevallewet, 1941 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) Skadeloosstelling weens tydelike algehele arbeidsongeskiktheid, is periodieke uitkerings gedurende sodanige tydelike arbeidsongeskiktheid teen 'n skaal van vyf-en-sewentig persent van die maandelikse verdienste van die werksman tot tweehonderd rand van daardie verdienste: Met dien verstande dat die periodieke uitkering nie minder as dertien rand per maand of die skaal van die werksman se verdienste ten tyde van die ongeval, na gelang watter die kleinste is, mag bedra nie.”; en
 - (b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) By die bepaling van die bedrag van periodieke uitkerings word die bedrag van maandelikse verdienste van 'n werksman bo tweehonderd rand buite rekening gelaat.”.
2. Artikel 39 van die Hoofwet word hierby gewysig—
 - (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) Wanneer die graad van arbeidsongeskiktheid dertig persent is, 'n enkele geldsom gelyk aan twaalf maal die maandelikse verdienste van die werksman tot veertig rand van daardie verdienste, benewens tien maal sy maandelikse verdienste bo veertig rand tot tweehonderd rand.”; en
 - (b) deur paragraaf (c) van genoemde subartikel deur die volgende paragraaf te vervang:

„(c) Wanneer die graad van arbeidsongeskiktheid honderd persent is, 'n maandelikse pensioen gelyk aan vyf-en-sewentig persent van die maandelikse verdienste van die werksman tot tweehonderd rand van daardie verdienste: Met dien verstande

Wysiging van artikel 38 van Wet 30 van 1941, soos gewysig deur artikel 18 van Wet 27 van 1945, artikel 14 van Wet 36 van 1949, artikel 13 van Wet 51 van 1956, artikel 4 van Wet 7 van 1961 en artikel 2 van Wet 58 van 1967.

Wysiging van artikel 39 van Wet 30 van 1941, soos gewysig deur artikel 19 van Wet 27 van 1945, artikel 15 van Wet 36 van 1949, artikel 14 van Wet 51 van 1956, artikel 5 van Wet 7 van 1961 en artikel 3 van Wet 58 van 1967.

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Provided that the pension payable shall not be less than thirteen rand per month or the rate of the workman's earnings at the time of the accident, whichever is the lesser."; and

- (c) by the substitution for subsection (2) of the following subsection:

"(2) In determining the compensation under subsection (1) any excess of the monthly earnings of a workman above two hundred rand shall not be taken into consideration."

Amendment of section 84 of Act 30 of 1941, as substituted by section 5 of Act 58 of 1967.

3. Section 84 of the principal Act is hereby amended—

- (a) by the substitution for the words preceding the proviso of the following words:

"84. The compensation payable for temporary total disablement shall, in the case of a Bantu workman, be periodical payments during such temporary disablement at the rate of seventy-five per cent of the monthly earnings of the workman up to two hundred rand of such earnings for a period not exceeding twelve months:"; and

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

"(b) in determining the compensation under this section any excess of the monthly earnings of a workman above two hundred rand shall not be taken into consideration."

Amendment of section 85 of Act 30 of 1941, as substituted by section 6 of Act 58 of 1967.

4. Section 85 of the principal Act is hereby amended—

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

"(a) where the degree of disablement is thirty per cent, a lump sum equal to twelve times the monthly earnings of the workman up to forty rand of such earnings, together with ten times his monthly earnings in excess of forty rand up to two hundred rand;"

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

(c) where the degree of disablement is one hundred per cent, a lump sum equal to forty-eight times the monthly earnings of the workman up to forty rand of such earnings, together with thirty times his monthly earnings in excess of forty rand up to two hundred rand with a minimum compensation of four hundred and eighty rand;"

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

"(3) In determining the compensation under this section any excess of the monthly earnings of a workman above two hundred rand shall not be taken into consideration."

Short title and commencement.

5. This Act shall be called the Workmen's Compensation Amendment Act, 1971, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*: Provided that the amendments effected by sections 1, 2, 3 and 4 of this Act shall not apply with reference to accidents which occurred prior to the date so fixed.

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dat die betaalbare pensioen nie minder as dertien rand per maand of die skaal van die werksman se verdienste ten tyde van die ongeval, na gelang van watter die kleinste is, mag bedra nie.”; en

- (c) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) By die vasstelling van die skadeloosstelling ingevolge subartikel (1) word enige bedrag van die maandelikse verdienste van 'n werksman bo tweehonderd rand buite rekening gelaat.”.

3. Artikel 84 van die Hoofwet word hierby gewysig—

Wysiging van artikel 84 van Wet 30 van 1941, soos vervang deur artikel 5 van Wet 58 van 1967.

- (a) deur die woorde wat die voorbehoudsbepaling voorafgaan, deur die volgende woorde te vervang:

„84. Die skadeloosstelling weens tydelike algehele arbeidsongeskiktheid in die geval van 'n Bantoe-werksman betaalbaar, is periodieke uitkerings gedurende die tydelike arbeidsongeskiktheid teen vyf-en-sewentig persent van die maandelikse verdienste van die werksman tot tweehonderd rand van daardie verdienste, vir 'n tydperk van hoogstens twaalf maande.”; en

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

„(b) by die bepaling van die skadeloosstelling kragtens hierdie artikel, die bedrag van die maandelikse verdienste van 'n werksman bo tweehonderd rand buite rekening gelaat word.”.

4. Artikel 85 van die Hoofwet word hierby gewysig—

Wysiging van artikel 85 van Wet 30 van 1941, soos vervang deur artikel 6 van Wet 58 van 1967.

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

„(a) waar die graad van arbeidsongeskiktheid dertig persent is, 'n enkele geldsom gelyk aan twaalf maal die maandelikse verdienste van die werksman tot veertig rand van daardie verdienste, benewens tien maal sy maandelikse verdienste bo veertig rand tot tweehonderd rand;”;

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

„(c) waar die graad van arbeidsongeskiktheid honderd persent is, 'n enkele geldsom gelyk aan agt-en-veertig maal die maandelikse verdienste van die werksman tot veertig rand van daardie verdienste, benewens dertig maal sy maandelikse verdienste bo veertig rand tot tweehonderd rand, met 'n minimum skadeloosstelling van vierhonderd-en-tagtig rand;”;

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

„(3) By die bepaling van die skadeloosstelling kragtens hierdie artikel, word die bedrag van die maandelikse verdienste van 'n werksman bo tweehonderd rand buite rekening gelaat.”.

5. Hierdie Wet heet die Ongevallewysigingswet, 1971, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat die wysigings wat deur artikels 1, 2, 3 en 4 van hierdie Wet aangebring is, nie van toepassing is nie met betrekking tot ongevallen wat plaasgevind het voor die datum wat aldus vasgestel is.

Kort titel en inwerkingtreding.