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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1170.

6 Julie 1973.

No. 1170.

6th July, 1973.

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

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

No. 78 van 1973: Wet op Bedryfsiektes in Myne en Bedrywe, 1973.

No. 78 of 1973: Occupational Diseases in Mines and Works Act, 1973.

Act No. 78, 1973. OCCUPATIONAL DISEASES IN MINES AND WORKS ACT, 1973.

ACT

To consolidate and amend the law relating to the payment of compensation in respect of certain diseases contracted by persons employed in mines and works and matters incidental thereto.

(English text signed by the State President.)
(Assented to 19th June, 1973.)

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

Definitions.

1. (1) In this Act, unless the context otherwise indicates—
 - (i) “adopted child” does not include a child who has not been adopted in accordance with the laws relating to the adoption of children, but includes a child, whether or not adopted in accordance with the said laws, to or in respect of whom a pension or other benefit was awarded under the previous Act, and for the purposes of this definition any child maintained by any person for any period immediately prior to the date on which he actually adopted that child, shall be deemed to have been the adopted child of that person during the said period; (i)
 - (ii) “advisory committee” means the advisory committee established under section 59; (ii)
 - (iii) “Bantu affairs authority” means the Secretary for Bantu Administration and Development or any other officer in the Department of Bantu Administration and Development to whom the said Secretary has assigned the functions of the Bantu affairs authority; (vi)
 - (iv) “Bantu person” means any person belonging to one or other of the following groups, namely—
 - (a) aboriginal tribes or races of Africa, including Bushmen, Hottentots, Korannas and Natives; and
 - (b) persons upon whom is levied general or local tax in terms of the Bantu Taxation and Development Act, 1925 (Act No. 41 of 1925), or any tax substituted for any such tax,
 but does not include American Negroes, Eurafriicans, Eurasians or persons commonly known as Cape Malays, Griquas, Mauritians or St. Helenians, and “Bantu female” and “Bantu male” have corresponding meanings; (v)
 - (v) “benefit” means money which has been awarded or which is required to be awarded or money which has been paid or which is required to be paid or the payment of money or a claim for the payment of money, as the context may require, to or in respect of a person or to or in respect of the dependants of a person, on the ground that such person was under the previous Act found to be suffering from pneumoconiosis or

WET

Tot samevatting en wysiging van die wetsbepalings met betrekking tot die betaling van vergoeding ten opsigte van sekere siektes opgedoen deur persone wat by myne en bedrywe in diens is en aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 19 Junie 1973.)

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

1. (1) Tensy uit die samehang anders blyk, beteken in hierdie **Woordomskriving.**
Wet—

- (i) „aangenome kind” nie ook ’n kind wat nie ooreenkomstig die wetsbepalings op die aanneem van kinders aangeneem is nie, maar wel ’n kind, hetsy ooreenkomstig bedoelde bepalings aangeneem al dan nie, aan of ten opsigte van wie ’n pensioen of ander voordeel ingevolge die vorige Wet toegeken is, en by die toepassing van hierdie omskrywing word ’n kind wat deur iemand onderhou is vir ’n tydperk onmiddellik voor die datum waarop hy daardie kind werklik aangeneem het, geag gedurende daardie tydperk die aangenome kind van so iemand te gewees het; (i)
- (ii) „advieskomitee” die advieskomitee ingevolge artikel 59 ingestel; (ii)
- (iii) „afhanklike”—
 - (a) met betrekking tot ’n Bantoe persoon, enigiemand vir wie se onderhoud die betrokke persoon volgens die oordeel van die Bantoesake-owerheid in geheel of ten dele aanspreeklik is, of, met betrekking tot ’n oorlede Bantoe persoon, enigiemand vir wie se onderhoud die oorledene in geheel of ten dele aanspreeklik sou gewees het indien hy nie gesterf het nie;
 - (b) met betrekking tot ’n oorlede Blankeman of oorlede Kleurlingman—
 - (i) sy weduwee; en
 - (ii) sy afhanklike kind; en
 - (c) met betrekking tot ’n oorlede Bantoe vrou of oorlede Kleurlingvrou, haar afhanklike kind; (xviii)
- (iv) „afhanklike kind”—
 - (a) met betrekking tot ’n Blankeman of ’n Kleurlingman, ’n wettige kind, ’n aangenome kind of ’n stiefkind, maar nie ook ’n stiefkind nie vir wie se onderhoud iemand anders, volgens die kommissaris se oordeel, aanspreeklik is of vir wie se onderhoud daar, volgens die kommissaris se oordeel, op ’n ander wyse voorsiening gemaak kan word of wat oor voldoende middele vir sy eie onderhoud beskik;
 - (b) met betrekking tot ’n oorlede Blankeman of oorlede Kleurlingman, sy wettige of aangenome kind of wettige postume kind of stiefkind vir wie

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- tuberculosis, or has under this Act been found to be suffering from a compensatable disease, but does not include money awarded under the previous Act or this Act to a person in the form of a special grant or in the form of assistance in connection with the training of any person; (xxxix)
- (vi) "bureau" means the Medical Bureau for Occupational Diseases established under section 2; (xii)
- (vii) "cardio-respiratory organs" means all or any one of the following organs, namely larynx, trachea, bronchial tree, lung parenchyma, pleurae, lymphatic system of the lungs, vascular system of the lungs, nerve supply of the lungs, diaphragm and nerve supply to diaphragm, heart, pericardium and large intrathoracic bloodvessels; (xx)
- (viii) "certificate of fitness" means a certificate of fitness issued to a person under this Act pursuant to a medical examination of such person; (xxxv)
- (ix) "certification committee" means the Medical Certification Committee for Occupational Diseases established under section 39; (xxxvi)
- (x) "child" means a person under the age of eighteen years; (xxi)
- (xi) "Coloured person" means any person who is not a White person or a Bantu person, and "Coloured male" has a corresponding meaning; (xxii)
- (xii) "Coloured female" means a female Coloured person who lawfully performs or has lawfully performed risk work at a mine or a works; (xxiii)
- (xiii) "commissioner" means the Compensation Commissioner for Occupational Diseases appointed under section 54 (a); (xxiv)
- (xiv) "compensatable disease" means—
- (a) pneumoconiosis;
 - (b) the joint condition of pneumoconiosis and tuberculosis;
 - (c) tuberculosis which, in the opinion of the certification committee, was contracted while the person concerned was performing risk work, or with which the person concerned was in the opinion of the certification committee already affected at any time within the twelve months immediately following the date on which that person performed such work for the last time;
 - (d) permanent obstruction of the airways which, in the opinion of the certification committee, is attributable to the inhalation of dust in the course of the performance of risk work;
 - (e) any other permanent disease of the cardio-respiratory organs which in the opinion of the certification committee is attributable to the performance of risk work; or
 - (f) any other disease which in the opinion of the certification committee is attributable to the performance of risk work at a mine or works and which the Minister has, subject to the provisions of subsection (2), by notice in the *Gazette* declared to be a compensatable disease; (xxxviii)
- (xv) "contractor" means a person who employs persons in connection with the performance of risk work at a controlled mine or a controlled works, which he has undertaken to perform on behalf of the owner of that mine or works; (xxv)

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- se onderhoud die oorledene voor sy dood in geheel of gedeeltelik aanspreeklik was; en
- (c) met betrekking tot 'n oorlede Bantoevrou of oorlede Kleurlingvrou, haar wettige of aangenome kind of stiefkind vir wie se onderhoud die oorledene voor haar dood in geheel of gedeeltelik aanspreeklik was; (xix)
- (v) „Bantoe persoon” iemand wat tot die een of die ander van die volgende groepe behoort, te wete—
- (a) inboorlingstamme of -rasse van Afrika, met inbegrip van Boesmans, Hottentotte, Korannas en Naturelle; en
- (b) persone op wie 'n algemene of plaaslike belasting ooreenkomstig die Bantoe Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925), of 'n belasting wat daardie belasting vervang, gehef word,
- maar nie ook Amerikaanse Negers, Eurafrikane, Eurasië of persone algemeen as Kaapse Maleiers, Griekwas, Mauritianse of St. Helenas bekend nie, en het „Bantoe man” en „Bantoe vrou” ooreenstemmende betekenis; (iv)
- (vi) „Bantoesake-owerheid” die Sekretaris van Bantoe-administrasie en -ontwikkeling of 'n ander beamppte in die Departement van Bantoe-administrasie en -ontwikkeling aan wie genoemde Sekretaris die werksaamhede van die Bantoesake-owerheid toegewys het; (iii)
- (vii) „bedryf” 'n bedryf soos omskryf in artikel 1 van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), of in artikel 1 van die Ordonnansie op Myne, Bedrywe en Minerale, 1968 (Ordonnansie No. 20 van 1968), van die gebied Suidwes-Afrika, na gelang die bedryf in die Republiek of dié gebied geleë is; (xli)
- (viii) „beheerde bedryf” 'n bedryf wat ingevolge artikel 9 'n beheerde bedryf is of wat kragtens artikel 10 tot 'n beheerde bedryf verklaar is; (xvii)
- (ix) „beheerde myn” 'n myn wat ingevolge artikel 9 'n beheerde myn is of wat kragtens artikel 10 tot 'n beheerde myn verklaar is; (xvi)
- (x) „Blanke persoon” iemand wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), as 'n Blanke geklassifiseer is, en ook iemand wat gewoonlik vir 'n Blanke persoon deurgaan, en het „Blankeman” 'n ooreenstemmende betekenis; (xi)
- (xi) „boekjaar” die tydperk van 1 April in enige jaar tot 31 Maart in die eersvolgende jaar; (xxi)
- (xii) „buro” die Mediese Buro vir Bedryfsiektes ingevolge artikel 2 ingestel; (vi)
- (xiii) „direkteur” die Direkteur van die Mediese Buro vir Bedryfsiektes kragtens artikel 3 (1) (a) aangestel; (xx)
- (xiv) „eienaar”, met betrekking tot 'n myn of 'n bedryf, ook die huurder van die myn of bedryf en iemand wat die reg het, of uit hoofde van 'n wet of 'n ooreenkoms met die eienaar van die myn of bedryf die reg verkry het, om 'n myn vir eie gewin te ontgin of 'n bedryf vir eie gewin te werk; en as die vraag ontstaan of iemand vir die doeleindes van hierdie Wet die eienaar van 'n myn of 'n bedryf is, is die Minister se beslissing oor dié vraag afdoende; (xxvii)
- (xv) „enkelbedragvoordeel” 'n ander voordeel as 'n pensioen of maandelikse toelae wat aan iemand of ten opsigte van iemand aan iemand anders ingevolge die vorige Wet of hierdie Wet toegeken is, maar nie ook 'n spesiale toekenning of hulp wat ten opsigte van die opleiding van enige persoon aan iemand verleen is nie; (xxvi)
- (xvi) „geneesheer” iemand wat kragtens die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), as 'n geneesheer geregistreer is; (xxiii)

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- (xvi) "controlled mine" means a mine which is a controlled mine in terms of section 9 or which has been declared a controlled mine under section 10; (ix)
- (xvii) "controlled works" means a works which is a controlled works in terms of section 9 or which has been declared a controlled works under section 10; (viii)
- (xviii) "dependant" means—
- (a) in relation to a Bantu person, any person for whose maintenance the person concerned is, in the opinion of the Bantu affairs authority, wholly or partly responsible, or in relation to a deceased Bantu person, any person for whose maintenance the deceased would have been wholly or partly responsible had he not died;
 - (b) in relation to a deceased White male or deceased Coloured male—
 - (i) his widow; and
 - (ii) his dependent child; and
 - (c) in relation to a deceased Bantu female or deceased Coloured female, her dependent child; (iii)
- (xix) "dependent child" means—
- (a) in relation to a White male or a Coloured male, a legitimate child, an adopted child or a step-child, but does not include a step-child for whose maintenance any other person is, in the opinion of the commissioner, responsible or for whose maintenance any other provision can, in the opinion of the commissioner, be made or who has sufficient means for his own maintenance;
 - (b) in relation to a deceased White male or deceased Coloured male, his legitimate or adopted child or legitimate posthumous child or step-child for whose maintenance the deceased was wholly or partly responsible before his death; and
 - (c) in relation to a deceased Bantu female or deceased Coloured female, her legitimate or adopted child or step-child for whose maintenance the deceased was wholly or partly responsible before her death; (iv)
- (xx) "director" means the Director of the Medical Bureau for Occupational Diseases appointed under section 3 (1) (a); (xiii)
- (xxi) "financial year" means the period from 1 April in any year to 31 March in the next ensuing year; (xi)
- (xxii) "medical adviser" means the medical adviser appointed under section 7 (1); (xvii)
- (xxiii) "medical practitioner" means a person who is registered as a medical practitioner under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928); (xvi)
- (xxiv) "mine" means a mine as defined in section 1 of the Mines and Works Act, 1956 (Act No. 27 of 1956), or in section 1 of the Mines, Works and Minerals Ordinance, 1968 (Ordinance No. 20 of 1968), of the territory of South West Africa, as the case may be, according to whether the mine is situated in the Republic or in the said territory; (xxvii)
- (xxv) "Minister" means the Minister of Mines; (xxvi)
- (xxvi) "one-sum benefit" means a benefit other than a pension or monthly allowance awarded to a person or in respect of a person to any other person under the previous Act or this Act, but does not include a special grant or any assistance to a person in respect of the training of any person; (xv)

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- (xvii) „geneeskundige adviseur” die geneeskundige adviseur kragtens artikel 7 (1) aangestel; (xxii)
- (xviii) „hersieningsowerheid” die Mediese Hersieningsowerheid vir Bedryfsiektes ingevolge artikel 40 ingestel; (xxxiii)
- (xix) „hierdie Wet” ook ’n regulasie; (xxxviii)
- (xx) „kardiorespiratoriese organe” enige van of al die volgende organe, te wete strottehoof, gorrelpyp, lugpypvertakking, longparencheem, longvlies, longlimfstelsel, vaatstelsel van die longe, senu-toevoer van die longe, mantelvlies en senu-toevoer van mantelvlies, hart, hartsak en groot binnetorakale bloedvate; (vii)
- (xxi) „kind” iemand onder die ouderdom van agtien jaar; (x)
- (xxii) „Kleurlingpersoon” ’n persoon wat nie ’n Blankepersoon of ’n Bantoe persoon is nie, en het „Kleurlingman” ’n ooreenstemmende betekenis; (xi)
- (xxiii) „Kleurlingvrou” ’n vroulike Kleurlingpersoon wat wettiglik risikowerk by ’n myn of ’n bedryf verrig of verrig het; (xii)
- (xxiv) „kommissaris” die Vergoedingskommissaris vir Bedryfsiektes kragtens artikel 54 (a) aangestel; (xiii)
- (xxv) „kontraakteur” iemand wat persone in diens het in verband met risikowerk by ’n beheerde myn of ’n beheerde bedryf, wat hy onderneem het om ten behoeve van die eienaar van daardie myn of bedryf te verrig; (xv)
- (xxvi) „Minister” die Minister van Mynwese; (xxv)
- (xxvii) „myn” ’n myn soos omskryf in artikel 1 van die Wet op Myn en Bedrywe, 1956 (Wet No. 27 van 1956), of artikel 1 van die Ordonnansie op Myn, Bedrywe en Minerale, 1968 (Ordonnansie No. 20 van 1968), van die gebied Suidwes-Afrika, na gelang die myn in die Republiek of dié gebied geleë is; (xxiv)
- (xxviii) „pneumokoniose” ’n blywende letsel van die kardiorespiratoriese organe wat veroorsaak is deur die inaseming van stof in die loop van die verrigting van risikowerk; (xxviii)
- (xxix) „regulasie” ’n regulasie wat ingevolge hierdie Wet van krag is; (xxx)
- (xxx) „Republiek” ook die gebied Suidwes-Afrika; (xxxii)
- (xxxi) „risiko”, met betrekking tot ’n myn of bedryf, die risiko om ’n vergoedbare siekte op te doen, waaraan persone blootgestel is wat risikowerk in of by of in verband met daardie myn of bedryf verrig, of die risiko wat die risikokomitee kragtens artikel 20 of 21 ten opsigte van daardie myn of bedryf bepaal het, na gelang die samehang vereis; (xxxiv)
- (xxxii) „risikokomitee” die Risikokomitee vir Myn en Bedrywe ingevolge artikel 18 ingestel; (xxxv)
- (xxxiii) „risikowerk” werk wat ingevolge artikel 13 tot risikowerk verklaar is of geag word aldus verklaar te gewees het; (xxxvi)
- (xxxiv) „sekretaris” die Sekretaris van Mynwese; (xxxvii)
- (xxxv) „sertifikaat van geskiktheid” ’n sertifikaat van geskiktheid wat ingevolge hierdie Wet na aanleiding van ’n geneeskundige ondersoek van iemand aan so iemand uitgereik is; (viii)
- (xxxvi) „sertifiseringskomitee” die Mediese Sertifiseringskomitee vir Bedryfsiektes ingevolge artikel 39 ingestel; (ix)
- (xxxvii) „tuberkulose” tuberkulose van die kardiorespiratoriese organe, of ’n gevolg, komplikasie of mani-

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- (xxvii) "owner", in relation to a mine or works, includes the lessee of the mine or works and any person who has the right, or has, by virtue of any law or any agreement with the owner of the mine or works, acquired the right, to exploit a mine for his own benefit or to operate a works for his own benefit; and if the question arises whether a person is, for the purposes of this Act, the owner of a mine or a works, the Minister's decision regarding such question shall be final; (xiv)
- (xxviii) "pneumoconiosis" means a permanent lesion of the cardio-respiratory organs caused by the inhalation of dust in the course of the performance of risk work; (xxviii)
- (xxix) "prescribe" or "prescribed" means prescribe or prescribed by regulation; (xl)
- (xxx) "previous Act" means the Pneumoconiosis Compensation Act, 1962 (Act No. 64 of 1962), including the other laws repealed by section 136 and any laws relating to the payment of compensation to or in respect of persons in respect of miner's phthisis or silicosis or pneumoconiosis or tuberculosis contracted in the employment of mines or as a result of employment at mines, which preceded the Pneumoconiosis Compensation Act, 1962; (xli)
- (xxxii) "regulation" means a regulation in force under this Act; (xxix)
- (xxxiii) "Republic" includes the territory of South West Africa; (xxx)
- (xxxiiii) "reviewing authority" means the Medical Reviewing Authority for Occupational Diseases established under section 40; (xviii)
- (xxxv) "risk", in relation to a mine or a works, means the risk of contracting a compensatable disease, to which persons who perform risk work in or at or in connection with that mine or works are exposed, or the risk determined by the risk committee under section 20 or 21 in respect of that mine or works, as the context may require; (xxxi)
- (xxxvi) "risk committee" means the Risk Committee for Mines and Works established under section 18; (xxxii)
- (xxxvii) "risk work" means any work declared or deemed to have been declared risk work under section 13; (xxxiii)
- (xxxviii) "secretary" means the Secretary for Mines; (xxxiv)
- (xxxix) "this Act" includes any regulation; (xix)
- (xl) "tuberculosis" means tuberculosis of the cardio-respiratory organs, or any sequelae, complication or manifestation thereof, but does not include inactive or calcified foci; and a person shall be deemed to be or to have been suffering from tuberculosis if evidence of active tuberculosis has been found in such person; (xxxvii)
- (xli) "White person" means a person classified as a White person under the Population Registration Act, 1950 (Act No. 30 of 1950), and includes a person generally accepted as a White person, and "White male" has a corresponding meaning; (x)
- (xlii) "works" means a works as defined in section 1 of the Mines and Works Act, 1956 (Act No. 27 of 1956), or in section 1 of the Mines, Works and Minerals Ordinance, 1968 (Ordinance No. 20 of 1968), of the territory of South West Africa, according to whether the works is situated in the Republic or in the said territory. (vii)

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festasie daarvan, maar nie ook onaktiewe of verkalkte foci nie; en iemand word geag aan tuberkulose te ly of te gely het indien tekens van aktiewe tuberkulose by so iemand gevind is; (xxxix)

(xxxviii) „vergoedbare siekte”—

- (a) pneumokoniose;
- (b) die gesamentlike toestand van pneumokoniose en tuberkulose;
- (c) tuberkulose wat volgens die sertifiseringskomitee se oordeel opgedoen is terwyl die betrokke persoon risikowerk verrig het, of waardeur die betrokke persoon volgens die sertifiseringskomitee se oordeel reeds aangetas was te eniger tyd binne die twaalf maande wat onmiddellik gevolg het op die datum waarop daardie persoon vir die laaste keer sodanige werk verrig het;
- (d) blywende obstruksie van die lugweë wat volgens die sertifiseringskomitee se oordeel te wyte is aan die inaseming van stof in die loop van die verrigting van risikowerk;
- (e) 'n ander blywende siekte van die kardiopulmonêre organe wat volgens die sertifiseringskomitee se oordeel te wyte is aan die verrigting van risikowerk; of
- (f) enige ander siekte wat volgens die sertifiseringskomitee se oordeel te wyte is aan die verrigting van risikowerk by 'n myn of bedryf en wat die Minister, behoudens die bepalings van subartikel (2), by kennisgewing in die *Staatskoerant* tot 'n vergoedbare siekte verklaar het; (xiv)

(xxxix) „voordeel” geld wat toegeken is of toegeken moet word of geld wat betaal is of betaal moet word of die betaling van geld of 'n vordering vir die betaling van geld, al na gelang die samehang vereis, aan of ten opsigte van iemand of aan of ten opsigte van die afhanklikes van iemand op grond daarvan dat daar ingevolge die vorige Wet bevind is dat bedoelde persoon aan pneumokoniose of tuberkulose ly of ingevolge hierdie Wet bevind is dat hy aan 'n vergoedbare siekte ly, maar nie ook geld wat ingevolge die vorige Wet of hierdie Wet aan iemand by wyse van 'n spesiale toekenning of by wyse van hulp in verband met die opleiding van 'n persoon toegeken is nie; (v)

(xl) „voorskryf” of „voorgeskryf” by regulasie voorskryf of voorgeskryf; (xxix)

(xli) „vorige Wet” die Pneumokoniosevergoedingswet, 1962 (Wet No. 64 van 1962), met inbegrip van die ander wette by artikel 136 herroep en wette met betrekking tot die betaling van vergoeding aan of ten opsigte van persone ten opsigte van mynstering of silikose of pneumokoniose of tuberkulose opgedoen in diens van myne of as gevolg van diens by myne, wat die Pneumokoniosevergoedingswet, 1962, voorafgegaan het. (xxx)

(2) (a) Die Minister moet, voordat hy ingevolge paragraaf (f) van die omskrywing van „vergoedbare siekte” in subartikel (1) 'n siekte tot 'n vergoedbare siekte verklaar, die verstoë (as daar is) oorweeg wat tot hom gerig is deur eienaars van beheerde myne of beheerde bedrywe of deur 'n organisasie wat ten behoeve van sodanige eienaars of ten behoeve van persone wat risikowerk by sodanige myne of bedrywe verrig, optree.

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- (2) (a) The Minister shall, before declaring a disease to be a compensatable disease in terms of paragraph (f) of the definition of "compensatable disease" in subsection (1), consider such representations (if any) as may have been submitted to him by owners of controlled mines or controlled works or by any organization acting on behalf of such owners or on behalf of persons who perform risk work at such mines or works.
- (b) The Minister shall not declare any disease which is compensatable under the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), to be a compensatable disease as contemplated in the said paragraph (f), except after consultation with the Minister of Labour.

CHAPTER I.

BUREAU, DIRECTOR AND STAFF.

Establishment of bureau.

2. (1) There shall be established a bureau, to be called the Medical Bureau for Occupational Diseases, for the performance under the supervision and control of the director of such functions as may be necessary for the purpose of giving effect to the provisions of this Act and such other functions as may from time to time be assigned to it by the Minister.

(2) The Minister may make such rules as he may consider necessary or desirable for the effective performance of the functions of the bureau.

Appointment of director, medical officers and other staff of bureau.

3. (1) The Minister shall appoint, subject to the laws governing the public service—

- (a) a Director of the Medical Bureau for Occupational Diseases, who shall be a medical practitioner and who shall exercise the powers and perform the functions conferred upon or assigned to him by this Act or by the Minister under this Act;
- (b) as many deputy directors of the bureau as the Minister may consider necessary, of whom at least one shall be a medical practitioner;
- (c) as many other officers, being medical practitioners, as the Minister may consider necessary for the performance of the medical examinations and other functions required to be performed by the bureau under this Act; and
- (d) such other officers and persons as the Minister may consider necessary for the performance of the functions of the bureau.

(2) The Minister may, after consultation with the director and the medical adviser (if any), appoint in part-time service, at such remuneration and on such other conditions of service as the Minister may determine in consultation with the Minister of Finance, any medical practitioner who in the opinion of the Minister is specially qualified to perform any function which a medical officer appointed under subsection (1) (c) may be required to perform.

(3) Whenever there is no director or the director is absent or for any other reason unable to perform his functions, the deputy-director appointed under subsection (1) (b) who is a medical practitioner, or, if there is more than one such deputy-director, such one of them as the Minister shall designate, shall act in the stead of the director.

Functions of director.

4. (1) The director shall be charged with the direction and control of all medical examinations provided for in this Act, and may on such conditions as he may deem fit authorize or

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- (b) Die Minister verklaar nie 'n siekte wat ingevolge die bepalings van die Ongevalwet, 1941 (Wet No. 30 van 1941), vergoedbaar is, tot 'n vergoedbare siekte soos in die gemelde paragraaf (f) bedoel nie, behalwe na raadpleging met die Minister van Arbeid.

HOOFSTUK I.

BURO, DIREKTEUR EN PERSONEEL.

2. (1) Daar word 'n buro ingestel, wat die Mediese Buro vir Bedryfsiektes heet, om onder die toesig en beheer van die direkteur die werksaamhede wat nodig is om aan die bepalings van hierdie Wet gevolg te gee en die ander werksaamhede wat die Minister van tyd tot tyd aan die buro opdra, te verrig.

Instelling van buro.

(2) Die Minister kan die reëls neerlê wat hy nodig of wenslik ag vir die doeltreffende verrigting van die buro se werksaamhede.

3. (1) Die Minister stel, met inagneming van die wette op die Staatsdiens—

Aanstelling van direkteur, geneeskundige beamptes en ander personeel van buro.

(a) 'n Direkteur van die Mediese Buro vir Bedryfsiektes aan, wat 'n geneesheer moet wees en wat die bevoegdhede uitoefen en die werksaamhede verrig wat by hierdie Wet of deur die Minister kragtens hierdie Wet aan hom verleen of opgedra word;

(b) soveel adjunk-direkteure van die buro aan as wat die Minister nodig ag, van wie minstens een 'n geneesheer moet wees;

(c) soveel ander beamptes aan, wat geneeshere is, as wat die Minister nodig ag om die geneeskundige ondersoeke uit te voer en ander werksaamhede te verrig wat ingevolge hierdie Wet deur die buro uitgevoer of verrig moet word; en

(d) die ander beamptes en persone aan wat die Minister nodig ag om die werksaamhede van die buro te verrig.

(2) Die Minister kan, na oorlegpleging met die direkteur en die geneeskundige adviseur (as daar een is), enige geneesheer wat volgens die Minister se oordeel besonder bevoeg is om 'n werksaamheid te verrig wat 'n kragtens subartikel (1) (c) aangestelde geneeskundige beampte aangesê kan word om te verrig, in deelydse diens aanstel teen die besoldiging en op die ander diensvoorwaardes wat die Minister in oorleg met die Minister van Finansies bepaal.

(3) Wanneer daar nie 'n direkteur is nie of die direkteur afwesig is of om 'n ander rede nie in staat is om sy werksaamhede te verrig nie, tree die kragtens subartikel (1) (b) aangestelde adjunk-direkteur wat 'n geneesheer is, of, indien daar meer as een sodanige adjunk-direkteur is, dié een van hulle wat die Minister aanwys, in die plek van die direkteur op.

4. (1) Die direkteur is belas met die bestuur en beheer van alle geneeskundige ondersoeke waarvoor daar in hierdie Wet voorsiening gemaak word, en kan op die voorwaardes wat hy

Werksaamhede van direkteur.

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direct any medical practitioner to perform any such examination.

(2) The director may in writing authorize any person appointed under section 3 (1) (b), (c) or (d) to issue or sign any certificate or other document which in terms of this Act is required to be issued or signed by the director.

Powers of director to enter upon places, perform tests and carry out inspections or investigations.

5. (1) The director or any medical practitioner authorized thereto in writing by him, may—

- (a) enter upon any place where a person who works or has worked or intends to work at a controlled mine or a controlled works is being or is to be medically examined in accordance with any provision of this Act, or where any person who works or has worked at a controlled mine or a controlled works is being nursed or medically treated;
- (b) attend any medical examination of such a person and with his consent examine him medically or cause him to be medically examined by any other medical practitioner; and
- (c) inspect any instrument or appliance which is being or has been used in connection with any medical examination or treatment of such a person and demand for inspection any book or document in which any information relating to any such examination or treatment has been recorded, and make copies of or extracts from it.

(2) The director or any person authorized thereto in writing by him may—

- (a) enter upon any place where persons who work or have worked or intend to work at a mine or works are being or are to be radiologically examined, and at such place carry out such tests, measurements and observations as he may deem desirable;
- (b) inspect, test or view any instrument, appliance or machine used in connection with any such examination; and
- (c) demand for inspection any X-ray photograph taken at such an examination.

(3) If the director has reason to suspect that the owner of a mine or works or any person employed at a mine or works contravenes or fails to comply with any provision of this Act, the director or any person authorized thereto in writing by the director, may conduct such investigation in connection with the matter as he may deem expedient or as the director may require.

(4) At the request of any person affected by the exercise of a power under this section, the director or the medical practitioner authorized under subsection (1) or person authorized under subsection (2) or (3), as the case may be, shall produce a certificate of his appointment as director or, in the case of a medical practitioner or person so authorized, his written authority to the person making the request.

Powers of director to demand information.

6. (1) The director may require any person to submit to him, periodically or otherwise, and at such times as he may direct, any information available to such person which the director considers necessary for the effective performance of his functions, or to submit to him or his nominee any book or document in the possession or under the control of such person which contains or is suspected to contain any such information, and may examine and make copies of or take extracts from any such book or document.

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goedvind 'n geneesheer magtig of gelas om so 'n ondersoek uit te voer.

(2) Die direkteur kan 'n persoon wat kragtens artikel 3 (1) (b), (c) of (d) aangestel is, skriftelik magtig om 'n sertifikaat of ander stuk uit te reik of te onderteken wat ingevolge hierdie Wet deur die direkteur uitgereik of onderteken moet word.

5. (1) Die direkteur of 'n geneesheer wat hy skriftelik daartoe gemagtig het, kan—

Bevoegdhede van direkteur om plekke te betree, toetse te doen en inspeksies of ondersoeke uit te voer.

(a) enige plek betree waar 'n persoon wat by 'n beheerde myn of 'n beheerde bedryf werk of gewerk het of voornemens is om te werk, ooreenkomstig 'n bepaling van hierdie Wet geneeskundig ondersoek word of staan te word, of waar 'n persoon wat by 'n beheerde myn of 'n beheerde bedryf werk of gewerk het, verpleeg of geneeskundig behandel word;

(b) 'n geneeskundige ondersoek van so 'n persoon bywoon en hom met sy toestemming geneeskundig ondersoek of deur 'n ander geneesheer geneeskundig laat ondersoek; en

(c) 'n instrument of toestel wat by 'n geneeskundige ondersoek of behandeling van so 'n persoon gebruik word of gebruik is, inspekteer en 'n boek of stuk waarin inligting met betrekking tot so 'n ondersoek of behandeling aangeteken is, ter insae opeis en afskrifte daarvan of uittreksels daaruit maak.

(2) Die direkteur of 'n persoon wat hy skriftelik daartoe gemagtig het, kan—

(a) 'n plek betree waar persone wat by 'n myn of bedryf werk of gewerk het of voornemens is om te werk, radiologies ondersoek word of staan te word, en by bedoelde plek die toetse, metings en waarnemings doen wat hy wenslik ag;

(b) 'n toestel, instrument of masjien wat in verband met so 'n ondersoek gebruik word, inspekteer, toets of besigtig; en

(c) 'n X-straalfoto wat by so 'n ondersoek geneem is, ter insae opeis.

(3) Indien die direkteur rede het om te vermoed dat die eenaar van 'n myn of bedryf of 'n persoon wat by 'n myn of bedryf werksaam is, 'n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen, kan die direkteur of 'n persoon wat die direkteur skriftelik daartoe gemagtig het, die ondersoek in verband met die aangeleentheid instel wat hy dienstig ag of wat die direkteur vereis.

(4) Op versoek van iemand wat deur die uitoefening van 'n bevoegdheid kragtens hierdie artikel geraak word, moet die direkteur of die ingevolge subartikel (1) gemagtigde geneesheer of ingevolge subartikel (2) of (3) gemagtigde persoon, na gelang van die geval, 'n sertifikaat van sy aanstelling as direkteur of, in die geval van 'n aldus gemagtigde geneesheer of persoon, sy skriftelike magtiging toon aan die persoon wat die versoek doen.

6. (1) Die direkteur kan enigiemand aansê om periodiek of andersins en op die tye wat hy gelas aan hom inligting te verstrek waarvoor so iemand beskik en wat die direkteur vir die doeltreffende uitvoering van sy werksaamhede nodig ag, of om aan hom of sy genomineerde 'n boek of stuk in die besit of onder die beheer van bedoelde persoon oor te lê wat sodanige inligting bevat of na vermoede bevat, en kan so 'n boek of stuk insien en afskrifte daarvan of uittreksels daaruit maak.

Bevoegdhede van direkteur om inligting te vorder.

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(2) Information called for under subsection (1) may be required to be given in the form of a sworn declaration by the person furnishing such information.

(3) The director may, by notice in writing signed by him, require any person to appear before him at a time and place specified in the notice, to be interrogated or to produce any book or document referred to in subsection (1), and may administer an oath or affirmation to and question any person appearing before him, whether in pursuance of any such notice or otherwise.

(4) Nothing in this section contained shall be construed as empowering the director to require any person to furnish any information or produce any book or document which that person is by law prohibited from disclosing or producing or which is privileged in terms of any law, and the legal rules relating to privilege as applicable to a witness summoned to give evidence or produce any book or document in civil proceedings in a court of law, shall apply in connection with the interrogation of any person required to appear as contemplated in this section, and in connection with the production of any book, document or information which he is to produce in terms of such a requirement.

(5) The secretary may, from moneys appropriated by Parliament for that purpose, compensate any person who has appeared in response to a notice under subsection (3), for any loss sustained or expenses incurred by him in connection with his appearance, if such person has produced all books and documents which he was obliged to produce and has satisfactorily answered all questions which he was bound to answer: Provided that the total amount paid by way of compensation to any such person shall not exceed the amount which would in like circumstances have been payable to him had he been summoned to appear as a witness in a civil case before a magistrate's court.

**Medical adviser
and other
advisers.**

(1) The Minister may, if he deems it desirable, appoint, at such remuneration and on such other conditions of service as he may determine in consultation with the Minister of Finance, a medical practitioner to advise him in connection with matters of a medical nature arising under this Act: Provided that no person shall be appointed in full-time service under this subsection otherwise than in accordance with and subject to the laws governing the public service.

(2) The Minister may appoint in part-time service, at such remuneration and on such other conditions of service as he may determine in consultation with the Minister of Finance, as many medical practitioners and other persons as he may consider necessary to advise and assist the medical adviser in connection with matters on which he is required to advise the Minister.

(3) The Minister may refer any matter of a medical nature arising under this Act to the medical adviser for his advice or for investigation by him, and may direct the medical adviser to consult any medical practitioner or other person appointed under subsection (2), or a particular medical practitioner or other person indicated by the Minister, in connection with such matter before furnishing such advice or reporting on such investigation.

**Annual report by
director.**

8. As soon as may be after the close of each financial year the director shall furnish the Minister with a report on the activities of the bureau, the certification committee and the reviewing authority.

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(2) Inligting kragtens subartikel (1) aangevra, kan in die vorm van 'n beëdigde verklaring deur die persoon wat die inligting verstrek, verlang word.

(3) Die direkteur kan deur middel van 'n skriftelike kennisgewing wat deur hom onderteken is enigiemand aansê om op 'n tyd en plek in die kennisgewing vermeld voor hom te verskyn om ondervra te word of om 'n boek of stuk in subartikel (1) bedoel aan hom oor te lê, en kan iemand wat voor hom verskyn, hetsy ingevolge so 'n kennisgewing of andersins, 'n eed ople of van hom 'n bevestiging afneem en hom ondervra.

(4) Die bepalings van hierdie artikel word nie so uitgelê nie dat dit die direkteur magtig om te eis dat iemand inligting moet verstrek of 'n boek of stuk moet oorlê waarvan die blootlegging of oorlegging deur so iemand regtens verbode is of wat ingevolge die een of ander wet geprivilegieerd is, en die regsreëls met betrekking tot privilegie, soos toepaslik op 'n getuie wat gedagvaar is om getuie af te lê of 'n boek of stuk oor te lê in 'n siviele geding voor 'n geregshof, is van toepassing in verband met die ondervraging van iemand wat aangesê is om te verskyn soos in hierdie artikel beoog en in verband met 'n boek, stuk of inligting wat hy ingevolge so 'n aansegging moet oorlê.

(5) Die sekretaris kan, uit gelde deur die Parlement vir dié doel bewillig, enigiemand wat ingevolge 'n kennisgewing kragtens subartikel (3) verskyn het, vergoed vir verlies deur so iemand gely of koste deur hom aangegaan in verband met sy verskyning, indien so iemand alle boeke en stukke oorgelê het wat hy verplig was om oor te lê en alle vrae wat hy verplig was om te beantwoord, op 'n bevredigende wyse beantwoord het: Met dien verstande dat die totale bedrag by wyse van vergoeding aan so iemand betaal, nie dié bedrag te bowe gaan nie wat onder dergelyke omstandighede aan hom betaalbaar sou gewees het indien hy gedagvaar was om as 'n getuie in 'n siviele geding voor 'n landdroshof te verskyn.

7. (1) Die Minister kan, indien hy dit wenslik ag, 'n geneesheer aanstel teen die besoldiging en op die ander diensvoorwaardes wat hy in oorleg met die Minister van Finansies bepaal, om hom te adviseer in verband met aangeleenthede van geneeskundige aard wat ingevolge hierdie Wet ontstaan: Met dien verstande dat niemand kragtens hierdie subartikel in voltydse diens aangestel word nie behalwe ooreenkomstig en onderworpe aan die wette op die Staatsdiens.

Geneeskundige
adviseur en
ander adviseurs.

(2) Die Minister kan teen die besoldiging en op die ander diensvoorwaardes wat hy in oorleg met die Minister van Finansies bepaal, soveel geneeshere en ander persone in deelydse diens aanstel as wat hy nodig ag om die geneeskundige adviseur van advies te dien en by te staan in verband met aangeleenthede waarvoor hy die Minister moet adviseer.

(3) Die Minister kan 'n aangeleentheid van geneeskundige aard wat ingevolge hierdie Wet ontstaan na die geneeskundige adviseur vir sy advies of vir ondersoek deur hom verwys, en kan die geneeskundige adviseur gelas om 'n kragtens subartikel (2) aangestelde geneesheer of ander persoon, of 'n bepaalde geneesheer of ander persoon deur die Minister aangedui, oor bedoelde aangeleentheid te raadpleeg voordat hy dié advies gee of oor dié ondersoek verslag doen.

8. So gou doenlik na afloop van elke boekjaar moet die direkteur 'n verslag aan die Minister verstrek oor die werksaamhede van die buro, die sertifiseringskomitee en die hersieningsowerheid.

Jaarverslag
van direkteur.

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CHAPTER II.

CONTROL IN RESPECT OF MINES AND WORKS,
AND DETERMINATION OF RISK.Existing control
to continue.

9. Every mine or works which immediately before the commencement of this Act was a controlled mine or a controlled works under the previous Act, shall as from such commencement be a controlled mine or a controlled works for the purposes of this Act until such time as the mine or works in question is released from control under section 11.

Declaration as
controlled mine or
controlled works.

10. (1) Whenever it comes to the notice of the Minister that any persons are performing risk work at a mine or works which is not a controlled mine or a controlled works in terms of section 9 or a notice under this subsection, he shall, subject to the provisions of subsection (3) of this section, by notice in the *Gazette* declare the mine or works in question to be a controlled mine or a controlled works as from a date to be specified in the notice, not being a date earlier than thirty days after the day on which the notice is published in the *Gazette*.

(2) (a) A notice under subsection (1) shall contain the name and address of the owner of the mine or works in question and a true description of that mine or works in order that such mine or works may be readily identified.

(b) A copy of such notice shall be served on the owner of the mine or works in question not less than thirty days before the date on which that mine or works will become a controlled mine or a controlled works.

(3) A mine or works shall not under subsection (1) be declared to be a controlled mine or a controlled works so long as the Minister, after consultation with the Government Mining Engineer, is satisfied that on account of the limited scale or the temporary nature of the operations at the mine or works in question or on account of the fact that the number of persons performing risk work thereat is less than thirty, the declaration of that mine or works as a controlled mine or a controlled works is not practicable or justified.

(4) The commissioner shall maintain a register containing the name and a description of every controlled mine and every controlled works.

Cancellation
of control.

11. (1) If the Minister is satisfied after consultation with the Government Mining Engineer—

- (a) that operations at a controlled mine or a controlled works have ceased; or
- (b) that persons employed at a controlled mine or a controlled works no longer perform any risk work thereat; or
- (c) that the number of persons who perform risk work at a controlled mine or a controlled works has decreased to less than thirty,

he may, subject to the provisions of section 17 (2), by notice in the *Gazette* declare that the mine or works in question shall cease to be a controlled mine or a controlled works as from a date to be specified in the notice, not being a date earlier than thirty days after the day on which the notice appears in the *Gazette*.

(2) The provisions of section 10 (2) shall apply *mutatis mutandis* with reference to a notice under subsection (1) of this section.

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HOOFSTUK II.

BEHEER TEN OPSIGTE VAN MYNE EN BEDRYWE, EN BEPALING VAN RISIKO.

9. Elke myn of bedryf wat onmiddellik voor die inwerking-treding van hierdie Wet 'n beheerde myn of 'n beheerde bedryf ingevolge die vorige Wet was, is van bedoelde inwerking-treding af 'n beheerde myn of 'n beheerde bedryf vir die doeleindes van hierdie Wet tot tyd en wyl die betrokke myn of bedryf kragtens artikel 11 van beheer onthef word.

Bestaande beheer
duur voort.

10. (1) Wanneer dit onder die Minister se aandag kom dat persone risikowerk verrig by 'n myn of bedryf wat nie ingevolge artikel 9 of 'n kennisgewing kragtens hierdie subartikel 'n beheerde myn of 'n beheerde bedryf is nie, moet hy, behoudens die bepalinge van subartikel (3) van hierdie artikel, die betrokke myn of bedryf by kennisgewing in die *Staatskoerant* tot 'n beheerde myn of 'n beheerde bedryf verklaar met ingang van 'n datum wat in die kennisgewing vermeld moet word en wat nie 'n datum vroeër as dertig dae na die dag waarop die kennis-gewing in die *Staatskoerant* gepubliseer word, mag wees nie.

Verklaring tot
beheerde myn
of beheerde
bedryf.

(2) (a) 'n Kennisgewing kragtens subartikel (1) moet die naam en adres van die eienaar van die betrokke myn of bedryf bevat en 'n juiste beskrywing van daardie myn of bedryf sodat dié myn of bedryf gereedelik geïdentifiseer kan word.

(b) 'n Afskrif van bedoelde kennisgewing moet aan die eienaar van die betrokke myn of bedryf bestel word minstens dertig dae voor die datum waarop daardie myn of bedryf 'n beheerde myn of 'n beheerde bedryf sal word.

(3) 'n Myn of bedryf word nie kragtens subartikel (1) tot 'n beheerde myn of 'n beheerde bedryf verklaar nie solank die Minister, na raadpleging met die Staatsmyningenieur, oortuig is dat dit weens die beperkte skaal of die tydelike aard van die werksaamhede by die betrokke myn of bedryf, of weens die feit dat die aantal persone wat daar risikowerk verrig minder as dertig is, nie doenlik of geregverdig is om daardie myn of bedryf tot 'n beheerde myn of 'n beheerde bedryf te verklaar nie.

(4) Die kommissaris moet 'n register hou wat die naam en 'n beskrywing van elke beheerde myn en elke beheerde bedryf bevat.

11. (1) Indien die Minister na raadpleging met die Staatsmyningenieur oortuig is—

Intrekking
van beheer.

(a) dat werksaamhede by 'n beheerde myn of 'n beheerde bedryf gestaak is; of

(b) dat persone wat by 'n beheerde myn of 'n beheerde bedryf werksaam is nie meer aldaar risikowerk verrig nie; of

(c) dat die aantal persone wat risikowerk by 'n beheerde myn of 'n beheerde bedryf verrig tot minder as dertig gedaal het,

kan hy, behoudens die bepalinge van artikel 17 (2), by kennis-gewing in die *Staatskoerant* verklaar dat die betrokke myn of bedryf ophou om 'n beheerde myn of 'n beheerde bedryf te wees met ingang van 'n datum wat in die kennisgewing vermeld moet word en wat nie 'n datum vroeër as dertig dae na die dag waarop die kennisgewing in die *Staatskoerant* verskyn, mag wees nie.

(2) Die bepalinge van artikel 10 (2) is *mutatis mutandis* van toepassing met betrekking tot 'n kennisgewing kragtens sub-artikel (1) van hierdie artikel.

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*Ad hoc
application of
provision of Act.*

12. (1) The Minister may by notice in the *Gazette* and on such conditions as he may deem desirable, declare that, as from a date to be specified in the notice, not being a date earlier than thirty days after the day on which the notice is published in the *Gazette*—

- (a) any provision of this Act specified in the notice, which is applicable with reference to a controlled mine or a controlled works, shall apply with reference to a mine or works so specified which is not a controlled mine or a controlled works;
- (b) subject to the provisions of section 10 (1), any provision of this Act specified in the notice, which is applicable with reference to persons employed at a controlled mine or a controlled works, shall apply with reference to persons performing risk work at a mine or works so specified which is not a controlled mine or a controlled works;
- (c) risk work at a mine or works specified in the notice which is not a controlled mine or a controlled works, shall be deemed to be risk work at a controlled mine or a controlled works.

(2) The provisions of section 10 (2) shall *mutatis mutandis* apply with reference to any notice under subsection (1) of this section.

Risk work.

13. (1) The Minister may by notice in the *Gazette* declare to be risk work any particular work or all work performed in or at or in connection with any mine or works or part of a mine or works, or at a particular place or under particular circumstances in, or at or in connection with any mine or works.

(2) The Minister shall under subsection (1) declare any such work as is referred to in that subsection to be risk work if he is satisfied, after consultation with the risk committee and after consideration of such representations (if any) as may have been made to him by the owner of the mine or works in question or by any organization acting on behalf of such owner or on behalf of persons employed at that mine or works, that any person performing the work in question is exposed to—

- (a) dust of which the composition and concentration is such that it is in the opinion of the Minister harmful or potentially harmful; or
- (b) gases, vapours or chemical substances, or factors or working conditions, which, in the opinion of the Minister, are harmful or potentially harmful.

(3) In the exercise of his powers under this section the Minister may differentiate between mines and works or between mines and parts of a mine or between works and parts of a works or between different classes or groups of mines or works or between different occupations, trades or kinds of work or between different classes or groups of persons, as he may consider necessary or desirable.

(4) Any work performed at a mine referred to in section 9 at a place which immediately before the commencement of this Act was "dusty atmosphere" in terms of the definition of that expression in the previous Act, shall be deemed, until the Minister by notice in the *Gazette* declares otherwise, to have been declared risk work under this section.

(5) For the purpose of determining whether a person is entitled to a benefit under this Act—

- (a) work performed at a controlled mine or a controlled works before the date on which that mine or works became a controlled mine or a controlled works; or
- (b) work performed at a mine or works which, in the opinion of the Government Mining Engineer, would have been declared a controlled mine or a controlled works had it not closed down,

shall be deemed to be risk work performed at a controlled mine or a controlled works.

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12. (1) Die Minister kan by kennisgewing in die *Staatskoerant* en op die voorwaardes wat hy wenslik ag, verklaar dat, met ingang van 'n datum in die kennisgewing vermeld en wat nie 'n datum vroeër as 'n datum dertig dae na die dag waarop die kennisgewing in die *Staatskoerant* gepubliseer word, mag wees nie—

Ad hoc-toepassing van bepaling van Wet.

- (a) 'n bepaling van hierdie Wet in die kennisgewing genoem, wat van toepassing is met betrekking tot 'n beheerde myn of beheerde bedryf, van toepassing is met betrekking tot 'n aldus genoemde myn of bedryf wat nie 'n beheerde myn of 'n beheerde bedryf is nie;
- (b) behoudens die bepalings van artikel 10 (1), 'n bepaling van hierdie Wet in die kennisgewing genoem, wat van toepassing is met betrekking tot persone wat by 'n beheerde myn of beheerde bedryf werk, van toepassing is met betrekking tot persone wat risikowerk verrig by 'n aldus genoemde myn of bedryf wat nie 'n beheerde myn of 'n beheerde bedryf is nie;
- (c) risikowerk by 'n myn of bedryf in die kennisgewing genoem wat nie 'n beheerde myn of 'n beheerde bedryf is nie, geag word risikowerk by 'n beheerde myn of 'n beheerde bedryf te wees.

(2) Die bepalings van artikel 10 (2) is *mutatis mutandis* van toepassing met betrekking tot 'n kennisgewing kragtens subartikel (1) van hierdie artikel.

13. (1) Die Minister kan by kennisgewing in die *Staatskoerant* bepaalde werk of alle werk wat in of by of in verband met 'n myn of bedryf of deel van 'n myn of bedryf, of op 'n bepaalde plek, of onder bepaalde omstandighede, in of by of in verband met 'n myn of bedryf, verrig word, tot risikowerk verklaar.

Risikowerk.

(2) Die Minister moet werk soos in subartikel (1) bedoel, kragtens daardie subartikel tot risikowerk verklaar indien hy, na raadpleging met die risikokomitee en na oorweging van die verhoë (as daar is) wat tot hom gerig is deur die eienaar van die betrokke myn of bedryf of deur 'n organisasie wat optree ten behoeve van daardie eienaar of ten behoeve van persone wat by daardie myn of bedryf werksaam is, oortuig is dat 'n persoon wat die betrokke werk verrig, blootgestel word aan—

- (a) stof waarvan die samestelling en konsentrasie sodanig is dat dit volgens die oordeel van die Minister skadelik of potensieel skadelik is; of
- (b) gasse, dampe of chemiese stowwe, of faktore of werksomstandighede, wat volgens die oordeel van die Minister skadelik of potensieel skadelik is.

(3) By die uitoefening van sy bevoegdhede kragtens hierdie artikel kan die Minister, na gelang hy dit nodig of wenslik ag, onderskeid maak tussen myne en bedrywe of tussen myne en dele van 'n myn of tussen bedrywe en dele van 'n bedryf of tussen verskillende klasse of groepe van myne of bedrywe of tussen verskillende beroepe, ambagte of soorte werk of tussen verskillende klasse of groepe van persone.

(4) Werk wat by 'n in artikel 9 bedoelde myn verrig word op 'n plek wat onmiddellik voor die inwerkingtreding van hierdie Wet „stowwige lug” volgens die omskrywing van daardie uitdrukking in die vorige Wet was, word geag, totdat die Minister by kennisgewing in die *Staatskoerant* anders verklaar, kragtens hierdie artikel tot risikowerk verklaar te gewees het.

(5) Ten einde te bepaal of iemand op 'n voordeel ingevolge hierdie Wet geregtig is, word—

- (a) werk wat by 'n beheerde myn of 'n beheerde bedryf verrig is voor die datum waarop daardie myn of bedryf 'n beheerde myn of 'n beheerde bedryf geword het; of
- (b) werk wat verrig is by 'n myn of bedryf wat volgens die Staatsmyningenieur se oordeel 'n beheerde myn of 'n beheerde bedryf verklaar sou gewees het indien dit nie gesluit het nie,

geag risikowerk te wees wat by 'n beheerde myn of 'n beheerde bedryf verrig is.

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(6) If the question arises whether a person has performed risk work at a controlled mine or a controlled works or at a mine or works which is deemed to be or to have been a controlled mine or a controlled works, or if the question arises whether a person so worked during any particular period or during particular periods, the decision of the Minister with reference to such question shall be final, and the commissioner shall act in accordance with the decision of the Minister in connection with the award of any benefit to which that person or his dependants may have or acquire a claim under this Act.

(7) For the purpose of determining whether a Coloured female or a Bantu person is entitled to a benefit in respect of tuberculosis, or for the purpose of determining the amounts which shall be levied from the owners of controlled mines or controlled works under this Act, a shift during which a person was required to perform risk work for a period of not less than fifteen minutes in the course of or in connection with the performance of his normal duties or in pursuance of an instruction issued by a person who has the authority to issue such an instruction, shall be deemed to be a shift during which risk work was performed at or in connection with a controlled mine or a controlled works and shall be so recorded by the owner of the mine or works in question.

Prohibition of performance of risk work at controlled mine or works on ground of age and sex.

14. (1) Save as provided in subsection (2), no male under the age of sixteen years and no female shall perform risk work at a controlled mine or a controlled works, and no owner of such a mine or works or person in control of such a mine or works or any part thereof or contractor shall knowingly permit any male person under the age of sixteen years or any female to perform risk work at such mine or works.

(2) The Minister may, after consultation with the Government Mining Engineer and subject to such conditions as the Minister may determine, authorize an owner of a controlled mine or a controlled works to employ a female in risk work at that mine or works.

Prohibition of performance of risk work at controlled mine or works without a certificate of fitness.

15. (1) Save as provided in subsection (2), no White person and no Coloured person shall perform risk work at a controlled mine or a controlled works, unless he is in possession of a current certificate of fitness, or otherwise than in accordance with or subject to the terms of that certificate, and no owner of a controlled mine or a controlled works and no contractor shall permit any White person or Coloured person to perform risk work at such mine or works, except in so far as that person is authorized to perform such work by virtue of such a certificate: Provided that an initial or other certificate of fitness or a special certificate issued under the provisions of the previous Act and which was valid immediately before the commencement of this Act, shall be deemed to be a current certificate of fitness under this Act until the validity thereof expires or until it is cancelled or is replaced by a certificate of fitness under this Act.

(2) The Minister may, after consultation with the Government Mining Engineer and the director, and subject to such conditions as the Minister may determine, exempt the owner of a controlled mine or a controlled works or a contractor from the provisions of subsection (1) in respect of a particular person or group of persons in his service or in respect of a particular occupation, if the Minister is satisfied that special circumstances exist which make such exemption desirable or that the work performed by such person or group of persons is of a temporary nature or of short duration or that the risk to which such person or group of persons is exposed is negligible, and the Minister may at any time cancel such an exemption.

(3) The provisions of this section shall not be construed as prohibiting a person who is not in possession of a certificate as aforesaid, from performing at a mine or works which is not a

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(6) Indien die vraag ontstaan of 'n persoon risikowerk verrig het by 'n beheerde myn of 'n beheerde bedryf of by 'n myn of bedryf wat geag word 'n beheerde myn of 'n beheerde bedryf te wees of te gewees het, of indien die vraag ontstaan of 'n persoon gedurende 'n bepaalde tydperk of gedurende bepaalde tydperke aldus gewerk het, is die Minister se beslissing met betrekking tot daardie vraag afdoende en moet die kommissaris ooreenkomstig die Minister se beslissing handel in verband met die toekenning van 'n voordeel waarop die betrokke persoon of sy afhanklikes ingevolge hierdie Wet 'n aanspraak kan hê of verkry.

(7) Ten einde te bepaal of 'n Kleurlingvrou of 'n Bantoe persoon op 'n voordeel ten opsigte van tuberkulose geregtig is, of ten einde die bedrae te bepaal wat ingevolge hierdie Wet op die eenaars van beheerde myne of beheerde bedrywe gehef moet word, word 'n skof waartydens 'n persoon in die loop van of in verband met die verrigting van sy normale werksaamhede of volgens 'n opdrag gegee deur 'n persoon wat daartoe bevoeg is, verplig was om 'n tydperk van minstens vyftien minute risikowerk te verrig, geag 'n skof te wees waartydens risikowerk by of in verband met 'n beheerde myn of 'n beheerde bedryf verrig is, en moet dit aldus deur die eenaar van die betrokke myn of bedryf aange teken word.

14. (1) Behoudens die bepalings van subartikel (2), mag geen manspersoon onder die ouderdom van sestien jaar en geen vrouspersoon risikowerk by 'n beheerde myn of 'n beheerde bedryf verrig nie, en mag geen eenaar van so 'n myn of bedryf of persoon in beheer van so 'n myn of bedryf of 'n deel daarvan of kontrakteur wetens 'n manspersoon onder die ouderdom van sestien jaar of 'n vrouspersoon toelaat om risikowerk by dié myn of bedryf te verrig nie.

Verbod op ver-
rigting van
risikowerk op
grond van
ouderdom en
geslag.

(2) Die Minister kan, na raadpleging met die Staatsmyn-ingenieur en onderworpe aan die voorwaardes wat die Minister bepaal, 'n eenaar van 'n beheerde myn of 'n beheerde bedryf magtig om 'n vrouspersoon in risikowerk by daardie myn of bedryf in diens te stel.

15. (1) Behoudens die bepalings van subartikel (2), mag geen Blankepersoon en geen Kleurlingpersoon risikowerk by 'n beheerde myn of 'n beheerde bedryf verrig nie, tensy hy in besit is van 'n geldende sertifikaat van geskiktheid, of anders as ooreenkomstig en onderworpe aan die bepalings van daardie sertifikaat, en mag geen eenaar van 'n beheerde myn of 'n beheerde bedryf en geen kontrakteur 'n Blankepersoon of 'n Kleurlingpersoon toelaat om risikowerk by daardie myn of bedryf te verrig nie, behalwe vir sover daardie persoon uit hoofde van so 'n sertifikaat gemagtig is om dié werk te verrig: Met dien verstande dat 'n eerste of ander sertifikaat van geskiktheid of spesiale sertifikaat uitgereik kragtens die bepalings van die vorige Wet en wat onmiddellik voor die inwerkingtreding van hierdie Wet geldig was, geag word 'n geldende sertifikaat van geskiktheid ingevolge hierdie Wet te wees totdat die geldigheid daarvan verstryk of totdat dit ingetrek word of deur 'n sertifikaat van geskiktheid ingevolge hierdie Wet vervang word.

Verbod op ver-
rigting van
risikowerk by
beheerde myn
of bedryf sonder
'n sertifikaat van
geskiktheid.

(2) Die Minister kan, na raadpleging met die Staatsmyn-ingenieur en die direkteur en onderworpe aan die voorwaardes wat die Minister bepaal, die eenaar van 'n beheerde myn of beheerde bedryf of 'n kontrakteur ten opsigte van 'n bepaalde persoon of groep van persone in sy diens of ten opsigte van 'n bepaalde beroep, van die bepalings van subartikel (1) vrystel indien die Minister oortuig is dat daar spesiale omstandighede bestaan wat sodanige vrystelling wenslik maak of dat die werk wat sodanige persoon of groep van persone verrig tydelik van aard of van korte duur is of dat die risiko waaraan sodanige persoon of groep van persone blootgestel word, gering is, en die Minister kan so 'n vrystelling te eniger tyd intrek.

(3) Die bepalings van hierdie artikel word nie so uitgelê nie dat dit 'n persoon wat nie 'n sertifikaat soos voormeld besit nie, belet om by 'n myn of bedryf wat by die inwerkingtreding van

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controlled mine or a controlled works at the commencement of this Act, any work in which he is employed at that mine or works on the date on which it becomes a controlled mine or a controlled works, for a period not exceeding six months as from that date.

Register of persons performing risk work at controlled mine or works.

16. (1) The owner of a controlled mine or a controlled works shall keep a register in which shall be recorded—

- (a) the name of every White person or Coloured person employed by him in connection with risk work at such mine or works, and the number assigned to such person by the bureau;
- (b) the date of issue or renewal and the date of expiry of any certificate of fitness issued to such person;
- (c) any restriction subject to which any such certificate may have been issued or renewed; and
- (d) such other information as may be prescribed.

(2) Every contractor shall keep a register in which shall be recorded, in respect of every White person or Coloured person employed by him in connection with risk work at a controlled mine or a controlled works, the particulars mentioned in subsection (1), and shall upon completion of such work or when so requested by the owner of the mine or works in question, make such register or a copy thereof available to the said owner.

(3) A register kept in terms of the provisions of subsection (1) or (2), shall be available for inspection by the director or by any other person appointed under section 3 (1) who has been authorized in writing by the director to inspect it, and at the request of the director or such a person, a copy of such register shall be made available to the director or that person.

Closure of controlled mine or works or alienation of assets by owner.

17. (1) An owner of a controlled mine or a controlled works who owes the commissioner any amount under a provision of this Act, shall not discontinue the operations at his mine or works or sell or alienate his rights in connection with that mine or works unless—

- (a) such owner has given not less than thirty days' notice in writing to the commissioner of his intention to do so; and
- (b) the commissioner has issued to such owner a certificate to the effect that all amounts which he is required to pay to the commissioner under the provisions of this Act have been fully paid or, as the case may be, that he has made arrangements which have been accepted by the commissioner, for the payment of any amount due by him to the commissioner.

(2) After the date on which the notice mentioned in subsection (1) was given to the commissioner, such owner shall not sell or alienate any asset which he has acquired or created for use in connection with the operation of his mine or works except with the approval in writing of the commissioner or until the commissioner has issued to such owner a certificate referred to in subsection (1) (b).

(3) The Minister shall not under section 11 release a controlled mine or a controlled works from control, unless he is satisfied that the owner of the mine or works in question has fully paid all amounts which he is required to pay to the commissioner under the provisions of this Act, or that he has made arrangements, which have been accepted by the commissioner, for the payment of any amount which is due by him to the commissioner.

(4) For the purposes of subsection (2), the decision of the Minister, acting on the advice of the Government Mining Engineer, on any question as to whether an asset which is or was held by an owner of a controlled mine or a controlled works was acquired or created for use in connection with the operation of that mine or works, shall be final.

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hierdie Wet nie 'n beheerde myn of 'n beheerde bedryf is nie, werk te verrig waarin hy by daardie myn of bedryf werksaam is op die datum waarop dit 'n beheerde myn of 'n beheerde bedryf word, vir 'n tydperk van hoogstens ses maande vanaf daardie datum.

16. (1) Die eienaar van 'n beheerde myn of 'n beheerde bedryf moet 'n register hou waarin aangeteken word—

Register van persone wat risikowerk by beheerde myn of bedryf verrig.

- (a) die naam van elke Blankepersoon of Kleurlingpersoon wat hy in verband met risikowerk by daardie myn of bedryf in diens het, en die nommer deur die buro aan daardie persoon toegewys;
- (b) die datum van uitreiking of hernuwing en die verval-datum van enige sertifikaat van geskiktheid aan dié persoon uitgereik;
- (c) enige beperking onderworpe waaraan so 'n sertifikaat uitgereik of hernieu is; en
- (d) die ander inligting wat voorgeskryf word.

(2) Elke kontrakteur moet 'n register hou waarin die besonderhede vermeld in subartikel (1) aangeteken moet word ten opsigte van elke Blankepersoon of Kleurlingpersoon wat hy in verband met risikowerk by 'n beheerde myn of 'n beheerde bedryf in diens het, en moet by afhandeling van daardie werk of wanneer die eienaar van die betrokke myn of bedryf dit versoek, dié register of 'n afskrif daarvan aan die genoemde eienaar beskikbaar stel.

(3) 'n Register wat ingevolge die bepalings van subartikel (1) of (2) gehou word, moet beskikbaar wees vir insae deur die direkteur of deur 'n ander persoon kragtens artikel 3 (1) aangestel wat skriftelik deur die direkteur gemagtig is om dit in te sien, en op versoek van die direkteur of so 'n persoon, moet 'n afskrif van die register aan die direkteur of dié persoon beskikbaar gestel word.

17. (1) 'n Eienaar van 'n beheerde myn of 'n beheerde bedryf wat 'n bedrag ingevolge 'n bepaling van hierdie Wet aan die kommissaris verskuldig is, staak nie die werksaamhede by sy myn of bedryf nie of verkoop of vervreem nie sy regte in verband met daardie myn of bedryf nie tensy—

Sluiting van beheerde myn of bedryf of vervreemding van bates deur eienaar.

- (a) bedoelde eienaar minstens dertig dae skriftelike kennis van sy voorneme om dit te doen, aan die kommissaris gegee het; en
- (b) die kommissaris aan bedoelde eienaar 'n sertifikaat uitgereik het ten effekte dat alle bedrae wat hy ingevolge die bepalings van hierdie Wet aan die kommissaris moet betaal, ten volle betaal is of, na gelang van die geval, dat hy reëlins wat deur die kommissaris aanvaar is, getref het vir die betaling van 'n bedrag wat hy aan die kommissaris verskuldig is.

(2) Na die datum waarop die in subartikel (1) bedoelde kennis aan die kommissaris gegee is, verkoop of vervreem bedoelde eienaar nie 'n bate wat hy vir gebruik in verband met die werking van sy myn of bedryf verkry of tot stand gebring het nie behalwe met die skriftelike goedkeuring van die kommissaris of totdat die kommissaris aan bedoelde eienaar 'n in subartikel (1) (b) bedoelde sertifikaat uitgereik het.

(3) Die Minister onthef nie 'n beheerde myn of 'n beheerde bedryf ingevolge artikel 11 van beheer nie, tensy hy oortuig is dat die eienaar van die betrokke myn of bedryf al die bedrae wat hy ingevolge die bepalings van hierdie Wet aan die kommissaris moet betaal, ten volle betaal het, of dat hy reëlins wat deur die kommissaris aanvaar is, getref het om 'n bedrag wat hy aan die kommissaris verskuldig is, te betaal.

(4) By die toepassing van subartikel (2) is die beslissing van die Minister handelende op advies van die Staatsmyningenieur afdoende oor die vraag of 'n bate wat deur die eienaar van 'n beheerde myn of 'n beheerde bedryf besit word of is, vir gebruik in verband met die werking van daardie myn of bedryf gerky of tot stand gebring is.

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Establishment and constitution of risk committee.

18. (1) There shall be established a committee, to be called the Risk Committee for Mines and Works, which shall exercise the powers and perform the functions conferred upon or assigned to it by this Act, and such other functions and duties as may from time to time be assigned to it by the Minister.

(2) (a) The risk committee shall, subject to the provisions of subsection (4), consist of the Government Mining Engineer, the director and not less than three or more than four other members to be appointed by the Minister, of whom one shall be a medical practitioner.

(b) In appointing members of the risk committee the Minister shall consider such representations (if any) as may have been made to him by owners of controlled mines or controlled works or by any organization acting on behalf of such owners or on behalf of persons who perform risk work at controlled mines or controlled works.

(3) The Minister may appoint in respect of any member of the risk committee appointed by him, an alternate or so many alternates as he may consider necessary.

(4) The Government Mining Engineer shall *ex officio* be the chairman of the risk committee, and when there is no Government Mining Engineer or the Government Mining Engineer is absent or is for any other reason unable to perform his functions as chairman of the risk committee, a Deputy Government Mining Engineer designated by the Minister for that purpose shall act as chairman of the risk committee.

(5) (a) The quorum for a meeting of the risk committee shall be a majority of its members including the chairman.

(b) The Minister may make such rules as he may consider necessary or desirable for the proper functioning of the risk committee.

(6) A member of the risk committee, and an alternate to such a member, who is not in the full-time service of the State, shall be appointed at such remuneration and on such other conditions of service and for such period not exceeding five years as the Minister may determine in consultation with the Minister of Finance.

(7) If the Minister is of the opinion that a member of the risk committee who has been appointed by him, or an alternate to such a member, is not competent to serve as a member of the risk committee or as such an alternate, the Minister may by notice in writing terminate the appointment of the member or alternate concerned.

Powers of chairman of risk committee to enter upon premises, conduct investigations or obtain information.

19. (1) The chairman of the risk committee or any person authorized thereto in writing by him may enter upon any place at a mine or works where any persons work or have worked or where it is intended to cause any persons to work, and carry out such observations, tests, experiments, measurements, investigations or surveys as he may consider necessary for the performance of the functions of the risk committee, and view any instrument, appliance or machinery used in connection with the operations at that mine or works or with which any observations, tests, experiments, measurements, investigations or surveys are carried out.

(2) The chairman of the risk committee shall have the same powers as those conferred upon the director by sections 5 (3) and 6, and the provisions of those sections relating to the exercise of such powers by the director shall *mutatis mutandis* apply with reference to the exercise of such powers by the said chairman.

Determination of risk of controlled mine or works.

20. (1) As soon as possible after the commencement of this Act, the risk committee shall, in respect of every mine or works which is in terms of section 9 a controlled mine or a controlled works, determine the risk of that mine or works: Provided that the pneumoconiosis risk which immediately before such commencement applied in respect of such a controlled mine under

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18. (1) Daar word 'n komitee ingestel wat die Risikokomitee vir Myne en Bedrywe heet en wat die bevoegdhede uitoefen en die werksaamhede verrig wat by hierdie Wet aan hom verleen of opgedra word, en die ander werksaamhede en pligte verrig wat die Minister van tyd tot tyd aan hom opdra.

Instelling en samestelling van risikokomitee.

(2) (a) Die risikokomitee bestaan, behoudens die bepalings van subartikel (4), uit die Staatsmyningenieur, die direkteur en nie minder as drie of meer as vier ander lede nie wat die Minister aanstel en van wie een 'n geneesheer moet wees.

(b) By die aanstelling van lede van die risikokomitee moet die Minister die verhoë (as daar is) oorweeg wat aan hom gerig is deur eienaars van beheerde myne of beheerde bedrywe of deur 'n organisasie wat ten behoeve van sodanige eienaars of ten behoeve van persone wat risikowerk by beheerde myne of beheerde bedrywe verrig, optree.

(3) Die Minister kan ten opsigte van 'n lid van die risikokomitee wat deur hom aangestel is, 'n plaasvervanger of soveel plaasvervangers as wat hy nodig ag, aanstel.

(4) Die Staatsmyningenieur is ampshalwe die voorsitter van die risikokomitee, en wanneer daar nie 'n Staatsmyningenieur is nie of die Staatsmyningenieur afwesig is of om 'n ander rede nie in staat is om sy werksaamhede as voorsitter van die risikokomitee te verrig nie, tree 'n Adjunk-Staatsmyningenieur deur die Minister vir dié doel aangewys as voorsitter van die risikokomitee op.

(5) (a) Die kworum vir 'n vergadering van die risikokomitee is 'n meerderheid van die lede daarvan, wat die voorsitter moet insluit.

(b) Die Minister kan die reëls neerlê wat hy vir die beoorloofde funksionering van die risikokomitee nodig of wenslik ag.

(6) 'n Lid van die risikokomitee, en 'n plaasvervanger van so 'n lid, wat nie in die voltydse diens van die Staat is nie, word aangestel teen die besoldiging en op die ander diensvoorwaardes en vir die tydperk van hoogstens vyf jaar wat die Minister in oorleg met die Minister van Finansies bepaal.

(7) Indien die Minister van mening is dat 'n lid van die risikokomitee wat deur hom aangestel is of 'n plaasvervanger van so 'n lid, onbekwaam is om as lid van die risikokomitee of as so 'n plaasvervanger te dien, kan die Minister die aanstelling van die betrokke lid of plaasvervanger by skriftelike kennisgewing beëindig.

19. (1) Die voorsitter van die risikokomitee of 'n persoon wat hy skriftelik daartoe gemagtig het, kan enige plek by 'n myn of bedryf betree waar persone werk of gewerk het of waar dit die voorname is om persone te laat werk, en die waarnemings, toetse, eksperimente, opmetings, ondersoeke of opnames uitvoer wat hy vir die verrigting van die werksaamhede van die risikokomitee nodig ag, en enige instrument, toestel of masjinerie besigtig wat in verband met die werksaamhede by daardie myn of bedryf gebruik word of waarmee waarnemings, toetse, eksperimente, opmetings, ondersoeke of opnames uitgevoer word.

Bevoegdhede van voorsitter van risikokomitee om plekke te betree, ondersoeke in te stel of inligting te verkry.

(2) Die voorsitter van die risikokomitee het dieselfde bevoegdhede as dié wat by artikels 5 (3) en 6 aan die direkteur verleen word, en die bepalings van daardie artikels met betrekking tot die uitoefening van bedoelde bevoegdhede deur die direkteur is *mutatis mutandis* van toepassing met betrekking tot die uitoefening van dié bevoegdhede deur die genoemde voorsitter.

20. (1) So gou moontlik na die inwerkingtreding van hierdie Wet, moet die risikokomitee ten opsigte van elke myn of bedryf wat ingevolge artikel 9 'n beheerde myn of 'n beheerde bedryf is, die risiko van daardie myn of bedryf bepaal: Met dien verstande dat die pneumokoniose-risiko wat kragtens die vorige Wet ten opsigte van so 'n beheerde myn geld het onmiddellik

Bepaling van risiko van beheerde myn of bedryf.

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the previous Act, shall, for the purposes of this Act, be deemed to be the risk of that mine until the risk has been determined under this subsection.

(2) As soon as possible after the date on which a mine or works becomes a controlled mine or a controlled works in terms of section 10, but not later than sixty days after that date, the risk committee shall determine the risk of that mine or works.

(3) The risk committee shall determine the risk of any mine or works in accordance with the basis fixed by the Minister under subsection (5), or, if the Minister has not fixed any such basis, in such manner as the risk committee deems fit, and, in determining such risk, the risk committee shall consider such representations (if any) as may have been made to it by the owner of the mine or works in question or by any organization acting on behalf of persons performing risk work at that mine or works, and may—

- (a) determine different risks in respect of separate mines or works or parts of mines or works or working places in or at mines or works or categories or kinds or groups of mines or works, or different categories or classes or groups of workers, or different occupations in or at or in connection with mines or works;
- (b) take into consideration any factor which, in the opinion of the risk committee, may or is likely to affect the risk in any particular case or generally; and
- (c) consult any person who in its opinion has special knowledge of any matter before the risk committee for consideration of on which the risk committee is required to make a decision.

(4) The risk committee shall express any risk which it determines, as a percentage.

- (5) (a) The Minister may, if he deems it expedient, determine the basis in accordance with which the risk of mines or works shall be determined by the risk committee.
- (b) In determining such basis, the Minister shall consider such representations (if any) as may have been made to him by owners of controlled mines or controlled works or by any organization acting on behalf of such owners or on behalf of persons who perform risk work at controlled mines or controlled works.
- (c) Any determination made by the Minister under paragraph (a) shall be published for general information in the *Gazette*.

Review and alteration or redetermination of risk.

21. The risk committee may at any time, of its own motion or on application by the owner of a controlled mine or a controlled works or by any organization acting on behalf of such owner or on behalf of persons who perform risk work at such controlled mine or such controlled works, review its determination of the risk of the mine or works in question and confirm or alter that determination or set it aside and redetermine the risk in question.

Notice of determination, alteration or redetermination of risk.

22. When the risk committee has determined the risk of a controlled mine or a controlled works under section 20 or has altered its determination of such risk or has set it aside and redetermined the risk under section 21, the chairman of the risk committee or any person authorized thereto by him, shall give notice thereof in writing to the director, the commissioner and the owner of the mine or works in question and, where the alteration or the setting aside resulted from a review on application by an organization acting on behalf of persons who perform risk work at such mine or works, to that organization.

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voor bedoelde inwerkingtreding, vir die doeleindes van hierdie Wet geag word die risiko van daardie myn te wees totdat die risiko kragtens hierdie subartikel bepaal is.

(2) So gou moontlik na die datum waarop 'n myn of 'n bedryf ingevolge artikel 10 'n beheerde myn of 'n beheerde bedryf word maar nie later as sestig dae na daardie datum nie, moet die risikokomitee die risiko van daardie myn of bedryf bepaal.

(3) Die risikokomitee bepaal die risiko van 'n myn of bedryf volgens die grondslag deur die Minister vasgestel kragtens subartikel (5) of, indien die Minister nie so 'n grondslag vasgestel het nie, op die wyse wat die risikokomitee goedvind, en, by die bepaling van sodanige risiko, moet die risikokomitee die vertoë (as daar is) oorweeg wat tot hom gerig is deur die eenaar van die betrokke myn of bedryf of deur 'n organisasie wat ten behoeve van persone optree wat risikowerk by daardie myn of bedryf verrig, en kan die risikokomitee—

(a) verskillende risiko's bepaal ten opsigte van afsonderlike myne of bedrywe of dele van myne of bedrywe of werkplekke in of by myne of bedrywe of kategorieë of soorte of groepe van myne of bedrywe, of verskillende kategorieë of klasse of groepe van werkers of verskillende beroepe in of by of in verband met myne of bedrywe;

(b) enige faktor in aanmerking neem wat volgens die risikokomitee se oordeel die risiko in 'n bepaalde geval of in die algemeen kan of waarskynlik sal beïnvloed; en

(c) enigiemand raadpleeg wat volgens die risikokomitee se oordeel spesiale kennis het van 'n aangeleentheid wat voor die risikokomitee vir oorweging dien of waaroor die risikokomitee moet besluit.

(4) Die risikokomitee moet 'n risiko wat hy bepaal, uitdruk as 'n persentasie.

(5) (a) Die Minister kan, indien hy dit dienstig ag, die grondslag bepaal waarvolgens die risikokomitee die risiko van myne en bedrywe moet bepaal.

(b) By die bepaling van sodanige grondslag, moet die Minister die vertoë (as daar is) oorweeg wat tot hom gerig is deur die eenaars van beheerde myne of beheerde bedrywe of deur 'n organisasie wat ten behoeve van sodanige eenaars of ten behoeve van persone wat risikowerk by beheerde myne of beheerde bedrywe verrig, optree.

(c) 'n Bepaling deur die Minister kragtens paragraaf (a) gedoen, moet vir algemene inligting in die *Staatskoerant* gepubliseer word.

21. Die risikokomitee kan te eniger tyd, uit eie beweging of op aansoek deur die eenaar van 'n beheerde myn of 'n beheerde bedryf of deur 'n organisasie wat ten behoeve van sodanige eenaar of ten behoeve van persone wat risikowerk by dié beheerde myn of dié beheerde bedryf verrig, optree, sy bepaling van die risiko van die betrokke myn of bedryf hersien en daardie bepaling bevestig of wysig of dit ter syde stel en die betrokke risiko herbepaal.

Hersiening en wysiging of herbepaling van risiko.

22. Wanneer die risikokomitee kragtens artikel 20 die risiko van 'n beheerde myn of 'n beheerde bedryf bepaal het of kragtens artikel 21 sy bepaling van sodanige risiko gewysig het of dit tersyde gestel en die risiko herbepaal het, moet die voorsitter van die risikokomitee of 'n persoon deur hom daartoe gemagtig, skriftelik daarvan kennis gee aan die direkteur, die kommissaris en die eenaar van die betrokke myn of bedryf en, waar die wysiging of die tersydestelling en herbepaling die gevolg was van 'n hersiening op aansoek deur 'n organisasie wat ten behoeve van persone optree wat risikowerk by daardie myn of bedryf verrig, aan daardie organisasie.

Kennisgewing van bepaling, wysiging of herbepaling van risiko.

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CHAPTER III.

CERTIFICATES OF FITNESS, AND MEDICAL
AND OTHER EXAMINATIONS.Initial medical
examination for
certificate of
fitness.

23. (1) Any White person or Coloured person who is not in possession of a certificate of fitness, may in writing on the prescribed form apply to the director for a medical examination with a view to the issue to him of a certificate of fitness, and upon receipt of such application and the amount prescribed by the Minister in consultation with the Minister of Finance, the director shall cause the applicant to be examined as soon as practicable.

(2) If such applicant is on such examination found to be fit for risk work at a controlled mine or a controlled works, the director shall issue to him a certificate of fitness which shall be in the prescribed form and shall contain such information as the director deems necessary.

(3) A certificate of fitness issued to any person under subsection (2) shall be valid for such period not exceeding twelve months from the date of its issue as the director may determine, either generally or in any particular case, and the director may, in his discretion, in respect of such certificate impose restrictions limiting the holder thereof—

- (a) to work at a particular controlled mine or controlled works; or
- (b) to work at a controlled mine or a controlled works of a particular kind or group or category; or
- (c) to work in a particular occupation at a controlled mine or a controlled works; or
- (d) to work for a fixed period or fixed periods in a particular controlled mine or controlled works, or in controlled mines or controlled works of a particular kind or group or category.

(4) (a) The decision of the director on any matter relating to the medical examination contemplated in subsection (1) of a person referred to in that subsection, or the issue of a certificate of fitness to such a person in terms of subsections (2) and (3), shall be final.

(b) Where any person has on such an examination been found permanently or temporarily unfit for risk work at a controlled mine or a controlled works, the director shall cause the finding to be communicated to such person in writing.

(c) A person who has been found temporarily unfit for such work, shall be entitled to a further medical examination free of charge if he presents himself for such an examination within ninety days from a date determined by the director and communicated in writing to such person.

(5) The director shall determine the standard of fitness for risk work at a controlled mine or a controlled works which shall be applied at the medical examination of a person examined for the first time with a view to the issue to him of a certificate of fitness, and for that purpose the director may—

- (a) determine different standards in respect of mines and works;
- (b) determine different standards in respect of different groups, kinds or categories of mines or works;
- (c) determine different standards in respect of different classes, groups or categories of persons, or different occupations at controlled mines or controlled works.

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HOOFSTUK III.

SERTIFIKATE VAN GESKIKTHEID, EN GENEESKUNDIGE EN ANDER ONDERSOEKE.

23. (1) 'n Blankepersoon of Kleurlingpersoon wat nie 'n Eerste geneeskundige ondersoek vir sertifikaat van geskiktheid. (1) 'n sertifikaat van geskiktheid besit nie, kan skriftelik op die voorgeskrewe vorm by die direkteur aansoek doen om 'n geneeskundige ondersoek met die oog op die uitreiking aan hom van 'n sertifikaat van geskiktheid, en by ontvangs van die aansoek en die bedrag deur die Minister in oorleg met die Minister van Finansies voorgeskryf, laat die direkteur die applikant so gou doenlik ondersoek.

(2) Indien bedoelde applikant by so 'n ondersoek vir risikowerk by 'n beheerde myn of beheerde bedryf geskik bevind word, reik die direkteur aan hom 'n sertifikaat van geskiktheid uit wat in die voorgeskrewe vorm moet wees en die inligting moet bevat wat die direkteur nodig ag.

(3) 'n Sertifikaat van geskiktheid wat ingevolge subartikel (2) aan 'n persoon uitgereik word, is geldig vir die tydperk van hoogstens twaalf maande vanaf die datum van uitreiking daarvan wat die direkteur in die algemeen of in 'n besondere geval bepaal, en die direkteur kan na goeddunke in verband met so 'n sertifikaat beperkings opleë waardeur die besitter daarvan beperk word—

- (a) tot werk by 'n bepaalde beheerde myn of beheerde bedryf; of
- (b) tot werk by 'n beheerde myn of 'n beheerde bedryf van 'n bepaalde soort of groep of kategorie; of
- (c) tot werk by 'n beheerde myn of beheerde bedryf in 'n bepaalde beroep; of
- (d) tot werk vir 'n vasgestelde tydperk of, vir vasgestelde tydperke in 'n bepaalde beheerde myn of beheerde bedryf of in beheerde myne of beheerde bedrywe van 'n bepaalde soort of groep of kategorie.

(4) (a) Die beslissing van die direkteur oor 'n aangeleentheid rakende die geneeskundige ondersoek in subartikel (1) beoog van 'n persoon in daardie subartikel bedoel, of die uitreiking van 'n sertifikaat van geskiktheid aan so 'n persoon, ingevolge subartikels (2) en (3), is afdoende.

- (b) Waar 'n persoon by so 'n ondersoek permanent of tydelik ongeskik vir risikowerk by 'n beheerde myn of beheerde bedryf bevind is, moet die direkteur die bevinding skriftelik aan daardie persoon laat meedeel.
- (c) 'n Persoon wat tydelik ongeskik vir sodanige werk bevind is, is geregtig om gratis 'n verdere geneeskundige ondersoek te verkry indien hy hom vir so 'n ondersoek aanmeld binne negentig dae vanaf 'n datum deur die direkteur bepaal en skriftelik aan daardie persoon meegedeel.

(5) Die direkteur moet die standaard van geskiktheid vir risikowerk by 'n beheerde myn of beheerde bedryf bepaal wat toegepas moet word by die geneeskundige ondersoek van 'n persoon wat vir die eerste keer ondersoek word met die oog op die uitreiking aan hom van 'n sertifikaat van geskiktheid, en vir dié doel kan die direkteur—

- (a) verskillende standaarde bepaal ten opsigte van myne en bedrywe;
- (b) verskillende standaarde bepaal ten opsigte van verskillende groepe, soorte of kategorieë van myne of bedrywe;
- (c) verskillende standaarde bepaal ten opsigte van verskillende klasse, groepe of kategorieë van persone of verskillende beroepe by beheerde myne of beheerde bedrywe.

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Medical examination of White or Coloured person on mine or works becoming controlled mine or works.

24. (1) The director shall within six months after the date on which a mine or works becomes a controlled mine or a controlled works by virtue of a notice under section 10—

- (a) cause to be medically examined every White person or Coloured person who on that date is employed in risk work at that mine or works and who is not in possession of a current certificate of fitness; and
- (b) subject to the provisions of subsection (3), cause a certificate of fitness to be issued to any such person who is found to be free from any compensatable disease or who is found to be suffering from a compensatable disease which does not disqualify him from obtaining a certificate of fitness, irrespective of whether or not such person complies with the standard of fitness determined under section 23 (5).

(2) A certificate of fitness referred to in subsection (1) (b) may be issued subject to any restriction contemplated in section 23 (3).

(3) The director may refuse the issue of a certificate of fitness to any person referred to in subsection (1) if his health is in the opinion of the director such that he may in the performance of his work endanger his own health or safety or the health or safety of other persons employed at the mine or works in question.

(4) If, after a medical examination of any person under subsection (1), the issue to him of a certificate of fitness is refused, the director shall in writing inform such person of the reasons for the refusal.

(5) The director shall as soon as possible after any person has in terms of subsection (1) been medically examined, in writing inform the owner of the mine or works in question of the finding at the examination.

Periodical medical examination for renewal of certificate of fitness.

25. (1) Every White person or Coloured person who performs risk work at a controlled mine or a controlled works, shall be medically examined at such intervals as may be prescribed by the Minister.

(2) Regulations made under subsection (1) may—

- (a) differentiate between controlled mines and controlled works, or between different groups, kinds or categories of controlled mines or controlled works, or between different working places at controlled mines or controlled works, or between different classes, groups or categories of persons, or between different occupations at controlled mines or controlled works;
- (b) prescribe the nature of the examination to be carried out at any such examination; and
- (c) prescribe the period for which any person who has obtained a certificate of fitness for the first time, shall have performed risk work at a controlled mine or a controlled works in order to be entitled to the renewal of his certificate of fitness.

(3) If a person referred to in subsection (1) is at an examination in terms of that subsection found to be free from any compensatable disease in the second degree within the meaning of section 44 (2), the director shall, subject to the provisions of subsections (4) and (5) of this section, cause the certificate of fitness of such person to be renewed for such period as the director may determine but not exceeding the prescribed period.

(4) Any certificate of fitness may under subsection (3) of this section be renewed subject to any restriction contemplated in section 23 (3).

(5) The director may refuse the renewal of the certificate of fitness of a person referred to in subsection (1), and may cancel such certificate, if his health is in the opinion of the

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24. (1) Die direkteur moet binne ses maande na die datum waarop 'n myn of bedryf uit hoofde van 'n kennisgewing kragtens artikel 10 'n beheerde myn of 'n beheerde bedryf word—
- (a) elke Blankepersoon of Kleurlingpersoon wat op daardie datum in risikowerk by daardie myn of bedryf werksaam is en wat nie 'n geldende sertifikaat van geskiktheid besit nie, geneeskundig laat ondersoek; en
- (b) behoudens die bepalings van subartikel (3), aan so 'n persoon wat vry bevind word van 'n vergoedbare siekte of ten opsigte van wie daar bevind word dat hy aan 'n vergoedbare siekte ly wat hom nie diskwalifiseer om 'n sertifikaat van geskiktheid te verkry nie, 'n sertifikaat van geskiktheid laat uitreik, ongeag of dié persoon voldoen aan die standaard van geskiktheid kragtens artikel 23 (5) bepaal, al dan nie.
- (2) 'n Sertifikaat van geskiktheid in subartikel (1) (b) bedoel, kan uitgereik word onderworpe aan enige beperking in artikel 23 (3) beoog.
- (3) Die direkteur kan die uitreiking van 'n sertifikaat van geskiktheid aan 'n in subartikel (1) bedoelde persoon weier indien sy gesondheid volgens die direkteur se oordeel sodanig is dat hy by die verrigting van sy werk sy eie gesondheid of veiligheid of die gesondheid of veiligheid van ander persone wat by die betrokke myn of bedryf werksaam is, in gevaar kan stel.
- (4) Indien die uitreiking van 'n sertifikaat van geskiktheid na 'n geneeskundige ondersoek van 'n persoon ingevolge subartikel (1), aan daardie persoon geweier word, moet die direkteur daardie persoon skriftelik in kennis stel van die redes vir die weiering.
- (5) Die direkteur moet so gou moontlik nadat 'n persoon ingevolge subartikel (1) geneeskundig ondersoek is, die eienaar van die betrokke myn of bedryf skriftelik in kennis stel van die bevinding by die ondersoek.

Geneeskundige ondersoek van Blanke of Kleurlingpersoon wanneer myn of bedryf beheerde myn of bedryf word.

25. (1) Elke Blankepersoon of Kleurlingpersoon wat risikowerk by 'n beheerde myn of 'n beheerde bedryf verrig, moet geneeskundig ondersoek word met die tussenpose wat deur die Minister voorgeskryf word.
- (2) Regulasies kragtens subartikel (1) uitgevaardig, kan—
- (a) onderskeid maak tussen beheerde myne en beheerde bedrywe of tussen verskillende groepe, soorte of kategorieë van beheerde myne of beheerde bedrywe, of tussen verskillende werkplekke by beheerde myne of beheerde bedrywe, of tussen verskillende klasse, groepe of kategorieë van persone, of tussen verskillende beroepe by beheerde myne of beheerde bedrywe;
- (b) die aard van die ondersoek voorskryf wat by so 'n ondersoek uitgevoer moet word; en
- (c) die tydperk voorskryf wat 'n persoon wat vir die eerste keer 'n sertifikaat van geskiktheid verkry het, risikowerk by 'n beheerde myn of 'n beheerde bedryf moet verrig het ten einde op die hernuwing van sy sertifikaat van geskiktheid geregtig te word.
- (3) Indien 'n persoon in subartikel (1) bedoel by 'n ondersoek ingevolge daardie subartikel vry bevind word van 'n vergoedbare siekte in die tweede graad soos in artikel 44 (2) bedoel, moet die direkteur, behoudens die bepalings van subartikels (4) en (5) van hierdie artikel, daardie persoon se sertifikaat van geskiktheid laat hernieu vir die tydperk wat die direkteur bepaal maar wat die voorgeskrewe tydperk nie te bowe gaan nie.
- (4) 'n Sertifikaat van geskiktheid kan kragtens subartikel (3) van hierdie artikel hernieu word onderworpe aan enige beperking in artikel 23 (3) beoog.
- (5) Die direkteur kan die hernuwing van die sertifikaat van geskiktheid van 'n in subartikel (1) bedoelde persoon weier, en kan bedoelde sertifikaat intrek, indien sy gesondheid volgens die direkteur se oordeel sodanig is dat hy by die verrigting van sy

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director such that he may in the performance of his work endanger his own health or safety or the health or safety of other persons employed at the mine or works in question.

(6) The decision of the director in regard to the renewal of a certificate of fitness shall be final, but where the renewal of a certificate of fitness has been refused under this section, the director shall immediately cause the reasons for the refusal to be communicated in writing to the person concerned and a copy of such communication to be sent to the owner of the mine or works where that person is employed.

Interim examination of holder of certificate of fitness.

26. (1) Whenever the director has reason to suspect—

- (a) that the health of the holder of a certificate of fitness has deteriorated substantially since his last medical examination; or
- (b) that the holder of a certificate of fitness is performing work which he is not in terms of that certificate permitted to perform; or
- (c) that the holder of a certificate of fitness is not complying with a restriction subject to which his certificate has been issued or renewed; or
- (d) that the health of the holder of a certificate of fitness is such that the performance by him of risk work at a controlled mine or controlled works is likely to endanger his own health or safety or the health or safety of other workers,

the director shall, by notice in writing to the holder concerned, declare his certificate of fitness to be cancelled, and direct him—

- (i) to surrender such certificate to a person and at a time and place specified in such notice; and
- (ii) to report at a time and place so specified, in order to undergo a medical examination.

(2) A copy of such notice shall forthwith be sent to the owner of the mine or works where the holder concerned is employed.

Procedure where presence of compensatable disease is suspected.

27. (1) The director shall within fourteen days after a medical examination of the holder of a certificate of fitness—

- (a) who has not previously been found to be suffering from a compensatable disease and who is considered or suspected to be suffering from such a disease; or
- (b) who has previously been found to be suffering from a compensatable disease and who is considered or suspected to be suffering from a more advanced degree of the disease in question,

submit to the certification committee a full report on the result of the examination.

(2) Subject to the provisions of subsection (3), the director shall not issue a certificate of fitness to a person referred to in subsection (1) until the certification committee has determined whether or not he is suffering from a compensatable disease, and, if he is suffering or has previously been found to be suffering from a compensatable disease, the degree of that disease.

(3) The director may issue to a person referred to in subsection (1)—

- (a) who is not considered or suspected to be suffering from tuberculosis or any other infectious disease; or
- (b) who is considered or suspected to be suffering from tuberculosis which in the opinion of the director is non-infectious and is not likely to become infectious; and
- (c) who is considered to be fit to perform risk work at a controlled mine or a controlled works,

a temporary certificate of fitness which shall be valid for a period not exceeding sixty days to be specified therein, in order

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werk sy eie gesondheid of veiligheid of die gesondheid of veiligheid van ander persone wat by die betrokke myn of bedryf werksaam is, in gevaar kan stel.

(6) Die beslissing van die direkteur aangaande die hernuwing van 'n sertifikaat van geskiktheid is afdoende, maar waar die hernuwing van 'n sertifikaat van geskiktheid kragtens hierdie artikel geweier is, moet die direkteur onverwyld die redes vir die weiering skriftelik aan die betrokke persoon laat meedeel en 'n afskrif van die mededeling laat stuur aan die eienaar van die myn of bedryf waar daardie persoon werksaam is.

26. (1) Wanneer die direkteur rede het om te vermoed—
- (a) dat die gesondheid van die houer van 'n sertifikaat van geskiktheid sedert sy laaste geneeskundige ondersoek wesentlik versleg het; of
 - (b) dat die houer van 'n sertifikaat van geskiktheid werk verrig wat hy nie volgens daardie sertifikaat toegelaat is om te verrig nie; of
 - (c) dat die houer van 'n sertifikaat van geskiktheid 'n beperking onderworpe waaraan sy sertifikaat uitgereik of hernieu is, nie nakom nie; of
 - (d) dat die gesondheid van die houer van 'n sertifikaat van geskiktheid sodanig is dat die verrigting deur hom van risikowerk by 'n beheerde myn of beheerde bedryf waarskynlik sy eie gesondheid of veiligheid of die gesondheid of veiligheid van ander werkers in gevaar sal stel,

Tussentydse ondersoek van houer van sertifikaat van geskiktheid.

moet die direkteur by skriftelike kennisgewing aan die betrokke houer, sy sertifikaat van geskiktheid as ingetrek verklaar, en hom aansê—

- (i) om bedoelde sertifikaat by 'n persoon en op 'n tyd en plek in die kennisgewing vermeld, in te lewer; en
 - (ii) om hom op 'n aldus vermelde tyd en plek aan te meld ten einde 'n mediese ondersoek te ondergaan.
- (2) 'n Afskrif van sodanige kennisgewing moet onverwyld aan die eienaar van die myn of bedryf waar die betrokke houer werksaam is, gestuur word.

27. (1) Die direkteur moet binne veertien dae na 'n geneeskundige ondersoek van die houer van 'n sertifikaat van geskiktheid—

Prosedure waar aanwesigheid van vergoedbare siekte vermoed word.

- (a) ten opsigte van wie daar nie voorheen bevind is dat hy aan 'n vergoedbare siekte ly nie en wat na gemeen of vermoed word aan so 'n siekte ly; of
- (b) ten opsigte van wie voorheen bevind is dat hy aan 'n vergoedbare siekte ly en wat na gemeen of vermoed word aan 'n meer gevorderde graad van die betrokke siekte ly,

'n volledige verslag oor die uitslag van die ondersoek aan die sertifiseringskomitee voorlê.

(2) Behoudens die bepalinge van subartikel (3), reik die direkteur nie 'n sertifikaat van geskiktheid aan 'n in subartikel (1) bedoelde persoon uit nie voordat die sertifiseringskomitee bepaal het of hy aan 'n vergoedbare siekte ly al dan nie en, indien bevind word of voorheen bevind is dat hy aan 'n vergoedbare siekte ly, wat die graad van dié siekte is.

(3) Die direkteur kan aan 'n in subartikel (1) bedoelde persoon—

- (a) wat nie na gemeen of vermoed word aan tuberkulose of 'n ander aansteeklike siekte ly nie; of
- (b) wat na gemeen of vermoed word aan tuberkulose ly wat volgens die direkteur se oordeel nie aansteeklik is nie en waarskynlik nie aansteeklik sal word nie; en
- (c) wat geskik geag word om risikowerk by 'n beheerde myn of beheerde bedryf te verrig,

'n tydelike sertifikaat van geskiktheid uitreik wat geldig is vir die tydperk van hoogstens sestig dae wat daarin vermeld moet

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to enable that person to continue working until the decision of the certification committee is made known.

- (4) If the certification committee finds the person concerned—
- (a) to be free from a compensatable disease; or
 - (b) to be suffering from a compensatable disease which does not disqualify him from obtaining a certificate of fitness,

the director shall forthwith issue a certificate of fitness to that person.

(5) A certificate of fitness may be issued under subsection (4) of this section subject to any restriction contemplated in section 23 (3).

Procedure where certificate of fitness has lapsed.

28. (1) The director shall on application by any person whose certificate of fitness has lapsed, issue to such person a fresh certificate of fitness if after examination it appears—

- (a) that he is not suffering from a compensatable disease and that his health is such that he is fit to perform risk work at a controlled mine or a controlled works; or
- (b) that he is suffering from a compensatable disease which does not disqualify him from obtaining a certificate of fitness and that his health otherwise is such that he is fit to perform risk work at a controlled mine or a controlled works.

(2) The director may issue a certificate of fitness under this section subject to any restriction contemplated in section 23 (3).

Limited certificate of fitness.

29. (1) On application by any White person or Coloured person, including any such person in the service of the State, who is not in possession of a current certificate of fitness and whose work or duties require him from time to time to perform risk work, or be in or at places where risk work is performed, at any controlled mine or controlled works for periods not exceeding in the aggregate four hours on any one day, the director shall cause the applicant to be medically examined.

(2) If after an examination in terms of subsection (1) of a person referred to in that subsection, he is found—

- (a) not to be suffering from a compensatable disease, or to be suffering from a compensatable disease which does not disqualify him from obtaining a certificate of fitness; and
- (b) to be fit to perform the work which he is from time to time required to perform, without endangering his own health or safety or the health or safety of other workers,

the director shall issue to him a certificate of fitness which shall be valid for such period not exceeding one year as the director may determine, and which may be restricted in any manner the director deems fit.

(3) The director may at any time by notice in writing to the holder of a certificate of fitness issued under subsection (2), cancel such certificate and require such holder to report at a time and place determined by the director and stated in the notice, for the purpose of undergoing a medical examination.

(4) The director shall cause a copy of a notice under subsection (3) to be sent forthwith to the owner of the mine or works in question and to the employer of the person concerned, or, if he is in the service of the State, to the head of the department in which he is employed.

Restrictions on issue of certificate of fitness in certain cases.

30. (1) Subject to the provisions of section 27 (3) and subsection (3) of this section, no certificate of fitness shall at any time be issued to any person—

- (a) who according to a finding of the certification committee, is suffering from—

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word, ten einde daardie persoon in staat te stel om aan te hou werk totdat die beslissing van die sertifiseringskomitee bekend gemaak word.

(4) Indien die sertifiseringskomitee bevind dat die betrokke persoon—

(a) vry is van 'n vergoedbare siekte; of

(b) aan 'n vergoedbare siekte ly wat hom nie diskwalifiseer om 'n sertifikaat van geskiktheid te verkry nie,

reik die direkteur onverwyld aan daardie persoon 'n sertifikaat van geskiktheid uit.

(5) 'n Sertifikaat van geskiktheid kan kragtens subartikel (4) van hierdie artikel uitgereik word onderworpe aan enige beperking in artikel 23 (3) beoog.

28. (1) Die direkteur moet op aansoek deur iemand wie se sertifikaat van geskiktheid verval het, aan daardie persoon 'n nuwe sertifikaat van geskiktheid uitreik, indien dit na ondersoek blyk—

Prosedure waar
sertifikaat van
geskiktheid
verval het.

(a) dat hy nie aan 'n vergoedbare siekte ly nie en dat sy gesondheid sodanig is dat hy geskik is om risikowerk by 'n beheerde myn of beheerde bedryf te verrig; of

(b) dat hy aan 'n vergoedbare siekte ly wat hom nie diskwalifiseer om 'n sertifikaat van geskiktheid te verkry nie en dat sy gesondheid andersins sodanig is dat hy geskik is om risikowerk by 'n beheerde myn of beheerde bedryf te verrig.

(2) Die direkteur kan 'n sertifikaat van geskiktheid ingevolge hierdie artikel uitreik onderworpe aan enige beperking in artikel 23 (3) beoog.

29. (1) Op aansoek deur 'n Blankepersoon of Kleurlingpersoon, met inbegrip van so 'n persoon in diens van die Staat, wat nie 'n geldende sertifikaat van geskiktheid besit nie en wie se werk of pligte van tyd tot tyd vereis dat hy vir tydperke van gesamentlik hoogstens vier uur op enige dag by 'n beheerde myn of beheerde bedryf risikowerk moet verrig of in of op plekke moet verkeer waar risikowerk verrig word, moet die direkteur die applikant geneeskundig laat ondersoek.

Beperkte
sertifikaat van
geskiktheid.

(2) Indien daar na 'n ondersoek ingevolge subartikel (1) van 'n persoon in daardie subartikel bedoel, bevind word dat hy—

(a) nie aan 'n vergoedbare siekte ly nie of aan 'n vergoedbare siekte ly wat hom nie diskwalifiseer om 'n sertifikaat van geskiktheid te verkry nie; en

(b) geskik is om die werk te verrig wat hy van tyd tot tyd moet verrig, sonder om sy eie gesondheid of veiligheid of die gesondheid of veiligheid van ander werkers in gevaar te stel,

reik die direkteur aan hom 'n sertifikaat van geskiktheid uit wat geldig is vir die tydperk van hoogstens een jaar wat die direkteur bepaal, en wat beperk kan word op enige wyse wat die direkteur goedvind.

(3) Die direkteur kan 'n sertifikaat van geskiktheid uitgereik ingevolge subartikel (2) te eniger tyd by skriftelike kennisgewing aan die houer daarvan intrek en dié houer aansê om hom op 'n tyd en plek deur die direkteur bepaal en in die kennisgewing genoem, aan te meld ten einde 'n geneeskundige ondersoek te ondergaan.

(4) Die direkteur laat 'n afskrif van 'n kennisgewing ingevolge subartikel (3) onverwyld stuur aan die eenaar van die betrokke myn of bedryf en aan die werkgewer van die betrokke persoon, of, indien die betrokke persoon in diens van die Staat is, aan die hoof van die departement waarin hy werksaam is.

30. (1) Behoudens die bepalings van artikel 27 (3) en subartikel (3) van hierdie artikel, word geen sertifikaat van geskiktheid te eniger tyd aan iemand uitgereik nie—

Beperkings op
uitreiking van
sertifikaat van
geskiktheid in
sekere gevalle.

(a) wat volgens 'n bevinding van die sertifiseringskomitee

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- (i) tuberculosis; or
- (ii) tuberculosis and pneumoconiosis; or
- (iii) any compensatable disease in the second degree within the meaning of section 44; or
- (b) who, in the opinion of the director, is suffering from an infectious disease and has not been completely cured of such disease.

(2) A finding expressed under the provisions of the previous Act and by virtue of which a benefit was awarded to any person, shall for the purposes of subsection (1) be deemed—

- (a) in the case of such a finding of pneumoconiosis which impaired the cardio-respiratory functions of the person concerned by not less than twenty per cent but by not more than fifty per cent, not to be a finding of a compensatable disease in the second degree;
- (b) in the case of such a finding of pneumoconiosis which impaired the cardio-respiratory functions of the person concerned by more than fifty per cent, to be a finding of a compensatable disease in the second degree;
- (c) in the case of such a finding of pneumoconiosis and tuberculosis, to be a finding of a compensatable disease in the second degree; and
- (d) in the case of such a finding of tuberculosis, to be a finding of tuberculosis.

(3) If the certification committee is satisfied that any White male or Coloured male who has been found by that committee to be suffering from tuberculosis, has received treatment for tuberculosis and that the disease has been completely cured, the director may issue to such person a certificate of fitness restricting the holder thereof to the performance, at a controlled mine or a controlled works, of work of a nature and at a place specified in the certificate, and for a period or periods so specified but not exceeding in the aggregate one hundred hours in any period of thirty days.

(4) The director—

- (a) may issue a certificate of fitness referred to in subsection (3) subject to such other restrictions as he may consider necessary in addition to the restrictions contemplated in that subsection;
- (b) may at any time cancel such a certificate by written notice to the holder thereof;
- (c) shall cause a copy of any notice under paragraph (b) to be sent without delay to the owner of any controlled mine or controlled works where the said holder is employed.

Director may require certain persons to undergo medical examination.

31. (1) The director may by notice in writing require—

- (a) any White person or Coloured person who performs any work other than risk work at a controlled mine or a controlled works; or
- (b) any person who is employed at a mine or works which is not a controlled mine or a controlled works, to report at a time and place, or from time to time at the times and places, determined by the director and specified in the notice, for the purpose of being medically examined.

(2) A copy of any notice under subsection (1) shall be sent to the owner of the mine or works where the person to whom the notice is directed is employed.

Application for medical examination for compensatable disease.

32. (1) Any person who works or has worked at a mine or works, or any other person acting on behalf of such a person, may at any time apply to the director for a medical examination of such person for the purpose of determining whether such person is suffering from a compensatable disease; or, if he has previously been found to be suffering from such a disease, the degree of such disease.

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- (i) tuberkulose; of
 - (ii) tuberkulose en pneumokoniose; of
 - (iii) 'n vergoedbare siekte in die tweede graad soos bedoel in artikel 44 (2); of
- (b) wat volgens die direkteur se oordeel aan 'n aansteeklike siekte ly en nie volkome van daardie siekte genees is nie.
- (2) 'n Bevinding wat ingevolge die bepalings van die vorige Wet uitgespreek is en op grond waarvan 'n voordeel aan iemand toegeken is, word by die toepassing van subartikel (1)—

- (a) in die geval van so 'n bevinding van pneumokoniose wat die kardiorespiratoriese funksies van die betrokke persoon minstens twintig persent maar hoogstens vyftig persent belemmer het, geag nie 'n bevinding van 'n vergoedbare siekte in die tweede graad te wees nie;
- (b) in die geval van so 'n bevinding van pneumokoniose wat die kardiorespiratoriese funksies van die betrokke persoon meer as vyftig persent belemmer het, geag 'n bevinding van 'n vergoedbare siekte in die tweede graad te wees;
- (c) in die geval van so 'n bevinding van pneumokoniose en tuberkulose, geag 'n bevinding van 'n vergoedbare siekte in die tweede graad te wees;
- (d) in die geval van so 'n bevinding van tuberkulose, geag 'n bevinding van tuberkulose te wees.

(3) Indien die sertifiseringskomitee oortuig is dat 'n Blanke man of Kleurlingman ten opsigte van wie dié komitee bevind het dat hy aan tuberkulose ly, behandeling vir tuberkulose ondergaan het en dat die siekte volkome genees is, kan die direkteur aan bedoelde persoon 'n sertifikaat van geskiktheid uitreik wat die houër beperk tot die verrigting by 'n beheerde myn of beheerde bedryf van werk van 'n aard of by 'n plek in die sertifikaat vermeld en vir 'n tydperk of tydperke aldus vermeld maar in die geheel nie meer as honderd uur in enige tydperk van dertig dae nie.

(4) Die direkteur—

- (a) kan 'n sertifikaat van geskiktheid in subartikel (3) bedoel, uitreik onderworpe aan die ander beperkings wat hy nodig ag benewens die beperkings in daardie subartikel beoog;
- (b) kan so 'n sertifikaat te eniger tyd by skriftelike kennisgewing aan die houër daarvan intrek;
- (c) moet 'n afskrif van 'n kennisgewing ingevolge paragraaf (b), onverwyld laat stuur aan die eienaar van 'n beheerde myn of 'n beheerde bedryf waar die genoemde houër werksaam is.

31. (1) Die direkteur kan—

- (a) 'n Blankepersoon of Kleurlingpersoon wat by 'n beheerde myn of 'n beheerde bedryf ander werk as risikowerk verrig; of
- (b) 'n persoon wat by 'n myn of bedryf werksaam is wat nie 'n beheerde myn of 'n beheerde bedryf is nie,

Direkteur kan sekere persone aansê om geneeskundige ondersoek te ondergaan.

by skriftelike kennisgewing aansê om hom op 'n tyd en plek, of van tyd tot tyd op die tye en plekke, deur die direkteur bepaal en in die kennisgewing genoem, aan te meld ten einde geneeskundig ondersoek te word.

(2) 'n Afskrif van 'n kennisgewing kragtens subartikel (1) moet aan die eienaar van die myn of bedryf gestuur word waar die persoon aan wie die kennisgewing gerig is, werksaam is.

32. (1) Iemand wat by 'n myn of bedryf werk of gewerk het, of 'n ander persoon wat ten behoeve van so iemand optree, kan te eniger tyd by die direkteur aansoek doen om 'n geneeskundige ondersoek van so iemand ten einde te bepaal of hy aan 'n vergoedbare siekte ly, of, indien daar reeds voorheen bevind is dat hy aan so 'n siekte ly, om die graad van daardie siekte te bepaal.

Aansoek om geneeskundige ondersoek vir vergoedbare siekte.

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(2) Upon receipt of such application, the director shall, subject to the provisions of subsection (3)—

- (a) cause the person concerned to be medically examined as soon as possible;
- (b) submit to the certification committee a detailed report on the condition of the health of that person; and
- (c) cause such further examinations, tests and observations to be carried out as the director may deem necessary or as the certification committee may require.

(3) The director may in his discretion refuse such application if the person concerned was medically examined under this Act within the period of six months immediately preceding the date on which such application is received, unless the application is supported in writing by a medical practitioner.

Report by medical practitioner on person who has worked at mine or works.

33. (1) Whenever a medical practitioner in the Republic considers or suspects that any person medically examined or treated by him, who has to his knowledge worked at a mine or works, or who he believes on reasonable grounds to have so worked, is suffering from a compensatable disease, such practitioner shall forthwith communicate to the director his findings at the examination, and shall on demand by the director furnish such further information at his disposal in regard to the examination or the health of such person as the director may require.

(2) The director may in writing direct a medical practitioner who has communicated his findings at the examination of any person to the director as contemplated in subsection (1), to perform, with the consent of the person concerned, a further medical examination of that person or such an examination of a nature determined by the director, and a medical practitioner so directed who has performed an examination in accordance with the direction, shall forthwith submit to the director a detailed report on the result of the examination.

Duties of medical practitioner in regard to post-mortem examination or service.

34. (1) The director may authorize or in writing direct any medical practitioner in the Republic to perform a post-mortem examination or other post-mortem service under this Act of a nature determined by the director, and a medical practitioner so authorized or directed who has performed a post-mortem examination or other post-mortem service in accordance with such authorization or direction, shall forthwith submit to the director a detailed report on the result of the examination or service performed by him.

(2) A medical practitioner in the Republic who attended a deceased person at the time of or immediately before his death, or has opened the body of a deceased person, and who knows or has reason to believe that such person worked at a mine or works, shall remove the cardio-respiratory organs and any other prescribed organs or parts of the body of the deceased and shall send such organs and parts of the body to the prescribed place or, if no place has been prescribed, to the bureau or to any other place specified by the director, in accordance with the prescribed procedure or, if no procedure has been prescribed, in accordance with such instructions as may be issued by the director.

(3) Notwithstanding anything contained in subsection (1) or (2), a medical practitioner shall not perform a post-mortem examination on any deceased person or remove his cardio-respiratory organs or any other organs or parts of his body, without the consent of his widow (if any) or an adult near relative of the deceased, if the widow or such a relative can readily be consulted.

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(2) By ontvangs van sodanige aansoek moet die direkteur, behoudens die bepalings van subartikel (3)—

- (a) die betrokke persoon so gou moontlik geneeskundig laat ondersoek;
- (b) aan die sertifiseringskomitee 'n uitvoerige verslag oor die gesondheidstoestand van daardie persoon verstrek; en
- (c) die verdere ondersoeke, toetse en waarnemings laat uitvoer wat die direkteur nodig ag of wat die sertifiseringskomitee verlang.

(3) Die direkteur kan sodanige aansoek na goeddunke van die hand wys indien die betrokke persoon ingevolge hierdie Wet geneeskundig ondersoek is gedurende die tydperk van ses maande onmiddellik voor die datum waarop sodanige aansoek ontvang word, tensy die aansoek skriftelik deur 'n geneesheer ondersteun word.

33. (1) Wanneer 'n geneesheer in die Republiek meen of vermoed dat iemand wat hy geneeskundig ondersoek of behandel het en wat na sy wete by 'n myn of 'n bedryf gewerk het, of wat na hy op redelike gronde vermoed aldus gewerk het, aan 'n vergoedbare siekte ly, moet dié geneesheer onverwyld sy bevindings by die ondersoek aan die direkteur meedeel, en moet hy op aanvraag deur die direkteur die verdere inligting tot sy beskikking in verband met die ondersoek of die gesondheidstoestand van bedoelde persoon verstrek wat die direkteur vereis.

Verslag deur geneesheer oor persoon wat by myn of bedryf gewerk het.

(2) Die direkteur kan 'n geneesheer wat sy bevindings by die ondersoek van 'n persoon aan die direkteur meegedeel het soos in subartikel (1) beoog, skriftelik gelas om met die toestemming van die betrokke persoon 'n verdere geneeskundige ondersoek van daardie persoon, of so 'n ondersoek van 'n aard deur die direkteur bepaal, uit te voer, en 'n geneesheer wat aldus gelas is en wat 'n ondersoek ooreenkomstig die lasgewing uitgevoer het, moet onverwyld 'n uitvoerige verslag oor die uitslag van die ondersoek aan die direkteur stuur.

34. (1) Die direkteur kan 'n geneesheer in die Republiek magtig of skriftelik gelas om 'n nadoodse ondersoek of ander nadoodse diens ingevolge hierdie Wet van 'n aard deur die direkteur bepaal, uit te voer of te verrig, en 'n geneesheer wat aldus gemagtig of gelas is en wat 'n nadoodse ondersoek of ander nadoodse diens ooreenkomstig die magtiging of lasgewing uitgevoer of verrig het, moet onverwyld aan die direkteur 'n uitvoerige verslag stuur oor die uitslag van die ondersoek wat hy uitgevoer of diens wat hy verrig het.

Pligte van geneesheer ten aansien van nadoodse ondersoek of diens.

(2) 'n Geneesheer in die Republiek wat 'n oorlede persoon ten tyde van of onmiddellik voor sy dood behandel het, of die lyk van 'n oorlede persoon geopen het, en wat weet of rede het om te vermoed dat bedoelde persoon by 'n myn of 'n bedryf gewerk het, moet die kardiopulmonêre organe en enige ander voorgeskrewe organe of liggaamsdele van die oorledene verwyder en daardie organe en liggaamsdele na die voorgeskrewe plek of, indien geen plek voorgeskryf is nie, aan die buro of na 'n ander plek deur die direkteur aangewys, stuur ooreenkomstig die voorgeskrewe prosedure of, indien geen prosedure voorgeskryf is nie, ooreenkomstig die opdragte wat die direkteur gee.

(3) Ondanks die bepalings van subartikel (1) of (2), mag 'n geneesheer nie 'n nadoodse ondersoek op 'n oorlede persoon uitvoer of sy kardiopulmonêre of ander organe of liggaamsdele verwyder nie, behalwe met toestemming van sy weduwee (as daar een is) of 'n volwasse naverwant van die oorledene indien die weduwee of so 'n naverwant geredelik geraadpleeg kan word.

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Arrangements for post-mortem examinations and services.

35. The Minister may with the concurrence of the Minister of Finance enter into such agreement or make such other arrangements with any institution, hospital or organization as the Minister may consider necessary for the performance of any post-mortem examinations or post-mortem services required under this Act.

Cost of medical examinations.

36. (1) Subject to the provisions of subsection (3), the cost of any medical examination under this Act of any White male or Coloured male who works or has worked at a controlled mine or a controlled works, or at a mine or works in respect of which the Minister has under section 12 applied any provision of this Act, and the cost incurred to keep such person under observation in accordance with any provision of this Act, shall be paid by the secretary from moneys appropriated by Parliament for that purpose.

(2) An owner of a controlled mine or a controlled works who employs a female on risk work in terms of any authorization granted to him under section 14, shall be responsible for all medical examinations of such person under this Act, except a medical examination under section 32, and the cost of such examinations shall be paid by the owner concerned.

(3) An owner of a controlled mine or a controlled works shall bear the cost of any medical examination, for the purposes of this Act, of a White person or Coloured person in his service or whom he intends to employ, if such owner causes such examination to be performed by a medical practitioner in the service of such owner, under any arrangement made with the director with a view to obviating the necessity of such person absenting himself from duty or from the mine or works for the purpose of the examination: Provided that, if such examination has been performed to the satisfaction of the director and in accordance with his requirements, and the director thereafter desires any further examination or test in respect of the person concerned, the cost of such further examination or test shall be paid from moneys appropriated by Parliament for that purpose.

Medical practitioner and a person examined entitled to fee or costs under certain circumstances.

37. (1) If a medical practitioner who is not in the full-time service of the State or of an institution of which the maintenance costs are defrayed wholly from State funds or of an owner of a controlled mine or a controlled works—

- (a) has in terms of an authorization, request or direction by the director performed any medical or post-mortem examination or other post-mortem service under this Act; or
- (b) has removed the cardio-respiratory or other organs or parts of the body of a deceased person in terms of section 34 (2) to the satisfaction of the director;

he shall be entitled to payment, from moneys appropriated by Parliament for that purpose, of—

- (i) any cost reasonably and necessarily incurred by him in order to perform such examination or service; and
- (ii) the fee determined by the Minister in consultation with the Minister of Finance; or
- (iii) in the case of an examination or service performed elsewhere than in the Republic, the fee determined by agreement between the director and the medical practitioner concerned or the authority (if any) with which arrangements were made for the performance of the examination or service in question.

(2) If any person—

- (a) who is in possession of a current certificate of fitness and who is employed at a controlled mine or a controlled works; or

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35. Die Minister kan, met die instemming van die Minister van Finansies, met 'n inrigting, hospitaal of organisasie die ooreenkoms aangaan of die ander reëlings tref wat die Minister nodig ag vir die uitvoering van nadoodse ondersoeke of die verrigting van nadoodse dienste wat ingevolge hierdie Wet vereis word.

Reëlings vir na-doodse ondersoeke en dienste.

36. (1) Behoudens die bepalings van subartikel (3), word die koste van 'n geneeskundige ondersoek ingevolge hierdie Wet van 'n Blankeman of Kleurlingman wat by 'n beheerde myn of 'n beheerde bedryf of by 'n myn of bedryf ten opsigte waarvan die Minister kragtens artikel 12 'n bepaling van hierdie Wet van toepassing gemaak het, werk of gewerk het, en die koste aangegaan ten einde so 'n persoon ooreenkomstig 'n bepaling van hierdie Wet onder waarneming te hou, deur die sekretaris betaal uit gelde deur die Parlement vir dié doel bewillig.

Koste van geneeskundige ondersoeke.

(2) 'n Eienaar van 'n beheerde myn of 'n beheerde bedryf wat 'n vrouspersoon in risikowerk in diens stel ingevolge 'n magtiging kragtens artikel 14 aan hom verleen, is aanspreeklik vir alle geneeskundige ondersoeke van daardie persoon ingevolge hierdie Wet, behalwe 'n ondersoek ingevolge artikel 32, en die koste van sodanige ondersoeke word deur die betrokke eienaar betaal.

(3) 'n Eienaar van 'n beheerde myn of 'n beheerde bedryf dra die koste van 'n mediese ondersoek, vir die doeleindes van hierdie Wet, van 'n Blankepersoon of Kleurlingpersoon in sy diens of wat hy voornemens is om in diens te neem, indien bedoelde eienaar sodanige ondersoek deur 'n geneesheer in bedoelde eienaar se diens laat uitvoer, kragtens 'n reëling met die direkteur getref met die oog daarop om sodanige persoon se afwesigheid uit diens of van die myn of bedryf vir die doel van die ondersoek onnodig te maak: Met dien verstande dat, indien sodanige ondersoek ten genoë van die direkteur en volgens sy vereistes uitgevoer is, en die direkteur daarna 'n verdere ondersoek of toets ten opsigte van die betrokke persoon verlang, die koste van sodanige verdere ondersoek of toets betaal moet word uit gelde deur die Parlement vir dié doel bewillig.

37. (1) Indien 'n geneesheer wat nie in die voltydse diens van die Staat of van 'n inrigting waarvan die instandhoudingskoste geheel en al uit Staatsfondse bestry word of van 'n eienaar van 'n beheerde myn of 'n beheerde bedryf is nie—

Geneesheer en 'n persoon wat ondersoek is, in sekere omstandighede op beloning of koste geregtig.

- (a) kragtens 'n magtiging, versoek of aansegging deur die direkteur 'n geneeskundige of nadoodse ondersoek of ander nadoodse diens ingevolge hierdie Wet uitgevoer of verrig het; of
- (b) die kardiopulmonêre of ander organe of liggaamsdele van 'n oorlede persoon ingevolge die bepalings van artikel 34 (2) tot bevrediging van die direkteur verwyder het,

is hy geregtig op betaling, uit gelde deur die Parlement vir dié doel bewillig, van—

- (i) koste redelikerwys en noodsaaklikerwys deur hom aangegaan ten einde bedoelde ondersoek of diens uit te voer of te verrig; en
- (ii) die beloning wat die Minister in oorleg met die Minister van Finansies bepaal het; of
- (iii) in die geval van 'n ondersoek of diens wat elders as in die Republiek uitgevoer of verrig is, die beloning wat by ooreenkoms bepaal is tussen die direkteur en die betrokke geneesheer of die owerheid (indien daar een is) waarmee reëlings vir die uitvoering of verrigting van die betrokke ondersoek of diens getref is.

(2) Indien iemand—

- (a) wat 'n geldende sertifikaat van geskiktheid besit en wat by 'n beheerde myn of 'n beheerde bedryf werk; of

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- (b) who is not in possession of a current certificate of fitness and who performs any work other than risk work at a controlled mine or controlled works or is employed at a mine or works on the date on which it becomes a controlled mine or a controlled works by virtue of a notice under section 10,

necessarily incurs any costs, or necessarily absents himself from the service of the owner of the mine or works in question, in order to have his certificate of fitness renewed or to obtain a certificate of fitness in terms of any requirement of this Act or to undergo a medical examination pursuant to a direction by the director—

- (i) the director shall, subject to such conditions as the Minister may determine in consultation with the Minister of Finance, repay the said costs to that person from moneys appropriated by Parliament for that purpose;
- (ii) the said owner shall pay to that person his normal remuneration in respect of the period for which he so absents himself from the owner's service but not exceeding three days.

(3) Where an application under section 28 for the medical examination of any person has been granted, such person shall be entitled to repayment, from moneys appropriated by Parliament for that purpose, and in accordance with a scale prescribed by the Minister with the concurrence of the Minister of Finance, of costs incurred by him in order to undergo such examination—

- (a) if he is found for the first time, on the ground of such examination, to be suffering from a compensatable disease; or
- (b) where he has previously been found to be suffering from a compensatable disease, if he is found for the first time, on the ground of such examination, to be suffering from a compensatable disease in the second degree, within the meaning of section 44 (2); or
- (c) in any other case, if he has not received from the State a repayment of costs in respect of a medical examination which he underwent, during the year immediately preceding the day on which the said application reached the bureau, for the purpose of determining whether he is suffering from a compensatable disease.

Medical examination of Bantu persons in connection with work at controlled mines or works.

38. (1) Save as otherwise provided in this Act, the owner of a controlled mine or a controlled works or a contractor, as the case may be, shall be responsible for all medical examinations under this Act, and for the cost of such examinations, of Bantu persons who are in his service, or whom he intends to employ, at or in connection with his mine or works or, in the case of a contractor, who are in his service, or whom he intends to employ, for or in connection with work at a controlled mine or a controlled works.

(2) The Minister may make regulations prescribing or providing for any or all of the following matters, namely—

- (a) the medical examination of Bantu persons employed at or in connection with a controlled mine or a controlled works and Bantu persons whom it is intended to employ for service at or in connection with such a mine or works;
- (b) the medical examination of Bantu persons employed at or in connection with any mine or works on the date on which such mine or works becomes a controlled mine or a controlled works;
- (c) the nature of any such examination and the intervals at which and the persons by whom any such examination shall be performed;

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- (b) wat nie 'n geldende sertifikaat van geskiktheid besit nie en wat by 'n beheerde myn of 'n beheerde bedryf ander werk as risikowerk verrig of by 'n myn of bedryf werk op die datum waarop dit uit hoofde van 'n kennisgewing kragtens artikel 10 'n beheerde myn of 'n beheerde bedryf word,

noodsaaklikerwys koste aangaan, of noodsaaklikerwys uit die diens van die eienaar van die betrokke myn of bedryf wegbly, ten einde sy sertifikaat van geskiktheid te laat hernieu of 'n sertifikaat van geskiktheid ingevolge 'n vereiste van hierdie Wet te verkry of 'n geneeskundige ondersoek ingevolge 'n aansegging deur die direkteur te ondergaan—

- (i) moet die direkteur, behoudens die voorwaardes wat die Minister in oorleg met die Minister van Finansies bepaal, die genoemde koste aan daardie persoon terugbetaal uit gelde deur die Parlement vir dié doel bewillig;

- (ii) moet die genoemde eienaar aan daardie persoon sy normale besoldiging betaal ten opsigte van die tydperk waarvoor hy aldus uit die eienaar se diens wegbly maar wat drie dae nie te bowe gaan nie.

(3) Waar 'n aansoek ingevolge artikel 28 om die geneeskundige ondersoek van 'n persoon toegestaan is, is daardie persoon geregtig op terugbetaling, uit gelde deur die Parlement vir dié doel bewillig, en ooreenkomstig 'n skaal deur die Minister met die instemming van die Minister van Finansies voorgeskryf, van koste deur hom aangegaan ten einde sodanige ondersoek te ondergaan—

- (a) indien daar op grond van sodanige ondersoek vir die eerste keer bevind word dat hy aan 'n vergoedbare siekte ly; of
- (b) waar voorheen bevind is dat hy aan 'n vergoedbare siekte ly, indien daar op grond van sodanige ondersoek vir die eerste keer bevind word dat hy aan 'n vergoedbare siekte in die tweede graad ly, soos bedoel in artikel 44 (2); of
- (c) in enige ander geval, indien hy nie van die Staat 'n terugbetaling ontvang het nie van koste ten opsigte van 'n geneeskundige ondersoek wat hy gedurende die jaar onmiddellik voorafgaande aan die dag waarop die gemelde aansoek die buro bereik het, ondergaan het ten einde te bepaal of hy aan 'n vergoedbare siekte ly.

38. (1) Behalwe vir sover hierdie Wet anders bepaal, is die eienaar van 'n beheerde myn of 'n beheerde bedryf of 'n kontrakteur, na gelang van die geval, aanspreeklik vir alle geneeskundige ondersoeke ingevolge hierdie Wet, en vir die koste verbonde aan sodanige ondersoeke, van Bantoeperone wat hy by of in verband met sy myn of bedryf in diens het of voornemens is om in diens te neem, of, in die geval van 'n kontrakteur, wat hy in sy diens het of voornemens is om in sy diens te neem vir of in verband met werk by 'n beheerde myn of 'n beheerde bedryf.

(2) Die Minister kan regulasies uitvaardig wat enige van of al die volgende aangeleenthede voorskryf of daarvoor voorsiening maak, naamlik—

- (a) die geneeskundige ondersoek van Bantoeperone in diens by of in verband met 'n beheerde myn of 'n beheerde bedryf, en Bantoeperone wat in diens geneem staan te word vir diens by of in verband met so 'n myn of bedryf;
- (b) die geneeskundige ondersoek van Bantoeperone in diens by of in verband met 'n myn of bedryf op die datum waarop daardie myn of bedryf 'n beheerde myn of beheerde bedryf word;
- (c) die aard van so 'n ondersoek en die tussenpose waarmee en die persone deur wie so 'n ondersoek uitgevoer moet word;

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- (d) the standard of fitness which is to be complied with by Bantu persons employed at or in connection with a controlled mine or a controlled works, or in any particular part of such mine or works, or in any particular work at such mine or works, or whom the owner of such mine or works or any contractor intends so to employ;
- (e) the employment of medical practitioners by owners of controlled mines or controlled works;
- (f) the particulars to be recorded by the owner of a controlled mine or a controlled works or by any contractor in connection with Bantu persons employed by him at or in connection with such mine or works;
- (g) the information, particulars, documents or reports to be submitted or made available by the owner of a controlled mine or a controlled works with reference to any Bantu person in his service in connection with his mine or works, or in the service of any other person in connection with the mine or works of such owner, or with reference to any medical examination of such a Bantu person;
- (h) the powers of the director to require further medical examinations of, tests on or observation of any Bantu person, whether in connection with or in addition to any examination, test or observation prescribed or provided for under any other paragraph of this subsection, and the payment of the cost of such further examinations, tests or observation;
- (i) the medical examination of Bantu persons who were employed at or in connection with controlled mines or controlled works but who are no longer in the service of an owner of such a mine or works, and the payment of the cost in connection with such examinations;
- (j) the accommodation and maintenance of any Bantu person by the owner of a controlled mine or a controlled works pending a finding by the certification committee or pending the award of compensation to the Bantu person concerned, and the payment of the cost of such accommodation and maintenance;
- (k) the notice which the director or the owner of a controlled mine or a controlled works shall give of the result of any medical examination of a Bantu person under this Act, and the person to whom such notice shall be given;
- (l) the repatriation or return of Bantu persons recruited by the owner of a controlled mine or a controlled works, or by any organization acting for or on behalf of such owner, for employment at or in connection with the mine or works of such owner, and the payment of the cost of such repatriation or return;
- (m) the medical examination of Bantu persons who are recruited outside the Republic for work at or in connection with a controlled mine or a controlled works, and the payment of the cost of any such examination;
- (n) the medical treatment and care of any Bantu person who has been found to be suffering from a compensatable disease, and the payment of the cost of such treatment or care;
- (o) generally, all such matters as the Minister may deem necessary in connection with the medical examination, treatment or care of Bantu persons who are or have been employed at or in connection with controlled

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- (d) die standaard van geskiktheid waaraan Bantoeperone moet voldoen wat by of in verband met 'n beheerde myn of 'n beheerde bedryf, of in 'n bepaalde gedeelte van so 'n myn of bedryf, of in 'n bepaalde soort werk by so 'n myn of bedryf, werksaam is, of wat die eienaar van so 'n myn of bedryf of 'n kontrakteur voornemens is om aldus in diens te stel;
- (e) die indiënsneming van geneeshere deur eienaars van beheerde myne of beheerde bedrywe;
- (f) die gegewens wat die eienaar van 'n beheerde myn of 'n beheerde bedryf of 'n kontrakteur moet aanteken in verband met Bantoeperone wat hy in sy diens het by of in verband met so 'n myn of bedryf;
- (g) die inligting, gegewens, stukke of verslae wat die eienaar van 'n beheerde myn of beheerde bedryf moet voórlê of beskikbaar stel met betrekking tot 'n Bantoeperoon in sy diens in verband met sy myn of bedryf of in diens van iemand anders in verband met bedoelde eienaar se myn of bedryf, of met betrekking tot 'n geneeskundige ondersoek van so 'n Bantoeperoon; die bevoegdheid van die direkteur om verdere geneeskundige ondersoeke van, toetse op of waarneming van 'n Bantoeperoon te vereis, hetsy in verband met of benewens 'n ondersoek, toets of waarneming wat voorgeskryf of waarvoor voorsiening gemaak is kragtens 'n ander paragraaf van hierdie subartikel, en die betaling van die koste verbonde aan sodanige verdere ondersoeke, toetse of waarneming;
- (i) die geneeskundige ondersoek van Bantoeperone wat by of in verband met beheerde myne of beheerde bedrywe werksaam was maar wat nie meer in die diens van 'n eienaar van so 'n myn of bedryf is nie, en die betaling van die uitgawes in verband met sodanige ondersoeke;
- (j) die huisvesting en onderhoud van 'n Bantoeperoon deur die eienaar van 'n beheerde myn of 'n beheerde bedryf in afwagting van 'n bevinding deur die sertifiseringskomitee of in afwagting van die toekenning van vergoeding aan die betrokke Bantoeperoon, en die betaling van die uitgawes in verband met sodanige huisvesting en onderhoud;
- (k) die kennis wat die direkteur of die eienaar van 'n beheerde myn of 'n beheerde bedryf moet gee van die uitslag van 'n geneeskundige ondersoek van 'n Bantoeperoon ingevolge hierdie Wet, en die persoon aan wie sodanige kennis gegee moet word;
- (l) die repatriasie of terugsending van Bantoeperone wat deur die eienaar van 'n beheerde myn of 'n beheerde bedryf of 'n organisasie wat namens of ten behoeve van so 'n eienaar optree, gewerf is vir diens by of in verband met bedoelde eienaar se myn of bedryf, en die betaling van die koste van sodanige repatriasie of terugsending;
- (m) die geneeskundige ondersoek van Bantoeperone wat buite die Republiek gewerf word vir diens by of in verband met 'n beheerde myn of 'n beheerde bedryf, en die betaling van die koste in verband met so 'n ondersoek;
- (n) die geneeskundige behandeling en versorging van 'n Bantoeperoon ten opsigte van wie bevind is dat hy aan 'n vergoedbare siekte ly, en die betaling van die koste in verband met sodanige behandeling of versorging;
- (o) in die algemeen, alle aangeleenthede wat die Minister nodig ag in verband met die geneeskundige ondersoek, behandeling of versorging van Bantoeperone wat by of in verband met beheerde myne of beheerde bedrywe

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mines or controlled works, and all matters relating to such examination, treatment or care.

(3) Any regulation prescribing or providing for the payment of any cost or expense from the Consolidated Revenue Fund shall be made with the concurrence of the Minister of Finance.

(4) Different regulations may be made in respect of different areas, or in respect of different mines or works or classes, groups or categories of mines or works, or in respect of different classes, groups or categories of Bantu persons, or in respect of different occupations or work or places at mines or works.

(5) The regulations may provide for the granting of exemption from any provision thereof, and for the person by whom and the conditions on which and the circumstances under which such exemption may be granted or an exemption so granted may be cancelled.

(6) The regulations may provide for penalties for a contravention of or failure to comply with any provision thereof, not exceeding, in the case of an owner of a controlled mine or a controlled works or a contractor, a fine of four hundred rand and, in the case of any other person, a fine of two hundred rand.

CHAPTER IV.

CERTIFICATION OF COMPENSATABLE DISEASES.

Establishment and constitution of certification committee.

39. (1) There shall be established a committee, to be called the Medical Certification Committee for Occupational Diseases, which shall exercise the powers and perform the functions conferred upon or assigned to it by this Act.

(2) The certification committee shall consist of the director and not less than three or more than five other members to be appointed by the Minister, who shall be medical practitioners and of whom, subject to the provisions of subsection (4)—

(a) one shall be a medical practitioner whose name has been submitted to the Minister in terms of that subsection by the owners of controlled mines and controlled works or by an organization or organizations qualified, in the opinion of the Minister, to act on behalf of such owners; and

(b) one shall be a medical practitioner whose name has been so submitted by an organization or organizations qualified, in the opinion of the Minister, to act on behalf of persons who perform risk work at controlled mines or controlled works.

(3) The director shall *ex officio* be the chairman of the certification committee.

(4) (a) When a member of the certification committee is to be appointed under paragraph (a) or (b) of subsection (2), the Minister shall cause a written communication to be sent to the owners or the organization or organizations referred to in the said paragraph (a) or, as the case may be, to the organization or organizations referred to in the said paragraph (b), containing a request for the submission to him, for the purposes of the paragraph in question and within a period stated in the communication not being less than forty-five days, of the names of not less than three medical practitioners.

(b) If such request is not complied with, the Minister may appoint any medical practitioner as a member

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werkzaam is of was, en alle aangeleenthede wat op sodanige ondersoek, behandeling of versorging betrekking het.

(3) 'n Regulasie wat voorskryf of daarvoor voorsiening maak dat koste of uitgawe uit die Gekonsolideerde Inkomstefonds bestry moet word, moet met die instemming van die Minister van Finansies uitgevaardig word.

(4) Verskillende regulasies kan uitgevaardig word ten opsigte van verskillende gebiede, of ten opsigte van verskillende myne of bedrywe of klasse, groepe of kategorieë van myne of bedrywe, of ten opsigte van verskillende klasse, groepe of kategorieë van Bantoeperone of ten opsigte van verskillende ambagte of werk of plekke by myne of bedrywe.

(5) Die regulasies kan bepaal dat vrystelling van enige bepaling daarvan verleen kan word en deur wie en op watter voorwaardes en onder watter omstandighede sodanige vrystelling verleen kan word of 'n vrystelling wat aldus verleen is, ingetrek kan word.

(6) Die regulasies kan vir 'n oortreding van 'n bepaling daarvan of 'n versuim om daaraan te voldoen strawwe voorskryf wat, in die geval van 'n eienaar van 'n beheerde myn of 'n beheerde bedryf of 'n kontrakteur, 'n boete van vierhonderd rand, en, in die geval van iemand anders, 'n boete van tweehonderd rand nie oorskry nie.

HOOFSTUK IV.

SERTIFISERING VAN VERGOEDBARE SIEKTES.

39. (1) Daar word 'n komitee ingestel wat die Mediese Sertifiseringskomitee vir Bedryfsiektes heet en wat die bevoegdhede uitoefen en die werksaamhede verrig wat by hierdie Wet aan hom verleen of opgedra word. Instelling en samestelling van sertifiseringskomitee.

(2) Die sertifiseringskomitee bestaan uit die direkteur en nie minder as drie of meer as vyf ander lede nie wat die Minister aanstel, wat geneeshere moet wees en van wie, behoudens die bepalings van subartikel (4)—

(a) een 'n geneesheer moet wees wie se naam ingevolge daardie subartikel aan die Minister voorgelê is deur die eienaars van beheerde myne en beheerde bedrywe, of deur 'n organisasie of organisasies wat volgens die Minister se oordeel bevoeg is om ten behoeve van sodanige eienaars op te tree; en

(b) een 'n geneesheer moet wees wie se naam aldus voorgelê is deur 'n organisasie of organisasies wat volgens die Minister se oordeel bevoeg is om ten behoeve van persone op te tree wat risikowerk by beheerde myne of beheerde bedrywe verrig.

(3) Die direkteur is ampshalwe die voorsitter van die sertifiseringskomitee.

(4) (a) Wanneer 'n lid van die sertifiseringskomitee kragtens paragraaf (a) of (b) van subartikel (2) aangestel moet word, moet die Minister aan die eienaars of die organisasie of organisasies in genoemde paragraaf (a) bedoel, of, na gelang van die geval, aan die organisasie of organisasies in genoemde paragraaf (b) bedoel, 'n skriftelike mededeling laat stuur waarin versoek word dat die name van minstens drie geneeshere vir die doeleindes van die betrokke paragraaf aan hom voorgelê word binne 'n in die mededeling vermelde tydperk wat nie minder as vyf-en-veertig dae is nie.

(b) Indien daar nie aan sodanige versoek voldoen word nie, kan die Minister enige geneesheer as 'n lid van die

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of the certification committee in the place of the member contemplated in the paragraph in question or, at his discretion and provided the certification committee already consists of not less than three members apart from the director, refrain from making any appointment.

(5) The Minister may appoint in respect of any member of the certification committee an alternate or so many alternates as he may consider necessary, who shall be a medical practitioner or medical practitioners and who, in the case of an alternate to a member appointed in terms of subsection (2) (a) or (b), shall be appointed in the same manner as such member.

(6) (a) The chairman and a majority of the other members of the certification committee shall constitute a quorum at any meeting thereof.

(b) The Minister may make such rules as he may consider necessary or desirable for the proper functioning of the certification committee.

Establishment and constitution of reviewing authority.

40. (1) There shall be established a body, to be called the Medical Reviewing Authority for Occupational Diseases, which shall exercise the powers and perform the functions conferred upon or assigned to it by this Act.

(2) (a) The reviewing authority shall consist of not less than three or more than four members to be appointed by the Minister and who shall be medical practitioners.

(b) In appointing the members of the reviewing authority the Minister shall consider such representations (if any) as may have been made to him by owners of controlled mines or controlled works or by any organization acting on behalf of such owners or on behalf of persons who perform risk work at controlled mines or controlled works.

(3) The Minister shall appoint a member of the reviewing authority as its chairman and shall designate another member to act as chairman when there is no chairman or the chairman is absent or is for any other reason unable to perform his functions.

(4) A member of the certification committee or an alternate to such a member or a medical practitioner in the employ of the bureau shall not be eligible for appointment as a member of the reviewing authority.

(5) The Minister may appoint in respect of any member of the reviewing authority an alternate or so many alternates as he may consider necessary, who shall be a medical practitioner or medical practitioners.

(6) (a) A majority of the members of the reviewing authority shall constitute a quorum at any meeting thereof.

(b) The Minister may make such rules as he may consider necessary or desirable for the proper functioning of the reviewing authority.

Conditions of service of member of certification committee or reviewing authority.

41. (1) A member of the certification committee or of the reviewing authority, and an alternate to such a member, who is not in the full-time service of the State shall be appointed at such remuneration and on such other conditions of service and for such period not exceeding five years as the Minister may determine in consultation with the Minister of Finance.

(2) A member of the certification committee or of the reviewing authority and an alternate to such a member shall vacate his office—

(a) if he becomes insolvent;

(b) if he becomes of unsound mind;

(c) if he is convicted of an offence and sentenced to imprisonment without the option of a fine; or

(d) in the case of a member, if he absents himself from five consecutive meetings of the certification committee or of the reviewing authority, as the case may be, without the leave of the certification committee or

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sertifiseringskomitee aanstel in die plek van die lid in die betrokke paragraaf beoog, of, na goeddunke en mits die sertifiseringskomitee reeds uit minstens drie lede benewens die direkteur bestaan, nalaat om 'n aanstelling te doen.

(5) Die Minister kan ten opsigte van enige lid van die sertifiseringskomitee 'n plaasvervanger of soveel plaasvervangers as wat hy nodig ag, aanstel wat 'n geneesheer of geneeshere moet wees en wat, in die geval van 'n plaasvervanger van 'n lid wat ingevolge subartikel (2) (a) of (b) aangestel is, op dieselfde wyse as daardie lid aangestel moet word.

(6) (a) Die voorsitter en 'n meerderheid van die ander lede van die sertifiseringskomitee maak 'n kworum op 'n vergadering daarvan uit.

(b) Die Minister kan die reëls neerlê wat hy vir die behoorlike funksionering van die sertifiseringskomitee nodig of wenslik ag.

40. (1) Daar word 'n liggaam ingestel wat die Mediese Hersieningsowerheid vir Bedryfsiektes heet en wat die bevoegthede uitoefen en die werksaamhede verrig wat by hierdie Wet aan hom verleen of opgedra word.

Instelling en samestelling van hersieningsowerheid.

(2) (a) Die hersieningsowerheid bestaan uit nie minder as drie of meer as vier lede nie wat die Minister aanstel en wat geneeshere moet wees.

(b) By die aanstelling van die lede van die hersieningsowerheid moet die Minister die vertoë (as daar is) oorweeg wat tot hom gerig is deur eienaars van beheerde myne of beheerde bedrywe of deur 'n organisasie wat ten behoeve van sodanige eienaars of ten behoeve van persone wat risikowerk by beheerde myne of beheerde bedrywe verrig, optree.

(3) Die Minister stel 'n lid van die hersieningsowerheid as die voorsitter daarvan aan en wys 'n ander lid aan om as voorsitter op te tree wanneer daar nie 'n voorsitter is nie of die voorsitter afwesig is of om 'n ander rede nie in staat is om sy werksaamhede te verrig nie.

(4) 'n Lid van die sertifiseringskomitee of 'n plaasvervanger van so 'n lid of 'n geneesheer in diens van die buro kan nie as lid van die hersieningsowerheid aangestel word nie.

(5) Die Minister kan ten opsigte van 'n lid van die hersieningsowerheid 'n plaasvervanger of soveel plaasvervangers as wat hy nodig ag, aanstel, wat 'n geneesheer of geneeshere moet wees.

(6) (a) 'n Meerderheid van die lede van die hersieningsowerheid maak 'n kworum op 'n vergadering daarvan uit.

(b) Die Minister kan die reëls maak wat hy vir die behoorlike funksionering van die hersieningsowerheid nodig of wenslik ag.

41. (1) 'n Lid van die sertifiseringskomitee of van die hersieningsowerheid, en 'n plaasvervanger van so 'n lid, wat nie in die voltydse diens van die Staat is nie, word aangestel teen die besoldiging en op die ander diensvoorwaardes en vir die tydperk van hoogstens vyf jaar wat die Minister in oorleg met die Minister van Finansies bepaal.

Diensvoorwaardes van lid van sertifiseringskomitee of hersieningsowerheid.

(2) 'n Lid van die sertifiseringskomitee of van die hersieningsowerheid en 'n plaasvervanger van so 'n lid ontruim sy amp—

(a) indien hy insolvent raak;

(b) indien hy kranksinnig word;

(c) indien hy weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boefe gevonniss word; of

(d) in die geval van 'n lid, indien hy van vyf agtereenvolgende vergaderings van die sertifiseringskomitee of van die hersieningsowerheid, na gelang van die geval, afwesig is sonder die sertifiseringskomitee of die

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reviewing authority, which shall not be granted for any continuous period exceeding one hundred and eighty days.

(3) If the Minister is of the opinion that a member of the certification committee or of the reviewing authority or an alternate to such a member is not competent to serve as such a member or alternate, the Minister may by notice in writing remove the member or alternate concerned from office.

Powers of
chairmen of
certification
committee and
reviewing
authority.

42. (1) The chairman of the certification committee and the chairman of the reviewing authority shall each have the same powers as those conferred upon the director by sections 5 (1) and 6, and the provisions of those sections relating to the exercise of such powers by the director shall *mutatis mutandis* apply with reference to the exercise of such powers by the chairman in question.

(2) The chairman of the certification committee may by notice in writing direct any medical practitioner who has performed a medical examination of a person who works or has worked at a controlled mine or a controlled works, to submit to that committee a full report on such examination, or to appear before that committee at a time and place specified in the notice, in order to answer such relevant questions as may be put to him by the said chairman or any other member of that committee.

(3) The chairman of the certification committee or the chairman of the reviewing authority may of his own motion or at the request of any person whose case is being dealt with by that committee or authority, as the case may be, by notice in writing direct such person to appear before that committee or authority at a time and place specified in the notice in order to answer such relevant questions as may be put to him by the chairman or any other member of that committee or authority, or in order to undergo a medical examination.

Standards for
certification of
compensatable
diseases.

43. (1) The Minister may, if he deems it expedient, after consultation with the director and the medical adviser (if there is one), determine the standards to be applied in the certification of compensatable diseases in terms of this Act.

(2) In determining such standards, the Minister shall consider such representations (if any) as may have been made to him by owners of controlled mines or controlled works or by any organization acting on behalf of such owners or on behalf of persons who perform risk work at controlled mines or controlled works.

(3) Any determination made by the Minister under subsection (1) shall be published for general information in the *Gazette*.

Degrees of
compensatable
diseases.

44. (1) For the purposes of this Act a person shall be deemed to be suffering from a compensatable disease in the first degree—

- (a) in the case of pneumoconiosis, if the certification committee has found that he is suffering from pneumoconiosis whether or not it has impaired his cardio-respiratory functions, or which has permanently impaired such functions by not more than forty per cent;
- (b) in the case of a compensatable disease referred to in paragraph (d) of the definition of "compensatable disease" in section 1 (in this section referred to as "the definition"), if the certification committee has found that he is suffering from such a disease which has permanently impaired his cardio-respiratory functions by not more than forty per cent;
- (c) in the case of a compensatable disease referred to in paragraph (e) of the definition, if the certification committee has found that he is suffering from such a disease which has permanently impaired his ability to perform his ordinary work by not more than forty per cent;

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hersieningsowerheid se verlof, wat nie vir 'n aaneenlopende tydperk van meer as eenhonderd-en-tagtig dae verleen word nie.

(3) Indien die Minister van oordeel is dat 'n lid van die sertifiseringskomitee of van die hersieningsowerheid of 'n plaasvervanger van so 'n lid onbekwaam is om as sodanige lid of plaasvervanger te dien, kan die Minister die betrokke lid of plaasvervanger by skriftelike kennisgewing van sy amp onthef.

42. (1) Die voorsitter van die sertifiseringskomitee en die voorsitter van die hersieningsowerheid het elk dieselfde bevoegd-hede as dié wat by artikels 5 (1) en 6 aan die direkteur verleen word, en die bepaling van daardie artikels met betrekking tot die uitoefening van bedoelde bevoegdhede deur die direkteur is *mutatis mutandis* van toepassing met betrekking tot die uitoefening van dié bevoegdhede deur die betrokke voorsitter.

Bevoegdhede van voorsitters van sertifiseringskomitee en hersieningsowerheid.

(2) Die voorsitter van die sertifiseringskomitee kan 'n geneesheer wat 'n geneeskundige ondersoek gedoen het van 'n persoon wat by 'n beheerde myn of 'n beheerde bedryf werk of gewerk het, by skriftelike kennisgewing aansê om 'n volledige verslag oor die uitslag van die ondersoek aan dié komitee voor te lê of om op 'n tyd en plek in die kennisgewing vermeld voor dié komitee te verskyn ten einde relevante vrae wat genoemde voorsitter of 'n ander lid van dié komitee aan hom stel, te beantwoord.

(3) Die voorsitter van die sertifiseringskomitee of die voorsitter van die hersieningsowerheid kan uit eie beweging of op versoek van 'n persoon wie se geval voor dié komitee of owerheid, na gelang van die geval, dien, daardie persoon by skriftelike kennisgewing aansê om op 'n tyd en plek in die kennisgewing vermeld voor dié komitee of owerheid te verskyn ten einde relevante vrae wat die voorsitter of 'n ander lid van dié komitee of owerheid aan hom stel, te beantwoord, of ten einde 'n geneeskundige ondersoek te ondergaan.

43. (1) Die Minister kan, indien hy dit dienstig ag, na raadpleging met die direkteur en die geneeskundige adviseur (as daar een is), standaard bepaal wat by die sertifisering van vergoedbare siektes ingevolge hierdie Wet toegepas moet word.

Standaard vir sertifisering van vergoedbare siektes.

(2) By die bepaling van sodanige standaard moet die Minister die verhoë (as daar is) oorweeg wat tot hom gerig is deur eienaars van beheerde myne of beheerde bedrywe of deur 'n organisasie wat ten behoeve van sodanige eienaars of ten behoeve van persone wat risikowerk by beheerde myne of beheerde bedrywe verrig, optree.

(3) 'n Bepaling deur die Minister kragtens subartikel (1) gedoen, moet vir algemene inligting in die *Staatskoerant* gepubliseer word.

44. (1) By die toepassing van hierdie wet word dit beskou dat 'n persoon aan 'n vergoedbare siekte in die eerste graad ly—

Grade van vergoedbare siektes.

- (a) in die geval van pneumokoniose, indien die sertifiseringskomitee bevind het dat hy aan pneumokoniose ly, ongeag of dit sy kardiopulmonêre funksies belemmer het of nie, of wat bedoelde funksies blywend hoogstens veertig persent belemmer het;
- (b) in die geval van 'n vergoedbare siekte bedoel in paragraaf (d) van die omskrywing van „vergoedbare siekte” in artikel 1 (in hierdie artikel „die omskrywing” genoem) indien die sertifiseringskomitee bevind het dat hy aan so 'n siekte ly wat sy kardiopulmonêre funksies blywend hoogstens veertig persent belemmer het;
- (c) in die geval van 'n vergoedbare siekte in paragraaf (e) van die omskrywing bedoel, indien die sertifiseringskomitee bevind het dat hy aan so 'n siekte ly, wat sy vermoë om sy gewone werk te verrig blywend hoogstens veertig persent belemmer het;

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(d) in the case of a compensatable disease referred to in paragraph (f) of the definition, if the certification committee has found that he is suffering from such a disease which has permanently impaired his ability to perform his ordinary work by not more than forty per cent.

(2) For the purposes of this Act a person shall be deemed to be suffering from a compensatable disease in the second degree—

(a) if the certification committee has found that he is suffering from more than one compensatable disease simultaneously which together have permanently impaired his ability to perform his ordinary work by more than forty per cent, or that he is suffering from tuberculosis and another compensatable disease simultaneously;

(b) in the case of pneumoconiosis, if the certification committee has found that he is suffering from pneumoconiosis which has permanently impaired his cardio-respiratory functions by more than forty per cent;

(c) in the case of a compensatable disease referred to in paragraph (d) of the definition, if the certification committee has found that he is suffering from such a disease which has permanently impaired his cardio-respiratory functions by more than forty per cent;

(d) in the case of a compensatable disease referred to in paragraph (e) of the definition, if the certification committee has found that he is suffering from such a disease which has permanently impaired his ability to perform his ordinary work by more than forty per cent;

(e) in the case of a compensatable disease referred to in paragraph (f) of the definition, if the certification committee has found that he is suffering from such a disease which has permanently impaired his ability to perform his ordinary work by more than forty per cent;

Director to submit certain medical and post-mortem reports to certification committee.

45. When the director has obtained or has received from any medical practitioner any report or communication on the medical or post-mortem examination in terms of this Act of any person—

(a) who has not previously been found by the committee to be suffering from a compensatable disease and who is on the ground of such examination considered or suspected to be suffering from such a disease or to have been suffering from such a disease at the time of his death; or

(b) who has previously been found by the committee to be suffering from a compensatable disease and who is on the ground of such medical examination considered or suspected to be suffering from a compensatable disease in a more advanced degree,

the director shall as soon as practicable submit to the certification committee a full report on such examination, and, at the request of the said committee, cause such further examinations, tests or observation to be performed as that committee may require.

Certification committee to determine presence, nature and degree of compensatable disease.

46. When the certification committee has received from the director a report in terms of section 45 or has obtained or received in terms of any other provision of this Act a report on the medical or post-mortem examination of any such person as is referred to in that section, the certification committee shall determine, in any manner it deems fit but with due regard to the standards (if any) determined under section 43 and to the provisions of section 44—

(a) in the case of a person who has not previously been found by the committee to be suffering from a compensatable disease, whether he is suffering from such

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(d) in die geval van 'n vergoedbare siekte in paragraaf (f) van die omskrywing bedoel, indien die sertifiseringskomitee bevind het dat hy aan so 'n siekte ly wat sy vermoë om sy gewone werk te verrig blywend hoogstens veertig persent belemmer het.

(2) By die toepassing van hierdie Wet word dit beskou dat 'n persoon aan 'n vergoedbare siekte in die tweede graad ly—

(a) indien die sertifiseringskomitee bevind het dat hy gelyktydig aan meer as een vergoedbare siekte ly wat gesamentlik sy vermoë om sy gewone werk te verrig blywend meer as veertig persent belemmer het, of dat hy aan tuberkulose saam met 'n ander vergoedbare siekte ly;

(b) in die geval van pneumokoniose, indien die sertifiseringskomitee bevind het dat hy aan pneumokoniose ly wat sy kardiopulmonêre funksies blywend meer as veertig persent belemmer het;

(c) in die geval van 'n vergoedbare siekte in paragraaf (d) van die omskrywing bedoel, indien die sertifiseringskomitee bevind het dat hy aan so 'n siekte ly wat sy kardiopulmonêre funksies blywend meer as veertig persent belemmer het;

(d) in die geval van 'n vergoedbare siekte in paragraaf (e) van die omskrywing bedoel, indien die sertifiseringskomitee bevind het dat hy aan so 'n siekte ly wat sy vermoë om sy gewone werk te verrig blywend meer as veertig persent belemmer het;

(e) in die geval van 'n vergoedbare siekte in paragraaf (f) van die omskrywing bedoel, indien die sertifiseringskomitee bevind het dat hy aan so 'n siekte ly wat sy vermoë om sy gewone werk te verrig blywend meer as veertig persent belemmer het.

45. Wanneer die direkteur 'n verslag of mededeling verkry of van 'n geneesheer ontvang het oor die geneeskundige of nadoodse ondersoek ingevolge hierdie Wet van 'n persoon—

(a) ten opsigte van wie daar nie voorheen deur die sertifiseringskomitee bevind is dat hy aan 'n vergoedbare siekte ly nie en wat op grond van bedoelde ondersoek gemeen of vermoed word aan so 'n siekte te ly of ten tyde van sy dood aan so 'n siekte te gely het; of

(b) ten opsigte van wie daar voorheen deur die sertifiseringskomitee bevind is dat hy aan 'n vergoedbare siekte ly en wat op grond van bedoelde geneeskundige ondersoek gemeen of vermoed word aan so 'n siekte in 'n meer gevorderde graad te ly,

moet die direkteur so gou doenlik 'n volledige verslag oor die ondersoek aan die sertifiseringskomitee voorlê en, op versoek van die genoemde komitee, die verdere ondersoeke, toetse of waarneming laat uitvoer wat dié komitee verlang.

Direkteur moet sekere geneeskundige en nadoodse verslae aan sertifiseringskomitee voorlê.

46. Wanneer die sertifiseringskomitee 'n verslag ingevolge artikel 45 van die direkteur ontvang het, of 'n verslag oor die geneeskundige of nadoodse ondersoek van 'n persoon soos in daardie artikel bedoel ingevolge 'n ander bepaling van hierdie Wet verkry of ontvang het, bepaal die sertifiseringskomitee op die wyse wat hy goetvind maar met inagneming van die standarde (as daar is) kragtens artikel 43 bepaal en van die bepalings van artikel 44—

(a) in die geval van 'n persoon ten opsigte van wie die sertifiseringskomitee nie voorheen bevind het dat hy aan 'n vergoedbare siekte ly nie, of hy aan so 'n siekte ly of, na gelang van die geval, ten tyde van sy

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a disease or, as the case may be, was suffering from such a disease at the time of his death, and, if so, the nature and degree of the disease;

- (b) in the case of a person who has previously been found by the certification committee to be suffering from a compensatable disease, the degree of the disease.

Certification committee may reconsider and alter own finding.

47. (1) The certification committee may, when it has expressed a finding under the provisions of this Act, of its own motion or on application by the person to whom such finding relates, or on application by any other person acting on behalf of that person or any organization so acting, or, in the case of a deceased person, on application by the dependants of such person or by any other person acting on behalf of such dependants or any organization so acting, at any time reconsider and, subject to the provisions of subsection (2), alter such finding or rescind it and express a fresh finding in its place.

(2) The certification committee may not alter or rescind any finding by virtue of which any benefit has been awarded to any person, irrespective of whether such finding was expressed before or after the commencement of this Act.

(3) Where a finding is altered or is rescinded and a fresh finding is expressed in its place under subsection (1), such altered or fresh finding shall be deemed to have been expressed on the date on which the original finding was expressed.

Notice of finding of certification committee.

48. (1) Whenever the certification committee has expressed a finding in accordance with the provisions of this Act, the chairman or a person authorized thereto in writing by him, shall issue a certificate in the prescribed form setting out such finding and containing such information as may be necessary for the purposes of this Act, and shall within ten days as from the date on which the finding was expressed, cause copies of such certificate to be sent—

- (a) to the commissioner;
- (b) if the person to whom the certificate relates is still employed at a mine or works, to the owner of such mine or works;
- (c) if the certificate relates to any person other than a Bantu person, to the person to whom it relates, or if it relates to a deceased person, to the dependants, if any, of the deceased;
- (d) if the certificate relates to a Bantu person, to the Bantu affairs authority; and
- (e) if it is a finding of tuberculosis, to the local authority in whose area the person is to whom the certificate relates.

(2) The chairman of the certification committee shall keep a register of all the findings of that committee.

Effective date of finding of certification committee.

49. (1) A finding of the certification committee shall, save as is otherwise provided in this Act, be deemed to have been expressed—

- (a) where it is based wholly or partly on a medical examination or two or more medical examinations of the person concerned, on the date on which such examination or the first of such examinations commenced;
- (b) where it is based wholly or partly on a post-mortem examination, on the date on which the person concerned died;
- (c) where it is based wholly or partly on a medical examination or two or more medical examinations of the person concerned carried out or commenced before the commencement of this Act, on the date on which such examination or the first of such examinations commenced.

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dood aan so 'n siekte gely het, en, indien wel, die aard en graad van die siekte;

- (b) in die geval van 'n persoon ten opsigte van wie die sertifiseringskomitee voorheen bevind het dat hy aan 'n vergoedbare siekte ly, die graad van die siekte.

47. (1) Die sertifiseringskomitee kan, wanneer hy 'n bevinding ingevolge die bepalings van hierdie Wet uitgespreek het, uit eie beweging of op aansoek deur die persoon op wie die bevinding betrekking het, of op aansoek deur 'n ander persoon wat ten behoeve van daardie persoon optree of 'n organisasie wat aldus optree, of, in die geval van 'n oorlede persoon, op aansoek deur die afhanklikes van daardie persoon of 'n ander persoon wat ten behoeve van dié afhanklikes optree of 'n organisasie wat aldus optree, te eniger tyd daardie bevinding heroorweeg en, behoudens die bepalings van subartikel (2), wysig of dit intrek en 'n nuwe bevinding in die plek daarvan uitspreek.

Sertifiseringskomitee kan eie bevinding heroorweeg en wysig.

(2) Die sertifiseringskomitee kan nie 'n bevinding op grond waarvan 'n voordeel aan iemand toegeken is, wysig of intrek nie, ongeag of bedoelde bevinding voor of na die inwerkingtreding van hierdie Wet uitgespreek is.

(3) Waar 'n bevinding ingevolge subartikel (1) gewysig word of ingetrek en 'n nuwe bevinding in die plek daarvan gestel word, word die gewysigde of nuwe bevinding geag uitgespreek te gewees het op die datum waarop die oorspronklike bevinding uitgespreek is.

48. (1) Wanneer die sertifiseringskomitee 'n bevinding ooreenkomstig die bepalings van hierdie Wet uitgespreek het, reik die voorsitter of 'n persoon wat hy skriftelik daartoe gemagtig het, 'n sertifikaat in die voorgeskrewe vorm uit wat die bevinding uiteensit en die inligting bevat wat vir die doeleindes van hierdie Wet nodig is, en laat hy binne tien dae vanaf die datum waarop die bevinding uitgespreek is, afskrifte van bedoelde sertifikaat stuur—

Kennisgewing van bevinding van sertifiseringskomitee.

- (a) aan die kommissaris;
- (b) indien die persoon op wie die sertifikaat betrekking het nog by 'n myn of bedryf werksaam is, aan die eenaar van daardie myn of bedryf;
- (c) indien die sertifikaat op iemand anders as 'n Bantoe persoon betrekking het, aan die persoon op wie dit betrekking het, of indien dit op 'n oorlede persoon betrekking het, aan die afhanklikes, as daar is, van die oorledene;
- (d) indien dit op 'n Bantoe persoon betrekking het, aan die Bantoesake-owerheid; en
- (e) indien dit 'n bevinding van tuberkulose is, aan die plaaslike owerheid in wie se gebied die persoon op wie die sertifikaat betrekking het, hom bevind.

(2) Die voorsitter van die sertifiseringskomitee moet 'n register van alle bevindings van dié komitee hou.

49. (1) 'n Bevinding van die sertifiseringskomitee word, behalwe sover hierdie Wet anders bepaal, geag uitgespreek te gewees het—

Geldingsdatum van bevinding van sertifiseringskomitee.

- (a) waar dit heeltemal of gedeeltelik op 'n geneeskundige ondersoek of twee of meer geneeskundige ondersoeke van die betrokke persoon gegrond is, op die datum waarop daardie ondersoek of die eerste van daardie ondersoeke begin het;
- (b) waar dit heeltemal of gedeeltelik op 'n nadoodse ondersoek gegrond is, op die datum waarop die betrokke persoon oorlede is;
- (c) waar dit heeltemal of gedeeltelik gegrond is op 'n geneeskundige ondersoek of twee of meer geneeskundige ondersoeke van die betrokke persoon wat uitgevoer is of begin het voor die inwerkingtreding van hierdie Wet, op die datum waarop daardie ondersoek of die eerste van daardie ondersoeke begin het.

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...disease or, as the case may be, was suffering from such a disease at the time of his death, and, if so, the nature and degree of the disease;

- (b) in the case of a person who has previously been found by the certification committee to be suffering from a compensatable disease, the degree of the disease.

Certification committee may reconsider and alter own finding.

47. (1) The certification committee may, when it has expressed a finding under the provisions of this Act, of its own motion or on application by the person to whom such finding relates, or on application by any other person acting on behalf of that person or any organization so acting, or, in the case of a deceased person, on application by the dependants of such person or by any other person acting on behalf of such dependants or any organization so acting, at any time reconsider and, subject to the provisions of subsection (2), alter such finding or rescind it and express a fresh finding in its place.

(2) The certification committee may not alter or rescind any finding by virtue of which any benefit has been awarded to any person, irrespective of whether such finding was expressed before or after the commencement of this Act.

(3) Where a finding is altered or is rescinded and a fresh finding is expressed in its place under subsection (1), such altered or fresh finding shall be deemed to have been expressed on the date on which the original finding was expressed.

Notice of finding of certification committee.

48. (1) Whenever the certification committee has expressed a finding in accordance with the provisions of this Act, the chairman or a person authorized thereto in writing by him, shall issue a certificate in the prescribed form setting out such finding and containing such information as may be necessary for the purposes of this Act, and shall within ten days as from the date on which the finding was expressed, cause copies of such certificate to be sent—

- (a) to the commissioner;
- (b) if the person to whom the certificate relates is still employed at a mine or works, to the owner of such mine or works;
- (c) if the certificate relates to any person other than a Bantu person, to the person to whom it relates, or if it relates to a deceased person, to the dependants, if any, of the deceased;
- (d) if the certificate relates to a Bantu person, to the Bantu affairs authority; and
- (e) if it is a finding of tuberculosis, to the local authority in whose area the person is to whom the certificate relates.

(2) The chairman of the certification committee shall keep a register of all the findings of that committee.

Effective date of finding of certification committee.

49. (1) A finding of the certification committee shall, save as is otherwise provided in this Act, be deemed to have been expressed—

- (a) where it is based wholly or partly on a medical examination or two or more medical examinations of the person concerned, on the date on which such examination or the first of such examinations commenced;
- (b) where it is based wholly or partly on a post-mortem examination, on the date on which the person concerned died;
- (c) where it is based wholly or partly on a medical examination or two or more medical examinations of the person concerned carried out or commenced before the commencement of this Act, on the date on which such examination or the first of such examinations commenced.

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dood aan so 'n siekte gely het, en, indien wel, die aard en graad van die siekte;

- (b) in die geval van 'n persoon ten opsigte van wie die sertifiseringskomitee voorheen bevind het dat hy aan 'n vergoedbare siekte ly, die graad van die siekte.

47. (1) Die sertifiseringskomitee kan, wanneer hy 'n bevinding ingevolge die bepalings van hierdie Wet uitgespreek het, uit eie beweging of op aansoek deur die persoon op wie die bevinding betrekking het, of op aansoek deur 'n ander persoon wat ten behoeve van daardie persoon optree of 'n organisasie wat aldus optree, of, in die geval van 'n oorlede persoon, op aansoek deur die afhanklikes van daardie persoon of 'n ander persoon wat ten behoeve van dié afhanklikes optree of 'n organisasie wat aldus optree, te eniger tyd daardie bevinding heroorweeg en, behoudens die bepalings van subartikel (2), wysig of dit intrek en 'n nuwe bevinding in die plek daarvan uitspreek.

Sertifiseringskomitee kan eie bevinding heroorweeg en wysig.

(2) Die sertifiseringskomitee kan nie 'n bevinding op grond waarvan 'n vóórdeél aan iemand toegeken is, wysig of intrek nie, ongeag of bedoelde bevinding voor of na die inwerkingtreding van hierdie Wet uitgespreek is.

(3) Waar 'n bevinding ingevolge subartikel (1) gewysig word of ingetrek en 'n nuwe bevinding in die plek daarvan gestel word, word die gewysigde of nuwe bevinding geag uitgespreek te gewees het op die datum waarop die oorspronklike bevinding uitgespreek is.

48. (1) Wanneer die sertifiseringskomitee 'n bevinding ooreenkomstig die bepalings van hierdie Wet uitgespreek het, reik die voorsitter of 'n persoon wat hy skriftelik daartoe gemagtig het, 'n sertifikaat in die voorgeskrewe vorm uit wat die bevinding uiteensit en die inligting bevat wat vir die doeleindes van hierdie Wet nodig is, en laat hy binne tien dae vanaf die datum waarop die bevinding uitgespreek is, afskrifte van bedoelde sertifikaat stuur—

Kennisgewing van bevinding van sertifiseringskomitee.

- (a) aan die kommissaris;
- (b) indien die persoon op wie die sertifikaat betrekking het nog by 'n myn of bedryf werksaam is, aan die eienaar van daardie myn of bedryf;
- (c) indien die sertifikaat op iemand anders as 'n Bantoe persoon betrekking het, aan die persoon op wie dit betrekking het, of indien dit op 'n oorlede persoon betrekking het, aan die afhanklikes, as daar is, van die oorledene;
- (d) indien dit op 'n Bantoe persoon betrekking het, aan die Bantoesake-owerheid; en
- (e) indien dit 'n bevinding van tuberkulose is, aan die plaaslike owerheid in wie se gebied die persoon op wie die sertifikaat betrekking het, hom bevind.

(2) Die voorsitter van die sertifiseringskomitee moet 'n register van alle bevindings van dié komitee hou.

49. (1) 'n Bevinding van die sertifiseringskomitee word, behalwe sover hierdie Wet anders bepaal, geag uitgespreek te gewees het—

Geldingsdatum van bevinding van sertifiseringskomitee.

- (a) waar dit heeltemal of gedeeltelik op 'n geneeskundige ondersoek of twee of meer geneeskundige ondersoeke van die betrokke persoon gegrond is, op die datum waarop daardie ondersoek of die eerste van daardie ondersoeke begin het;
- (b) waar dit heeltemal of gedeeltelik op 'n nadoodse ondersoek gegrond is, op die datum waarop die betrokke persoon oorlede is;
- (c) waar dit heeltemal of gedeeltelik gegrond is op 'n geneeskundige ondersoek of twee of meer geneeskundige ondersoeke van die betrokke persoon wat uitgevoer is of begin het voor die inwerkingtreding van hierdie Wet, op die datum waarop daardie ondersoek of die eerste van daardie ondersoeke begin het.

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(2) Notwithstanding the repeal of the previous Act, a finding referred to in subsection (1) (c) shall be expressed in accordance with the provisions of the previous Act and shall be deemed to be a finding of the Miners' Certification Committee (within the meaning of the previous Act) expressed before the commencement of this Act.

Review of finding by reviewing authority.

50. (1) The reviewing authority may review any finding expressed by the certification committee if an application for such review is lodged with the reviewing authority by the person to whom the finding relates or by any other person acting on his behalf or any organization so acting, or, in the case of a deceased person, by the dependants of the deceased or by any person or organization acting on behalf of such dependants, within ninety days as from the date on which notice of the finding was given by the certification committee.

(2) The reviewing authority may on such review confirm the finding in question or request the chairman of the certification committee to submit the case for review to a joint meeting of that committee and the reviewing authority.

Joint meeting of certification committee and reviewing authority.

51. (1) The chairman of the certification committee shall, within fourteen days after the receipt of a request under section 50 (2), convene a joint meeting of the certification committee and the reviewing authority, at which the chairman of the certification committee shall preside, and every member of the certification committee or the reviewing authority present thereat shall have a vote on any matter relating to the finding under review.

(2) The Minister shall determine the quorum for a joint meeting of the certification committee and the reviewing authority and may make such rules as he deems necessary for the conduct of the business of such joint meeting.

Review by joint meeting.

52. (1) A joint meeting of the certification committee and the reviewing authority may confirm any finding under review by such meeting or rescind it and substitute for it such meeting's own finding.

(2) Where a finding is rescinded as aforesaid, the finding substituted for it by the joint meeting shall be deemed to be a finding of the certification committee and to have been expressed on the date on which the rescinded finding was expressed.

(3) The provisions of section 48 shall *mutatis mutandis* apply in respect of a finding substituted by such a joint meeting for a finding of the certification committee.

Finality of findings.

53. A finding expressed by a joint meeting of the certification committee and the reviewing authority and, subject to the provisions of sections 47 and 52, a finding expressed by the certification committee, shall be final and no court of law shall have jurisdiction to set aside or vary any such finding, except on the ground that the joint meeting or the certification committee has exceeded its powers or has acted in an irregular manner.

CHAPTER V.

COMMISSIONER, ADVISORY COMMITTEE AND COMPENSATION FUND.

Appointment of commissioner and staff.

54. The Minister shall appoint, subject to the laws governing the public service—

- (a) an officer to be styled the Compensation Commissioner for Occupational Diseases, who shall exercise the powers and perform the functions conferred upon or assigned to him by this Act or by the Minister under this Act;

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(2) Ondanks die herroeping van die vorige Wet, word 'n bevinding in subartikel (1) (c) bedoel, uitgespreek ooreenkomstig die bepalings van die vorige Wet en word dit geag 'n bevinding van die Komitee vir die Sertifisering van Mynwerkers (binne die bedoeling van die vorige Wet) te wees wat voor die inwerking-treding van hierdie Wet uitgespreek is.

50. (1) Die hersieningsowerheid kan 'n bevinding deur die sertifiseringskomitee uitgespreek, hersien indien 'n aansoek om so 'n hersiening deur die persoon op wie die bevinding betrekking het of deur 'n ander persoon wat ten behoeve van hom optree of 'n organisasie wat aldus optree, of, in die geval van 'n oorlede persoon, deur die afhanklikes van die oorledene of deur 'n persoon of organisasie wat ten behoeve van dié afhanklikes optree, by die hersieningsowerheid ingedien word binne negentig dae vanaf die datum waarop kennis van die bevinding deur die sertifiseringskomitee gegee is.

Hersiening van bevinding deur hersienings-owerheid.

(2) Die hersieningsowerheid kan by so 'n hersiening die betrokke bevinding bekragtig of die voorsitter van die sertifiseringskomitee versoek om die geval vir hersiening aan 'n gesamentlike vergadering van dié komitee en die hersieningsowerheid voor te lê.

51. (1) Die voorsitter van die sertifiseringskomitee moet binne veertien dae na ontvangs van 'n versoek kragtens artikel 50 (2) 'n gesamentlike vergadering van die sertifiseringskomitee en die hersieningsowerheid belê, waarby die voorsitter van die sertifiseringskomitee voorsit, en elke aanwesige lid van die sertifiseringskomitee of die hersieningsowerheid het 'n stem in verband met enige aangeleentheid met betrekking tot die bevinding wat hersien word.

Gesamentlike vergadering van sertifiseringskomitee en hersienings-owerheid.

(2) Die Minister bepaal 'n kworum vir 'n gesamentlike vergadering van die sertifiseringskomitee en die hersieningsowerheid, en kan die reëls neerlê wat hy nodig ag vir die beheer van die verrigtings van so 'n gesamentlike vergadering.

52. (1) 'n Gesamentlike vergadering van die sertifiseringskomitee en die hersieningsowerheid kan 'n bevinding wat deur dié vergadering hersien word, bekragtig of dit tersyde stel en dié vergadering se eie bevinding in die plek daarvan stel.

Hersiening deur gesamentlike vergadering.

(2) Waar 'n bevinding tersyde gestel word soos voormeld, word die bevinding wat die gesamentlike vergadering in die plek daarvan stel, geag 'n bevinding van die sertifiseringskomitee te wees en uitgespreek te gewees het op die datum waarop die tersydegestelde bevinding uitgespreek is.

(3) Die bepalings van artikel 48 is *mutatis mutandis* van toepassing ten opsigte van 'n bevinding wat deur so 'n gesamentlike vergadering in die plek van 'n bevinding van die sertifiseringskomitee gestel is.

53. 'n Bevinding uitgespreek deur 'n gesamentlike vergadering van die sertifiseringskomitee en die hersieningsowerheid en, behoudens die bepalings van artikels 47 en 52, 'n bevinding uitgespreek deur die sertifiseringskomitee, is afdoende, en geen gereghof is bevoeg om so 'n bevinding tersyde te stel of te wysig nie, behalwe op grond daarvan dat die gesamentlike vergadering of die sertifiseringskomitee sy bevoegdhede te buite gegaan het of op onreëlmatige wyse opgetree het.

Finaliteit van bevindings.

HOOFSTUK V.

KOMMISSARIS, ADVIESKOMITEE EN VERGOEDINGSFONDS.

54. Die Minister stel, met inagneming van die wette op die Staatsdiens—

Aanstelling van kommissaris en personeel.

(a) 'n beampte aan wat die Vergoedingskommissaris vir Bedryfsiektes heet en wat die bevoegdhede uitoefen en die werksaamhede verrig wat by hierdie Wet of deur die Minister kragtens hierdie Wet aan hom verleen of opgedra word;

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- (b) an officer, to be styled the Deputy Compensation Commissioner for Occupational Diseases, to act in the place of the commissioner whenever there is no commissioner or the commissioner is absent or is for any other reason unable to perform his functions;
- (c) such other officers and persons as he may consider necessary, to assist the commissioner in the performance of the functions which in terms of this Act are required to be performed by him.

Powers of commissioner to enter upon premises and obtain information.

55. (1) The commissioner shall for the purpose of performing his functions have the same powers as those conferred on the director by sections 5 (3) and 6, and the provisions of those sections relating to the exercise of such powers by the director shall *mutatis mutandis* and subject to the provisions of subsection (2) of this section apply with reference to the exercise of such powers by the commissioner.

(2) (a) Notwithstanding anything contained in section 6 (4) or any law relating to income tax, the Secretary for Inland Revenue shall convey to the commissioner at his request any information required by the commissioner in connection with the application of any provision of this Act.

(b) The commissioner shall, except in the performance of his duties under this Act, preserve secrecy in regard to any information conveyed to him under paragraph (a).

Commissioner may delegate powers.

56. The commissioner may in writing delegate to the deputy commissioner or any other officer on his staff or, with the approval of the Minister, to any other person in the service of the State, any power conferred upon the commissioner by this Act, and may at any time vary or withdraw any such delegation.

Finality of decisions of commissioner.

57. No court of law shall have jurisdiction to set aside or vary a decision of the commissioner in the exercise of any power conferred upon him by this Act, except on the ground that the commissioner has exceeded his powers or has acted in an irregular manner.

Supreme Court rulings.

58. (1) The commissioner may with the consent of the Minister state a special case for the ruling of the Transvaal Provincial Division of the Supreme Court of the Republic of South Africa on any question of law which has arisen in connection with any matter in which the commissioner has given or is required to give a decision under this Act.

(2) Any person who has an interest in the decision in question, may appear in person or be represented by counsel at the hearing of any such case.

(3) Where any such ruling has been given, the commissioner shall in any future instance act in conformity with that ruling, and if the ruling is in conflict with any decision already given by the commissioner, such decision shall be modified so as to bring it into conformity with the ruling: Provided that any person affected by such ruling, and (with the consent of the Minister) the commissioner, may without obtaining leave to do so, appeal against such ruling to the Appellate Division.

(4) When a provincial or local division of the Supreme Court of the Republic of South Africa has given a decision or ruling which affects the administration of this Act, the Minister may submit that decision or ruling to the Appellate Division in order that it may determine the said question for the guidance of all courts.

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- (b) 'n beampte aan, wat die Adjunk-vergoedingskommissaris vir Bedryfsiektes heet, om in die plek van die kommissaris op te tree wanneer daar nie 'n kommissaris is nie of die kommissaris afwesig is of om 'n ander rede nie in staat is om sy werksaamhede te verrig nie; die ander beamptes en persone aan wat hy nodig ag, om die kommissaris behulpsaam te wees met die verrigting van die werksaamhede wat ingevolge hierdie Wet deur hom verrig moet word.

55. (1) Die kommissaris het vir die doeleindes van die verrigting van sy werksaamhede dieselfde bevoegdhede as dié wat by artikels 5 (3) en 6 aan die direkteur verleen word, en die bepalings van daardie artikels met betrekking tot die uitoefening van bedoelde bevoegdhede deur die direkteur, is *mutatis mutandis* en behoudens die bepalings van subartikel (2) van hierdie artikel van toepassing met betrekking tot dié uitoefening van dié bevoegdhede deur die kommissaris.

Bevoegdhede van kommissaris om plekke te betree en inligting te verkry.

(2) (a) Ondanks die bepalings van artikel 6 (4) of van enige wet op inkomstebelasting, moet die Sekretaris van Binnelandse Inkomste aan die kommissaris op sy versoek inligting meedeel wat die kommissaris in verband met die toepassing van 'n bepaling van hierdie Wet verlang.

- (b) Die kommissaris moet, behalwe by die verrigting van sy pligte ingevolge hierdie Wet, geheimhouding bewaar in verband met inligting wat ingevolge paragraaf (a) aan hom meegedeel is.

56. Die kommissaris kan 'n bevoegdheid wat hierdie Wet aan hom verleen, skriftelik delegeer aan die adjunk-kommissaris of 'n ander beampte in sy personeel of, met die goedkeuring van die Minister, aan 'n ander persoon in die diens van die Staat, en kan so 'n delegering te eniger tyd wysig of intrek.

Kommissaris kan bevoegdhede delegeer.

57. Geen geregshof is bevoeg om 'n beslissing van die kommissaris by die uitoefening van 'n bevoegdheid deur hierdie Wet aan hom verleen, tersyde te stel of te wysig nie, behalwe op grond daarvan dat die kommissaris sy bevoegdhede te buite gegaan of op 'n onreëlmatige wyse opgetree het.

Finaliteit van kommissaris se beslissings.

58. (1) Die kommissaris kan met die toestemming van die Minister 'n spesiale saak aan die Transvaalse Provinsiale Afdeling van die Hooggeregshof van die Republiek van Suid-Afrika vir sy uitspraak voorlê oor 'n regspraak wat ontstaan het in verband met 'n aangeleentheid waaromtrent die kommissaris ingevolge hierdie Wet 'n beslissing gegee het of moet gee.

Uitspraak deur Hooggeregshof.

(2) Iemand wat by die betrokke beslissing belang het, kan by die verhoor van so 'n saak persoonlik verskyn of deur 'n advokaat verteenwoordig word.

(3) Waar so 'n uitspraak gegee is, moet die kommissaris by 'n toekomstige geval in ooreenstemming met daardie uitspraak handel, en indien die uitspraak in stryd is met 'n beslissing wat reeds deur die kommissaris gegee is, moet daardie beslissing gewysig word om dit met die uitspraak in ooreenstemming te bring: Met dien verstande dat iemand wat deur so 'n uitspraak geraak word en (met die Minister se toestemming) die kommissaris teen so 'n uitspraak by die Appèlafdeling appèl kan aanteken sonder om verlof daartoe te verkry.

(4) Wanneer 'n provinsiale of plaaslike afdeling van die Hooggeregshof van die Republiek van Suid-Afrika 'n beslissing of 'n uitspraak gegee het wat die uitvoering van hierdie Wet raak, kan die Minister daardie beslissing of uitspraak aan die Appèlafdeling voorlê sodat hy die vraag tot leiding van alle howe kan beslis.

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Establishment and constitution of advisory committee.

59. (1) There shall be established an advisory committee which shall perform the functions assigned to it by or under this Act and such other functions as may from time to time be assigned to it by the Minister.

(2) The advisory committee shall consist of the commissioner and four other members to be appointed by the Minister, of whom, subject to the provisions of subsection (3)—

(a) two shall be persons whose names have been submitted to the Minister in terms of that subsection by the owners of controlled mines and controlled works or by an organization or organizations qualified, in the opinion of the Minister, to act on behalf of such owners; and

(b) two shall be persons whose names have been so submitted by an organization or organizations qualified, in the opinion of the Minister, to act on behalf of persons who perform risk work at controlled mines or controlled works.

(3) (a) When the members contemplated in paragraph (a) or (b) of subsection (2) are to be appointed, the Minister shall cause a written communication to be sent to the owners or the organization or organizations referred to in the said paragraph (a), or, as the case may be, to the organization or organizations referred to in the said paragraph (b), containing a request for the submission to him, for the purposes of the paragraph in question and within a period stated in the communication not being less than forty-five days, of the names of not less than three persons.

(b) If such request is not complied with, the Minister may appoint any person as a member of the advisory committee in the place of a member contemplated in the paragraph in question.

(4) The commissioner shall *ex officio* be the chairman of the advisory committee.

(5) The Minister may appoint in respect of any member of the advisory committee who has been appointed by him, an alternate or so many alternates as he may consider necessary, in the same manner as that in which the member concerned has been appointed.

(6) A member of the advisory committee, and an alternate to such a member, who is not in the full-time service of the State, shall be appointed at such remuneration and on such other conditions of service and for such period not exceeding five years, as the Minister may determine in consultation with the Minister of Finance.

Consultation by commissioner.

60. (1) The commissioner may at his discretion consult the advisory committee and, with the approval of the Minister, any other person or organization on any matter which he is required to deal with, consider or decide in the exercise of his functions under this Act.

(2) Where consultation by the commissioner under subsection (1) involves the payment of remuneration to any person or organization, such remuneration shall be paid from moneys appropriated by Parliament for that purpose, on a scale determined by the Minister in consultation with the Minister of Finance.

Establishment and management of compensation fund.

61. (1) There is hereby established a fund to be called the Mines and Works Compensation Fund.

(2) The compensation fund shall subject to the provisions of this Act be controlled and managed by the commissioner.

(3) There shall be transferred to the compensation fund—

(a) all assets and moneys which immediately before the commencement of this Act were the property or stood to the credit of the General Council for Pneumoconiosis Compensation, or the Pneumoconiosis Compensation Fund, which existed under the previous Act; and

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59. (1) Daar word 'n advieskomitee ingestel wat die werksaamhede wat by of kragtens hierdie Wet aan hom opgedra word of die ander werksaamhede wat van tyd tot tyd deur die Minister aan hom opgedra word, verrig. Instelling en samestelling van advieskomitee.

(2) Die advieskomitee bestaan uit die kommissaris en vier ander lede wat die Minister aanstel en van wie, behoudens die bepalings van subartikel (3)—

(a) twee persone moet wees wie se name ingevolge daardie subartikel aan die Minister voorgelê is deur die eienaars van beheerde myne en beheerde bedrywe of deur 'n organisasie of organisasies wat volgens die Minister se oordeel bevoeg is om ten behoeve van sodanige eienaars op te tree; en

(b) twee persone moet wees wie se name aldus voorgelê is deur 'n organisasie of organisasies wat volgens die Minister se oordeel bevoeg is om ten behoeve van persone op te tree wat risikowerk by beheerde myne of beheerde bedrywe verrig.

(3) (a) Wanneer die lede in paragraaf (a) of (b) van subartikel (2) beoog, aangestel moet word, moet die Minister aan die eienaars of die organisasie of organisasies in genoemde paragraaf (a) bedoel, of, na gelang van die geval, aan die organisasie of organisasies in genoemde paragraaf (b) bedoel, 'n skriftelike mededeling laat stuur waarin versoek word dat die name van minstens drie persone vir die doeleindes van die betrokke paragraaf aan hom voorgelê word binne 'n in die mededeling vermelde tydperk wat nie minder as vyf-en-veertig dae is nie.

(b) Indien daar nie aan sodanige versoek voldoen word nie, kan die Minister enige persoon as 'n lid van die advieskomitee aanstel in die plek van 'n lid in die betrokke paragraaf beoog.

(4) Die kommissaris is ampshalwe die voorsitter van die advieskomitee.

(5) Die Minister kan ten opsigte van enige lid van die advieskomitee wat deur hom aangestel is, 'n plaasvervanger of soveel plaasvervangers as wat hy nodig ag, aanstel op dieselfde wyse as dié waarop die betrokke lid aangestel is.

(6) 'n Lid van die advieskomitee, en 'n plaasvervanger van so 'n lid, wat nie in die voltydse diens van die Staat is nie, word aangestel teen die besoldiging en op die ander diensvoorwaardes en vir die tydperk van hoogstens vyf jaar, wat die Minister in oorleg met die Minister van Finansies bepaal.

60. (1) Die kommissaris kan na goeddunke die advieskomitee en, met goedkeuring van die Minister, 'n ander persoon of organisasie raadpleeg in verband met 'n aangeleentheid wat hy by die verrigting van sy werksaamhede ingevolge hierdie Wet moet hanteer, oorweeg of beslis. Kommissaris kan advies inwin.

(2) Waar raadpleging deur die kommissaris ingevolge subartikel (1) die betaling van besoldiging aan 'n persoon of organisasie meebring, word die besoldiging uit gelde deur die Parlement vir dié doel bewillig, betaal teen 'n tarief deur die Minister in oorleg met die Minister van Finansies vasgestel.

61. (1) Daar word hierby 'n fonds ingestel wat die Vergoedingsfonds vir Myne en Bedrywe heet. Instelling en bestuur van vergoedingsfonds.

(2) Die vergoedingsfonds word behoudens die bepalings van hierdie Wet deur die kommissaris beheer en bestuur.

(3) Daar word aan die vergoedingsfonds oorgedra—

(a) alle bates en gelde wat onmiddellik voor die inwerkingtreding van hierdie Wet die eiendom was of in krediet gestaan het van die Algemene Raad vir Pneumokoniosevergoeding, of die Pneumokoniosevergoedingsfonds, wat ingevolge die bepalings van die vorige Wet bestaan het; en

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(b) all liabilities which immediately before such commencement were liabilities of the said council.

(4) The commissioner shall receive all moneys payable to or for the benefit of the compensation fund in terms of this Act and shall credit to the compensation fund, in accordance with the provisions of this Act, all such moneys and all moneys which in terms of this Act are to be paid to and are received by the commissioner.

(5) The commissioner shall deposit the moneys of the compensation fund in a bank approved by the Minister for that purpose, and no money so deposited shall be paid out by the commissioner otherwise than by means of an order signed by two persons approved by the secretary in consultation with the Secretary to the Treasury, directing payment on behalf of the commissioner.

Amounts payable
by owner of
controlled mine or
works.

62. (1) The commissioner shall determine in respect of each controlled mine or controlled works, in such manner as he deems fit after consultation with an actuary designated by the Minister, and on the basis of the risk of the mine or works in question as determined under section 20 or 21, an amount payable by the owner of that mine or works to the commissioner, for the benefit of the compensation fund, in respect of each shift worked by any person at or in connection with that mine or works during which such person performed risk work, in order to enable the commissioner to pay to or in respect of every person who performs risk work at or in connection with that mine or works and who is after the commencement of this Act found to be suffering from a compensatable disease, such amounts as may be or are likely to become payable under this Act.

(2) The commissioner may determine different amounts in respect of—

- (a) controlled mines and controlled works;
- (b) different categories, groups or classes of controlled mines or controlled works;
- (c) different categories, groups or classes of persons;
- (d) different trades, occupations or work at or in connection with controlled mines or controlled works;
- (e) different sections of controlled mines or controlled works, or different working places at controlled mines or controlled works;
- (f) different compensatable diseases.

(3) Whenever the commissioner has made a determination under subsection (1), he shall in writing notify the owner of the mine or works in question thereof, and in such notice the commissioner shall set out such details and information as he may consider adequate for the purpose of explaining the determination, and specify the date as from which the determination takes effect.

(4) The owner of a controlled mine or a controlled works shall pay to the commissioner, not later than the twentieth day of each month, the amounts which, by virtue of a determination under subsection (1), such owner owes in respect of persons who performed risk work at or in connection with his mine or works in the preceding month, and when any such payment is made the owner concerned shall furnish full details of the composition of the amount of his payment and, in the prescribed form, such other details as may be required by the commissioner: Provided that the commissioner may, on application by an owner of a controlled mine or a controlled works, authorize the owner concerned to pay any amounts which are due by that owner at longer intervals but not exceeding three-monthly intervals.

(5) When the commissioner has under subsection (1) determined the amount which the owner of a controlled mine or a controlled works is to pay as contemplated in this section, the commissioner may, of his own motion or on application by that

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(b) alle laste wat onmiddellik voor bedoelde inwerking-treding laste van die genoemde raad was.

(4) Die kommissaris ontvang alle gelde wat ingevolge hierdie Wet aan of ten behoeve van die vergoedingsfonds betaalbaar is en krediteer die vergoedingsfonds volgens voorskrif van hierdie Wet met bedoelde gelde en met alle gelde wat ingevolge hierdie Wet aan die kommissaris betaal moet word en deur hom ontvang word.

(5) Die kommissaris moet die gelde van die vergoedingsfonds in 'n bank stort wat deur die Minister vir dié doel goedgekeur is, en betaal geen geld wat aldus gestort is uit nie behalwe deur middel van 'n order wat onderteken is deur twee persone deur die sekretaris in oorleg met die Sekretaris van die Tesourie goedgekeur, en waarby betaling namens die kommissaris gelas word.

62. (1) Die kommissaris bepaal ten opsigte van elke beheerde myn of beheerde bedryf, op die wyse wat hy goevind na raadpleging met 'n aktuaris deur die Minister aangewys, en op grondslag van die risiko van die betrokke myn soos ingevolge artikel 20 of 21 bepaal, 'n bedrag wat die eienaar van daardie myn of bedryf aan die kommissaris ten bate van die vergoedingsfonds moet betaal ten opsigte van elke skof deur 'n persoon by of in verband met daardie myn of bedryf gewerk waartydens bedoelde persoon risikowerk verrig het, ten einde die kommissaris in staat te stel om aan of ten opsigte van elke persoon wat risikowerk by of in verband met daardie myn of bedryf verrig en ten opsigte van wie daar na die inwerkingtreding van hierdie Wet bevind word dat hy aan 'n vergoedbare siekte ly, die bedrae te betaal wat ingevolge hierdie Wet betaalbaar is of waarskynlik betaalbaar sal word.

Bedrae betaalbaar deur eienaar van beheerde myn of bedryf.

(2) Die kommissaris kan verskillende bedrae bepaal ten opsigte van—

- (a) beheerde myne en beheerde bedrywe;
- (b) verskillende kategorieë, groepe of klasse van beheerde myne of beheerde bedrywe;
- (c) verskillende kategorieë, groepe of klasse van persone;
- (d) verskillende ambagte, beroepe of werk by of in verband met beheerde myne of beheerde bedrywe;
- (e) verskillende gedeeltes van beheerde myne of beheerde bedrywe of verskillende werkplekke by beheerde myne of beheerde bedrywe;
- (f) verskillende vergoedbare siektes.

(3) Wanneer die kommissaris 'n bepaling ingevolge subartikel (1) gedoen het, stel hy die eienaar van die betrokke myn of bedryf skriftelik daarvan in kennis en in so 'n kennisgewing moet die kommissaris die besonderhede en inligting uiteensit wat hy voldoende ag om die bepaling te verduidelik, en die datum vermeld met ingang waarvan die bepaling van krag word.

(4) Die eienaar van 'n beheerde myn of 'n beheerde bedryf moet nie later nie as die twintigste dag van elke maand aan die kommissaris die bedrae betaal wat daardie eienaar uit hoofde van 'n bepaling kragtens subartikel (1) verskuldig is ten opsigte van persone wat risikowerk by of in verband met sy myn of bedryf in die voorafgaande maand verrig het, en wanneer so 'n betaling gedoen word, moet die betrokke eienaar volledige besonderhede oor die samestelling van die bedrag van sy betaling en, in die voorgeskrewe vorm, die ander besonderhede wat die kommissaris verlang, verstrek: Met dien verstande dat die kommissaris, op aansoek deur die eienaar van 'n beheerde myn of 'n beheerde bedryf, die betrokke eienaar kan magtig om die bedrae wat daardie eienaar verskuldig is met langer tussenpose, maar hoogstens drie-maandeliks, te betaal.

(5) Wanneer die kommissaris ingevolge subartikel (1) die bedrag bepaal het wat die eienaar van 'n beheerde myn of 'n beheerde bedryf moet betaal soos in hierdie artikel beoog, kan die kommissaris uit eie beweging, of op aansoek deur daardie eienaar, en moet die kommissaris wanneer die risiko van die

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owner, and the commissioner shall when the risk of the mine or works in question has been altered by the risk committee under section 21, review and, if he deems it necessary, alter the amount so determined, and if the commissioner has altered such amount he shall forthwith in writing notify the owner concerned.

Amounts payable by owner of controlled mine or works for research.

63. (1) The owner of a controlled mine or a controlled works shall pay to the commissioner for the benefit of the compensation fund, in respect of each shift worked by a person at or in connection with the mine or works in question during which such person performed risk work, such amount for purposes of research contemplated in section 120 as the Minister may determine.

(2) The amount so determined shall not exceed—

- (a) in the case of a White person, one cent per shift; and
- (b) in the case of any person other than a White person, one-half cent per shift.

(3) The provisions of subsection (2) of section 62 shall *mutatis mutandis* apply in connection with the determination of an amount by the Minister under subsection (1) of this section, and the provisions of subsections (3) and (4) of the first-mentioned section shall *mutatis mutandis* apply with reference to any amount so determined.

Interest on amount in arrear.

64. An owner of a controlled mine or a controlled works shall pay interest to the commissioner, at a rate determined by the commissioner and approved by the Minister, on any amount due to the commissioner under the provisions of section 62 or 63 which was not paid on the day on which it became payable, and such interest shall be calculated from the said day to the day preceding the day on which the amount in question is paid.

Penalty for failure to pay amount due.

65. (1) The commissioner may impose on an owner of a controlled mine or a controlled works who fails to pay any amount which he is required to pay to the commissioner under section 62 or 63 in respect of any shift during which any person performed risk work at or in connection with such mine or works, a penalty not exceeding ten rand for each such shift in respect of which the amount has not been paid.

(2) The commissioner shall credit any penalty recovered under subsection (1) to the Mines Account or the Works Account or the Research Account, as the case may be, and the provisions of section 64 shall *mutatis mutandis* apply with reference to any such penalty.

Recovery of amount due.

66. Whenever any amount is due to the commissioner under any provision of this Act by an owner of a mine or works, the commissioner may take such steps as he deems fit or as the Minister has directed him to take to recover the amount due, and any such amount may be recovered together with interest thereon from the due date at a rate determined by the commissioner and approved by the Minister, and any costs incurred in connection with such recovery.

Commissioner to keep certain separate accounts.

67. The commissioner shall maintain separate accounts for the purposes of the compensation fund, to be called the State Account, the Mines Account, the Works Account and the Research Account, respectively, to which shall be credited the amounts and to which shall be debited the payments provided for in the applicable provisions of this Act.

Commissioner to make certain adjustment between accounts.

68. (1) As soon as practicable after the commencement of this Act, the commissioner shall, in consultation with an actuary approved by the Minister for that purpose, determine the amounts which would have been payable, had the previous Act not been repealed, respectively out of the A-account and

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betrokke myn of bedryf ingevolge artikel 21 deur die risiko-kommittee gewysig is, die bedrag aldus bepaal hersien en, indien hy dit nodig ag, wysig, en waar die kommissaris die bedrag gewysig het, stel hy onverwyld die betrokke eienaar skriftelik daarvan in kennis.

63. (1) Die eienaar van 'n beheerde myn of 'n beheerde bedryf moet ten opsigte van elke skof deur 'n persoon by of in verband met die betrokke myn of bedryf gewerk waartydens daardie persoon risikowerk verrig het, aan die kommissaris ten bate van die vergoedingsfonds die bedrag vir die doeleindes van navorsing soos in artikel 120 bedoel, betaal wat die Minister bepaal.

Bedrae deur eienaar van beheerde myn of bedryf vir navorsing betaalbaar.

(2) Die aldus bepaalde bedrag oorskry nie—

(a) in die geval van 'n Blankepersoon een sent per skof nie; en

(b) in die geval van 'n ander persoon as 'n Blankepersoon, 'n halwe sent per skof nie.

(3) Die bepaling van subartikel (2) van artikel 62 is *mutatis mutandis* van toepassing in verband met die bepaling van 'n bedrag deur die Minister ingevolge subartikel (1) van hierdie artikel, en die bepaling van subartikels (3) en (4) van eersgenoemde artikel is *mutatis mutandis* van toepassing met betrekking tot 'n aldus bepaalde bedrag.

64. 'n Eienaar van 'n beheerde myn of 'n beheerde bedryf moet aan die kommissaris rente betaal, teen 'n koers wat die kommissaris bepaal en die Minister goedgekeur het, op 'n bedrag verskuldig aan die kommissaris ingevolge die bepaling van artikel 62 of 63 wat nie op die dag waarop dit betaalbaar geword het, betaal is nie, en bedoelde rente word bereken vanaf die genoemde dag tot die dag voorafgaande aan die dag waarop die betrokke bedrag betaal word.

Rente op agterstallige bedrag.

65. (1) Die kommissaris kan die eienaar van 'n beheerde myn of 'n beheerde bedryf wat versuim om 'n bedrag te betaal wat hy ingevolge artikel 62 of 63 verplig is om aan die kommissaris te betaal ten opsigte van 'n skof waartydens 'n persoon risikowerk by of in verband met daardie myn of bedryf verrig het, 'n boete opleë wat nie tien rand oorskry vir elke sodanige skof waarvoor die bedrag nie betaal is nie.

Boete vir versuim om verskuldigde bedrag te betaal.

(2) Die kommissaris moet 'n boete kragtens subartikel (1) gevorder, aan die Mynrekening of die Bedrywerekening of die Navorsingsrekening, na gelang van die geval, krediteer, en die bepaling van artikel 64 is *mutatis mutandis* met betrekking tot so 'n boete van toepassing.

66. Wanneer ingevolge 'n bepaling van hierdie Wet 'n bedrag deur die eienaar van 'n myn of bedryf aan die kommissaris verskuldig is, kan die kommissaris die stappe doen wat hy goeuvind of wat die Minister hom gelas het om te doen om die verskuldigde bedrag te verhaal, en so 'n bedrag kan verhaal word tesame met rente daarop vanaf die vervaldatum teen 'n koers wat die kommissaris bepaal en die Minister goedgekeur het, en koste wat in verband met sodanige verhaal aangegaan is.

Verhaal van verskuldigde bedrag.

67. Die kommissaris moet afsonderlike rekenings vir die doeleindes van die vergoedingsfonds hou, wat onderskeidelik die Staatsrekening, die Mynrekening, die Bedrywerekening en die Navorsingsrekening heet en wat gekrediteer word met die bedrae en gedebiteer word met die betalings waarvoor daar in die toepaslike bepaling van hierdie Wet voorsiening gemaak word.

Kommissaris moet sekere afsonderlike rekenings hou.

68. (1) So gou doenlik na die inwerkingtreding van hierdie Wet moet die kommissaris, na raadpleging met 'n aktuaris wat die Minister vir dié doel goedgekeur het, die bedrae bepaal wat onderskeidelik uit die A-rekening en die B-rekening wat ingevolge die vorige Wet ingestel was, betaalbaar sou gewees het indien die vorige Wet nie herroep was nie, ten opsigte van elke

Kommissaris moet sekere aanpassing tussen rekenings doen.

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B-account which were established under the previous Act, in respect of every person who was found for the first time before the commencement of this Act to be suffering from pneumoconiosis or tuberculosis.

(2) The commissioner shall credit the Mines Account and debit the State Account with the difference between the amounts which, immediately before the commencement of this Act, stood to the credit of the accounts referred to in subsection (1) and the amounts determined by him under that subsection.

State Account.

69. (1) The commissioner shall credit to the State Account all the assets and moneys transferred to the compensation fund under section 61 (3).

(2) The Minister shall from time to time, in consultation with the Minister of Finance, pay to the commissioner for the credit of the State Account, from moneys appropriated by Parliament for that purpose, such amounts as the Minister may deem necessary in order to enable the commissioner to meet the obligations payable from that account.

(3) The commissioner shall debit the State Account with every payment under a provision of this Act—

- (a) to or in respect of any person who was found for the first time, before the commencement of this Act, to be suffering from pneumoconiosis or tuberculosis;
- (b) to or in respect of any person on the ground of a finding that he is or was suffering from a compensatable disease which he contracted as the result of work performed by him in the service of the State in or at or in connection with any mine or works;
- (c) in respect of service rendered at a mine which ceased, before the commencement of this Act, to be a controlled mine in terms of the provisions of the previous Act.

(4) Any credit balance in the State Account after all the obligations payable from it have been extinguished, shall be paid into the Consolidated Revenue Fund.

Mines Account.

70. (1) The commissioner shall credit to the Mines Account all amounts paid to him by the owners of controlled mines in terms of the provisions of this Act, except any such amounts so paid as are referred to in section 73 (1).

(2) The commissioner shall, subject to the provisions of section 69 (3) (b) and (c) and section 72, debit the Mines Account with every payment in terms of a provision of this Act to or in respect of any person who, after the commencement of this Act, was found for the first time to be suffering or to have suffered from a compensatable disease which, in the opinion of the certification committee, he contracted as a result of work at or in connection with a controlled mine.

Works Account.

71. (1) The commissioner shall credit the Works Account with all amounts paid to him by the owners of controlled works in terms of the provisions of this Act, except any such amounts so paid as are referred to in section 73 (1).

(2) The commissioner shall, subject to the provisions of section 69 (3) (b) and (c) and section 72, debit the Works Account with every payment in terms of a provision of this Act to or in respect of any person who, after the commencement of this Act, was found for the first time to be suffering or to have suffered from a compensatable disease which, in the opinion of the certification committee, he contracted as a result of work at or in connection with a controlled works.

Payments from State Account, Mines Account or Works Account according to circumstances.

72. (1) Every payment in terms of a provision of this Act to or in respect of any person other than a person referred to in section 69 (3) (b), on the ground of work performed at or in connection with a mine or works, not being a controlled mine or a controlled works, and in respect of which the Minister

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persoon ten opsigte van wie vir die eerste keer voor die inwerkingtreding van hierdie Wet bevind is dat hy aan pneumokoniose of tuberkulose ly.

(2) Die kommissaris moet die Mynrekening krediteer en die Staatsrekening debiteer met die verskil tussen die bedrae wat onmiddellik voor die inwerkingtreding van hierdie Wet in krediet van die rekeninge vermeld in subartikel (1) gestaan het en die bedrae wat hy ingevolge daardie subartikel bepaal het.

69. (1) Die kommissaris krediteer die Staatsrekening met die Staatsrekening. bates en gelde wat ingevolge artikel 61 (3) aan die vergoedingsfonds oorgedra is.

(2) Die Minister moet van tyd tot tyd in oorleg met die Minister van Finansies, uit gelde deur die Parlement vir dié doel bewillig, aan die kommissaris vir krediet van die Staatsrekening die bedrae betaal wat die Minister nodig ag ten einde die kommissaris in staat te stel om die verpligtinge te dek wat uit daardie rekening nagekom moet word.

(3) Die kommissaris debiteer die Staatsrekening met elke betaling ingevolge 'n bepaling van hierdie Wet—

(a) aan of ten opsigte van iemand ten opsigte van wie daar voor die inwerkingtreding van hierdie Wet vir die eerste keer bevind is dat hy aan pneumokoniose of tuberkulose ly;

(b) aan of ten opsigte van 'n persoon op grond van 'n bevinding dat hy aan 'n vergoedbare siekte ly of gely het wat hy opgedoen het as gevolg van werk wat hy in diens van die Staat in of by of in verband met 'n myn of bedryf verrig het;

(c) ten opsigte van diens gelewer by 'n myn wat voor die inwerkingtreding van hierdie Wet opgehou het om 'n beheerde myn ingevolge die bepalings van die vorige Wet te wees.

(4) 'n Kreditsaldo in die Staatsrekening nadat al die verpligtinge uitgewis is wat daaruit nagekom moet word, moet in die Gekonsolideerde Inkomstefonds gestort word.

70. (1) Die kommissaris krediteer die Mynrekening met alle Mynrekening. bedrae wat ingevolge die bepalings van hierdie Wet deur die eienaars van beheerde myne aan hom betaal word, behalwe die aldus betaalde bedrae in artikel 73 (1) bedoel.

(2) Die Kommissaris debiteer die Mynrekening, behoudens die bepalings van artikel 69 (3) (b) en (c) en artikel 72, met elke betaling ingevolge 'n bepaling van hierdie Wet aan of ten opsigte van 'n persoon ten opsigte van wie daar na die inwerkingtreding van hierdie Wet vir die eerste keer bevind is dat hy aan 'n vergoedbare siekte ly of gely het wat hy volgens die oordeel van die sertifiseringskomitee opgedoen het as gevolg van werk by of in verband met 'n beheerde myn.

71. (1) Die Kommissaris krediteer die Bedrywerekening met Bedrywerekening. alle bedrae wat ingevolge die bepalings van hierdie Wet deur die eienaars van beheerde bedrywe aan hom betaal word, behalwe die aldus betaalde bedrae in artikel 73 (1) bedoel.

(2) Die Kommissaris debiteer die Bedrywerekening, behoudens die bepalings van artikel 69 (3) (b) en (c) en artikel 72, met elke betaling ingevolge 'n bepaling van hierdie Wet aan of ten opsigte van 'n persoon ten opsigte van wie daar na die inwerkingtreding van hierdie Wet vir die eerste keer bevind is dat hy aan 'n vergoedbare siekte ly of gely het wat hy volgens die oordeel van die sertifiseringskomitee opgedoen het as gevolg van werk by of in verband met 'n beheerde bedryf.

72. (1) Elke betaling ingevolge 'n bepaling van hierdie Wet aan of ten opsigte van 'n ander persoon as 'n persoon in artikel 69 (3) (b) bedoel, op grond van werk wat verrig is by of in verband met 'n myn of bedryf wat nie 'n beheerde myn of 'n beheerde bedryf is nie, en ten opsigte waarvan die Minister kragtens Betalings uit Staatsrekening, Mynrekening of Bedrywerekening na gelang van omstandighede.

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has under section 12 declared that it shall be deemed to be risk work at a controlled mine or a controlled works, shall be made—

- (a) if no amounts were payable under section 62 by the owner of the mine or works in question in respect of such work, from the State Account;
- (b) if any amounts were payable under section 62 by that owner in respect of such work, from the Mines Account or the Works Account, according to the circumstances.

(2) Subject to the provisions of subsections (1) and (3) of this section and section 69 (3) (b) and (c), any payments in terms of a provision of this Act to or in respect of a person who was employed at a controlled mine and at a controlled works and who, after the commencement of this Act, was found for the first time to be suffering or to have suffered from a compensatable disease, shall be paid partly from the Mines Account and partly from the Works Account in such proportion as the commissioner at his discretion may determine on the basis of the respective periods for which that person was employed as aforesaid.

(3) If the commissioner is of the opinion that a person referred to in subsection (2) was employed mainly at a controlled mine or mainly at a controlled works, the commissioner may at his discretion debit the payments referred to in that subsection entirely against the Mines Account or the Works Account, according to the circumstances.

Research Account. 73. (1) The commissioner shall credit to the Research Account all amounts paid to him in terms of the provisions of section 63, and all amounts paid under section 64, 65 or 66 by way of interest, penalty or cost in respect of any amount or the recovery of any amount which is to be credited to the Research Account.

(2) The commissioner shall not pay any moneys from the Research Account except on a written direction by the Minister for the purposes of section 120.

Minister to make good certain losses in and payments from the compensation fund.

74. The Minister shall pay, from moneys appropriated by Parliament for that purpose, to the commissioner for the credit of the relevant account of the compensation fund—

- (a) any amount which is due to the commissioner by an owner of a controlled mine or a controlled works under any provision of this Act and which the commissioner is unable to recover from that owner, but excluding any interest due under section 64 or 66 or any penalty imposed under section 65;
- (b) any amount paid from the compensation fund to any person who was not entitled to receive such amount, and which the commissioner is unable to recover from such person;
- (c) any loss suffered by the compensation fund through the negligence, dishonesty or other act or omission of any person in the service of the State, or any person, institution, organization or authority who or which has acted on behalf of the commissioner in terms of any provision of this Act, and which the commissioner is unable to recover from the person, institution, organization or authority concerned;
- (d) any amount paid from the compensation fund under a provision of this Act to or in respect of a person who contracted a compensatable disease wholly or partly as a result of his duties at or in connection with mines or works while he was in the service of the State or while he performed a service on behalf of the State;

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artikel 12 verklaar het dat dit geag word risikowerk by 'n beheerde myn of beheerde bedryf te wees, word gedoen—

(a) indien daar ten opsigte van sodanige werk geen bedrae ingevolge artikel 62 deur die eienaar van die betrokke myn of bedryf, betaalbaar was nie, uit die Staatsrekening;

(b) indien daar ten opsigte van sodanige werk bedrae ingevolge artikel 62 deur daardie eienaar betaalbaar was, uit die Mynrekening of uit die Bedrywerekening, na gelang van die omstandighede.

(2) Behoudens die bepalings van subartikels (1) en (3) van hierdie artikel en artikel 69 (3) (b) en (c), word betalings ingevolge 'n bepaling van hierdie Wet aan of ten opsigte van 'n persoon wat by 'n beheerde myn en by 'n beheerde bedryf gewerk het en ten opsigte van wie daar na die inwerkingtreding van hierdie Wet vir die eerste keer bevind is dat hy aan 'n vergoedbare siekte ly of gely het, gedeeltelik uit die Mynrekening en gedeeltelik uit die Bedrywerekening betaal in die verhouding wat die kommissaris na goeddunke bepaal op grondslag van die onderskeie tydperke wat daardie persoon soos voormeld gewerk het.

(3) Indien die Kommissaris van mening is dat 'n persoon in subartikel (2) bedoel, hoofsaaklik by 'n beheerde myn of hoofsaaklik by 'n beheerde bedryf gewerk het, kan die kommissaris na goeddunke die betalings in daardie subartikel bedoel geheel en al debiteer teen die Mynrekening of die Bedrywerekening, na gelang van die omstandighede.

73. (1) Die kommissaris krediteer die Navorsingsrekening met alle bedrae wat ingevolge die bepalings van artikel 63 aan hom betaal word, en alle bedrae wat kragtens artikel 64, 65 of 66 by wyse van rente, boete of koste betaal word ten opsigte van 'n bedrag of die verhaal van 'n bedrag wat aan die Navorsingsrekening gekrediteer moet word.

Navorsingsrekening.

(2) Die kommissaris betaal geen gelde uit die Navorsingsrekening nie behalwe op skriftelike lasgewing deur die Minister vir die doeleindes van artikel 120.

74. Die Minister betaal uit gelde deur die Parlement vir dié doel bewillig, aan die kommissaris vir krediet van die betrokke rekening van die vergoedingsfonds—

Minister moet vergoedingsfonds vir sekere verliese en betalings vergoed.

(a) enige bedrag wat die eienaar van 'n beheerde myn of 'n beheerde bedryf ingevolge 'n bepaling van hierdie Wet aan die kommissaris verskuldig is en wat die kommissaris nie op daardie eienaar kan verhaal nie, maar uitgesonderd rente ingevolge artikel 64 of 66 verskuldig of 'n boete kragtens artikel 65 opgelê;

(b) enige bedrag wat uit die vergoedingsfonds betaal is aan 'n persoon wat nie geregtig was om daardie bedrag te ontvang nie, en wat die kommissaris nie op daardie persoon kan verhaal nie;

(c) enige verlies wat die vergoedingsfonds gely het deur die nalatigheid, oneerlikheid of ander doen of late van 'n persoon in diens van die Staat, of 'n persoon, inrigting, organisasie of owerheid wat ten behoeve van die kommissaris ingevolge 'n bepaling van hierdie Wet opgetree het, en wat die kommissaris nie op die betrokke persoon, inrigting, organisasie of owerheid kan verhaal nie;

(d) enige bedrag wat ingevolge 'n bepaling van hierdie Wet uit die vergoedingsfonds betaal is aan of ten opsigte van 'n persoon wat 'n vergoedbare siekte in geheel of ten dele opgedoen het as gevolg van sy pligte by of in verband met myne of bedrywe terwyl hy in diens van die Staat was of terwyl hy diens ten behoeve van die Staat verrig het;

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- (e) any amount paid from the compensation fund under a provision of this Act to or in respect of a person in connection with work performed at a mine or works which at the time of the performance of such work was not a controlled mine or a controlled works.

Investment of moneys by commissioner.

75. (1) The commissioner shall invest with the Public Debt Commissioners any moneys in the State Account or Research Account which are available for investment.

(2) The commissioner may after consultation with the advisory committee—

- (a) invest any moneys in the Mines Account or the Works Account which are available for investment, in Government stock, Treasury bills, any stock guaranteed by the Government or any stock of a municipal or divisional council or public utility company, or with any commercial bank, building society or other financial institution approved by the Minister in consultation with the Minister of Finance;
- (b) invest such moneys with the Public Debt Commissioners.

(3) Any profit or loss on realization of moneys deposited with the Public Debt Commissioners shall accrue to or be borne by the account from which the deposit was made.

(4) Where the commissioner has lent any money on the security of a pledge or mortgage bond, he may, when enforcing his claim for repayment of the loan, with the approval of the advisory committee buy in the pledged or mortgaged property and thereafter sell that property.

Records and accounts of compensation fund.

76. (1) The commissioner shall keep full and true records of the transactions of the compensation fund, and shall cause the books and accounts relating to such transactions to be balanced as at the thirty-first day of March in each year and thereafter prepare a statement showing in all necessary detail the income and expenditure of the compensation fund during the preceding financial year, and a balance sheet showing the assets and liabilities of the compensation fund as at the end of that financial year.

(2) The accounts and balance sheet of the commissioner shall be audited by the Controller and Auditor-General.

(3) As soon as may be after the accounts and balance sheet for any financial year have been audited, the commissioner shall submit copies to the Minister and to the advisory committee.

Records and annual report of commissioner.

77. (1) The commissioner shall compile such statistical records as may be necessary to enable him to carry out his duties under this Act, and such other records as he may deem necessary or as the Minister may direct.

(2) As soon as may be after the close of each financial year the commissioner shall furnish the Minister with a report on his activities which shall contain all the necessary information in connection with the compensation fund.

CHAPTER VI.

COMPENSATION TO WHITE AND COLOURED PERSONS,
AND GENERALLY.

Application for and award of benefits.

78. (1) No right to a benefit to which a person became entitled under the previous Act, but which was not awarded to that person before the commencement of this Act, and no right to a benefit in respect of a compensatable disease under this Act, shall become effective until such benefit has been awarded by the commissioner.

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- (e) enige bedrag wat ingevolge 'n bepaling van hierdie Wet uit die vergoedingsfonds betaal is aan of ten opsigte van 'n persoon in verband met werk verrig by 'n myn of bedryf wat nie ten tyde van die verrigting van daardie werk 'n beheerde myn of 'n beheerde bedryf was nie.

75. (1) Die kommissaris moet gelde in die Staatsrekening of Navorsingsrekening wat vir belegging beskikbaar is, by die Openbare Skuldkommissarisse belê. Belegging van gelde deur kommissaris.

(2) Die kommissaris kan na raadpleging met die advieskomitee—

- (a) gelde in die Mynrekening en die Bedrywerekening wat vir belegging beskikbaar is, belê in Staatseffekte, skatkisbewyse, effekte wat deur die Regering gewaarborg word of effekte van 'n munisipale of afdelingsraad of openbare nutsmaatskappy, of by 'n handelsbank, bougenootskap of ander finansiële instelling wat die Minister in oorleg met die Minister van Finansies goedgekeur het;

(b) bedoelde geld by die Openbare Skuldkommissarisse belê.

(3) 'n Wins of verlies by die tegeldemaking van beleggings van gelde by die Openbare Skuldkommissarisse gestort, val toe aan of word gedra deur die rekening waaruit sodanige gelde gestort is.

(4) Waar die kommissaris geld teen sekuriteit van 'n pand of verband uitgeleen het, kan hy, by die vordering van sy eis om terugbetaling van die lening, die verpande of met verband beswaarde eiendom met die goedkeuring van die advieskomitee aankoop en dit daarna verkoop.

76. (1) Die kommissaris moet juiste en volledige aantekeninge hou van die transaksies van die vergoedingsfonds, en moet die boeke en rekenings met betrekking tot bedoelde transaksies op die een-en-dertigste dag van Maart in elke jaar laat balanseer, en stel daarna 'n staat op met al die nodige besonderhede van die inkomste en uitgawes van die vergoedingsfonds gedurende die voorafgaande boekjaar, en 'n balansstaat wat die bates en laste van die vergoedingsfonds aan die end van daardie boekjaar aantoon. Aantekeninge en rekenings van vergoedingsfonds.

(2) Die rekenings en balansstaat van die kommissaris word deur die Kontroleur en Ouditeur-generaal geouditeer.

(3) So gou doenlik nadat die rekenings en balansstaat vir 'n boekjaar geouditeer is, moet die kommissaris afskrifte aan die Minister en aan die advieskomitee voorlê.

77. (1) Die kommissaris moet die statistiese aantekeninge opstel wat nodig is om hom in staat te stel om sy pligte ingevolge hierdie Wet uit te voer, en die ander aantekeninge wat hy nodig of wenslik ag of wat die Minister gelas. Aantekeninge en jaarverslag van kommissaris.

(2) So gou doenlik na afloop van elke boekjaar moet die kommissaris 'n verslag oor sy werksaamhede aan die Minister verstrek wat al die nodige inligting in verband met die vergoedingsfonds moet bevat.

HOOFSTUK VI.

VERGOEDING AAN BLANKE-EN KLEURLINGPERSONE, EN IN DIE ALGEMEEN.

78. (1) Geen reg op 'n voordeel waarop 'n persoon ingevolge die vorige Wet geregtig geword het, maar wat nie voor die inwerkingtreding van hierdie Wet aan daardie persoon toegeken is nie, en geen reg op 'n voordeel ten opsigte van 'n vergoedbare siekte ingevolge hierdie Wet, word van krag nie voordat daardie voordeel deur die kommissaris toegeken is. Aansoek om en toekenning van voordele.

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(2) No benefit shall be awarded by the commissioner except on an application made by or on behalf of the person concerned on a form provided for that purpose by the commissioner, which shall be accompanied by such information and documents as the commissioner may require: Provided that—

- (a) no application shall be required in respect of a right to a pension which supersedes a pension awarded under the previous Act, and any such right shall take effect at the commencement of this Act; and
- (b) the commissioner may in his discretion award any benefit even though application for it has not been made, and give effect to the award from a date determined by him but not preceding the date upon which the beneficiary became entitled to the benefit.

(3) An application under subsection (2) for a benefit to which a Bantu person is entitled, shall be made to the Bantu affairs authority, which shall submit the application to the commissioner.

(4) The Secretary for Coloured Relations and Rehoboth Affairs shall at the request of the commissioner render such assistance as may be necessary to enable any Coloured person to apply for any benefit to which such person may be entitled, or in connection with the payment to or on behalf of any Coloured person of any benefit or other amount to which such person became entitled.

(5) Any application for a benefit under the previous Act, which was not disposed of before the commencement of this Act, shall be deemed to be an application under this section and the commissioner shall deal with it in accordance with the provisions of this Act.

Benefits to
White person
(excluding widow
and dependent
child) who
received pension
under previous
Act.

79. (1) A White person, except a widow and a dependent child, who immediately before the commencement of this Act was entitled to a pension in respect of himself and his dependants, if any, on the ground of a finding expressed before the commencement of this Act, shall, as from the said commencement, be entitled to—

- (a) in the case of a finding of pneumoconiosis which has impaired his cardio-respiratory functions by not more than fifty per cent, a monthly pension of fifty rand;
- (b) in the case of a finding of pneumoconiosis which has impaired his cardio-respiratory functions by more than fifty per cent but by not more than seventy-five per cent, a monthly pension of ninety-four rand;
- (c) in the case of a finding of pneumoconiosis which has impaired his cardio-respiratory functions by more than seventy-five per cent, or a finding of pneumoconiosis together with tuberculosis, a monthly pension of one hundred and thirty-six rand;
- (d) in the case of a finding of tuberculosis, a monthly pension of ninety-four rand:

Provided that where the pension to which such a White person was entitled immediately before the commencement of this Act, is equal to or greater than the corresponding pension under this subsection, the commissioner shall increase the pension to which the person concerned was entitled as aforesaid, by three rand in respect of every dependent child and shall pay the increased pension to the person concerned as if the previous Act had not been repealed, until, as a result of the decrease in the number of dependants, such pension has become smaller than the corresponding pension under this subsection.

(2) A person who is entitled to a pension under subsection (1) (a), may within six months from the date of commencement of this Act apply on the prescribed form to the commissioner for the conversion of that pension into a one-sum benefit.

(3) The commissioner may in his discretion, after consultation with the advisory committee, grant or refuse any application

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(2) Geen voordeel word deur die kommissaris toegeken nie, behalwe op aansoek deur of ten behoeve van die betrokke persoon gedoen op 'n vorm wat die kommissaris vir die doel verskaf en wat vergesel gaan van die inligting en stukke wat die kommissaris vereis: Met dien verstande dat—

(a) geen aansoek vereis word nie ten opsigte van 'n reg op 'n pensioen wat 'n pensioen vervang wat kragtens die vorige Wet toegeken is, en so 'n reg word van krag by die inwerkingtreding van hierdie Wet; en

(b) die kommissaris na goëddunke 'n voordeel kan toeken al is aansoek daarom nie gedoen nie, en aan die toekenning gevolg kan gee met ingang van 'n datum deur hom bepaal maar nie vroeër nie as die datum waarop die bevoordeelde op die voordeel geregtig geword het.

(3) 'n Aansoek ingevolge subartikel (2) om 'n voordeel waarop 'n Bantoe persoon geregtig is, moet aan die Bantoesake-owerheid gerig word, wat die aansoek aan die kommissaris moet voorlê.

(4) Die Sekretaris van Kleurlingbetrekkings en Rehoboth-aangeleenthede moet op versoek van die kommissaris die hulp verleen wat nodig is ten einde 'n Kleurlingpersoon in staat te stel om aansoek te doen om 'n voordeel waarop daardie persoon geregtig mag wees of in verband met die betaling aan of ten behoeve van 'n Kleurlingpersoon van 'n voordeel of ander bedrag waarop daardie persoon geregtig geword het.

(5) 'n Aansoek om 'n voordeel ingevolge die vorige Wet wat nie voor die inwerkingtreding van hierdie Wet afgehandel is nie, word geag 'n aansoek ingevolge hierdie artikel te wees en die kommissaris handel daarmee ooreenkomstig die bepalings van hierdie Wet.

79. (1) 'n Blankepersoon, uitgesonderd 'n weduwee en 'n afhanklike kind, wat onmiddellik voor die inwerkingtreding van hierdie Wet op 'n pensioen geregtig was ten opsigte van homself en sy afhanklikes, indien daar is, op grond van 'n bevinding uitgespreek voor die inwerkingtreding van hierdie Wet, is vanaf bedoelde inwerkingtreding geregtig op —

(a) in die geval van 'n bevinding van pneumokoniose wat sy kardiopulmonêre funksies hoogstens vyftig persent belemmer het, 'n maandelikse pensioen van vyftig rand;

(b) in die geval van 'n bevinding van pneumokoniose wat sy kardiopulmonêre funksies meer as vyftig persent maar hoogstens vyf-en-sewentig persent belemmer het, 'n maandelikse pensioen van vier-en-negentig rand;

(c) in die geval van 'n bevinding van pneumokoniose wat sy kardiopulmonêre funksies meer as vyf-en-sewentig persent belemmer het, of 'n bevinding van pneumokoniose saam met tuberkulose, 'n maandelikse pensioen van honderd ses-en-dertig rand;

(d) in die geval van 'n bevinding van tuberkulose, 'n maandelikse pensioen van vier-en-negentig rand:

Met dien verstande dat waar die pensioen waarop so 'n Blankepersoon onmiddellik voor die inwerkingtreding van hierdie Wet geregtig was, gelyk is aan of groter is as die ooreenstemmende pensioen ingevolge hierdie subartikel, die kommissaris die pensioen waarop die betrokke persoon soos voormeld geregtig was, moet verhoog met drie rand ten opsigte van elke afhanklike kind, en die verhoogde pensioen aan die betrokke persoon moet betaal asof die vorige Wet nie herroep was nie totdat dit vanweë die vermindering van die getal afhanklikes kleiner geword het as die ooreenstemmende pensioen ingevolge hierdie subartikel.

(2) 'n Persoon wat geregtig is op 'n pensioen ingevolge subartikel (1) (a) kan op die voorgeskrewe vorm, binne ses maande van die inwerkingtreding van hierdie Wet, by die kommissaris aansoek doen om die omskepping van daardie pensioen in 'n enkelbedragvoordeel.

(3) Die kommissaris kan, na raadpleging met die advieskomitee, na goëddunke 'n aansoek ingevolge subartikel (2)

Voordele aan Blankepersoon (uitgesonderd weduwee en afhanklike kind) wat pensioen ingevolge vorige Wet ontvang het.

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under subsection (2), and the decision of the commissioner in connection with any such application shall be final.

(4) Where the commissioner grants such an application, he shall award to the person concerned a one-sum benefit which shall be equal to the difference (if any) between twelve thousand rand and such smaller total amount as has been received by that person by way of a one-sum benefit (if any) and monthly pension in respect of himself and his dependants under this Act and the previous Act up to the date on which the commissioner received his application: Provided that if there is no such difference or if such difference is less than four thousand rand, the commissioner shall pay to the person concerned a one-sum benefit of four thousand rand.

(5) Any person who has accepted a one-sum benefit in lieu of a monthly pension under the provisions of this section, and his dependants, shall not at any time have a further right or claim to a monthly pension under this Act.

(6) When the certification committee has found that a person to whom a one-sum benefit was awarded under subsection (4) is suffering from a compensatable disease in the second degree, the commissioner shall award to such person an additional benefit of six thousand rand.

(7) When the certification committee has found that a person mentioned in subsection (1) (a), to whom a one-sum benefit in lieu of a monthly pension was not awarded, is suffering from pneumoconiosis which has impaired his cardio-respiratory functions by more than fifty per cent but not more than seventy-five per cent, the commissioner shall award to that person a monthly pension of ninety-four rand.

(8) When the certification committee has found that a person mentioned in subsection (1) (a) or (b), to whom a one-sum benefit in lieu of a pension was not awarded, is suffering from pneumoconiosis which has impaired his cardio-respiratory functions by more than seventy-five per cent, or that such person or a person mentioned in subsection (1) (d), is suffering from tuberculosis and another compensatable disease simultaneously, the commissioner shall award to the person concerned a monthly pension of one hundred and thirty-six rand.

Benefits to White person found after commencement of this Act to be suffering from compensatable disease.

80. (1) When the certification committee after the commencement of this Act finds for the first time that a White person who did not before such commencement become entitled to any benefit under the previous Act, is suffering from a compensatable disease in the first degree, the commissioner shall award to the person concerned a one-sum benefit of twelve thousand rand.

(2) When the certification committee has found for the first time that a person to whom a benefit has been awarded under subsection (1) is suffering from a compensatable disease in the second degree, the commissioner shall award to the person concerned an additional one-sum benefit of six thousand rand.

(3) When the certification committee has found for the first time that a White person who did not previously become entitled to a benefit under subsection (1), is suffering from a compensatable disease in the second degree, the commissioner shall award to the person concerned a one-sum benefit of eighteen thousand rand.

(4) When the certification committee has found for the first time that a White person who did not previously become entitled to a benefit under this Act or the previous Act, is suffering from tuberculosis with which he was, in the opinion of the committee, affected while he was performing risk work at or in connection with a controlled mine or a controlled works, or with which he was affected at any time within twelve months after the date on which he performed such work for the last time, the commissioner shall award to such person a one-sum benefit of five thousand rand.

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toestaan of weier, en die kommissaris se beslissing in verband met so 'n aansoek is afdoende.

(4) Waar die kommissaris so 'n aansoek toestaan, ken hy aan die betrokke persoon 'n enkelbedragvoordeel toe wat gelyk is aan die verskil (as daar is) tussen twaalfduisend rand en dié kleiner totale bedrag wat daardie persoon ingevolge die bepalings van hierdie Wet en die vorige Wet, tot op die datum waarop die kommissaris sy aansoek ontvang het, by wyse van 'n enkelbedragvoordeel (as daar is) en maandelikse pensioen ontvang het ten opsigte van homself en sy afhanklikes: Met dien verstande dat indien daar nie so 'n verskil is nie of indien die bedoelde verskil minder as vierduisend rand is, die kommissaris aan die betrokke persoon 'n enkelbedragvoordeel van vierduisend rand moet toeken.

(5) 'n Persoon wat 'n enkelbedragvoordeel in die plek van 'n maandelikse pensioen ingevolge die bepalings van hierdie artikel aanvaar het, en sy afhanklikes, het nie te eniger tyd 'n verdere reg of aanspraak op 'n maandelikse pensioen ingevolge hierdie Wet nie.

(6) Wanneer die sertifiseringskomitee bevind het dat 'n persoon aan wie 'n enkelbedragvoordeel ingevolge die bepalings van subartikel (4) toegeken is, aan 'n vergoedbare siekte in die tweede graad ly, moet die kommissaris aan daardie persoon 'n bykomende voordeel van sesduisend rand toeken.

(7) Wanneer die sertifiseringskomitee bevind het dat 'n persoon in subartikel (1) (a) bedoel aan wie daar nie 'n enkelbedragvoordeel in die plek van 'n maandelikse pensioen toegeken is nie, aan pneumokoniose ly wat sy kardiopulmonêre funksies meer as vyftig persent maar hoogstens vyf-en-sewentig persent belemmer het, moet die kommissaris aan daardie persoon 'n maandelikse pensioen van vier-en-negentig rand toeken.

(8) Wanneer die sertifiseringskomitee bevind het dat 'n persoon in subartikel (1) (a) of (b) bedoel aan wie nie 'n enkelbedragvoordeel in die plek van 'n pensioen toegeken is nie, aan pneumokoniose ly wat sy kardiopulmonêre funksies meer as vyf-en-sewentig persent belemmer het, of dat so 'n persoon of 'n persoon in subartikel (1) (d) bedoel, gelyktydig aan tuberkulose en 'n ander vergoedbare siekte ly, moet die kommissaris aan die betrokke persoon 'n maandelikse pensioen van honderd ses-en-dertig rand toeken.

80. (1) Wanneer die sertifiseringskomitee na die inwerking-treding van hierdie Wet vir die eerste keer bevind dat 'n Blankepersoon wat nie voor bedoelde inwerking-treding op 'n voordeel ingevolge die vorige Wet geregtig geword het nie, aan 'n vergoedbare siekte in die eerste graad ly, moet die kommissaris aan die betrokke persoon 'n enkelbedragvoordeel van twaalfduisend rand toeken.

Voordele aan
Blankepersoon
wat volgens
bevinding na
inwerking-treding
van Wet, aan
vergoedbare
siekte ly.

(2) Wanneer die sertifiseringskomitee vir die eerste keer bevind het dat 'n persoon aan wie 'n voordeel ingevolge subartikel (1) toegeken is, aan 'n vergoedbare siekte in die tweede graad ly, moet die kommissaris aan die betrokke persoon 'n bykomstige enkelbedragvoordeel van sesduisend rand toeken.

(3) Wanneer die sertifiseringskomitee vir die eerste keer bevind het dat 'n Blankepersoon wat nie voorheen ingevolge subartikel (1) op 'n voordeel geregtig geword het nie, aan 'n vergoedbare siekte in die tweede graad ly, moet die kommissaris aan die betrokke persoon 'n enkelbedragvoordeel van agtien-duisend rand toeken.

(4) Wanneer die sertifiseringskomitee vir die eerste keer bevind het dat 'n Blankepersoon wat nie voorheen ingevolge hierdie Wet of die vorige Wet op 'n voordeel geregtig geword het nie, aan tuberkulose ly waardeur hy, volgens die komitee se oordeel, aangetas was terwyl hy risikowerk by of in verband met 'n beheerde myn of 'n beheerde bedryf verrig het, of waardeur hy aangetas was te eniger tyd binne twaalf maande na die datum waarop hy vir die laaste keer sodanige werk verrig het, moet die kommissaris aan hom 'n enkelbedragvoordeel van vyfduisend rand toeken.

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(5) When the certification committee has found for the first time that a White person to whom a one-sum benefit in respect of tuberculosis was previously awarded under this Act or the previous Act, is suffering from a compensatable disease in the second degree, the commissioner shall award to such person a one-sum benefit which shall be equal to the difference between eighteen thousand rand and the amount of the first-mentioned benefit.

Unpaid benefits at death of White beneficiary.

81. (1) If a person who became entitled to a one-sum benefit under section 79 or 80 and to whom such benefit was not paid in full, has died, the commissioner shall award to his widow or, if there is no widow, to his dependent children, if any, a benefit which shall be equal to the unpaid balance of such one-sum benefit.

(2) If a benefit equal to such unpaid balance cannot be awarded in terms of subsection (1) for the reason that there is no widow or dependent child, the commissioner may, in his discretion and after consultation with the advisory committee, award a benefit equal to such balance to any person or persons for whose maintenance the deceased, in the opinion of the commissioner, was responsible before his death, and where there is no such person, the commissioner shall pay such benefit to the estate of the deceased.

Benefits to dependants of deceased White person not entitled to benefit before death, or to whom one-sum benefit was paid in lieu of pension.

82. (1) If the certification committee has found that a deceased White person who did not before his death become entitled to any benefit under this Act or the previous Act, was at the time of his death suffering from a compensatable disease, the commissioner shall award to his dependants, if any, benefits as follows:—

(a) in the case of a finding of a compensatable disease other than tuberculosis or of tuberculosis together with another compensatable disease—

(i) to his widow, a one-sum benefit equal to the amount to which the deceased would have been entitled had he not died; or

(ii) if there is no widow but there are dependent children, in respect of each dependent child, a benefit determined by the commissioner after consultation with the advisory committee: Provided that the benefits so determined in respect of all such children shall in the aggregate equal the amount to which the deceased would have been entitled had he not died; or

(b) in the case of a finding of tuberculosis only in respect of which he did not receive a benefit but would have been entitled to a benefit had he not died, to his widow, if there is one, or to his dependent children if there is no widow, a one-sum benefit of five thousand rand.

(2) If the certification committee has found that a deceased White person to whom a one-sum benefit was awarded under section 79 (4) in lieu of a monthly pension, was at the time of his death suffering from a compensatable disease in the second degree, the commissioner shall award to his widow, if there is one, or if there is no widow, to his dependent children, if any, a one-sum benefit of six thousand rand.

(3) If a benefit cannot be awarded under subsection (1) or (2) because there is no widow or dependent child, the commissioner may in his discretion and after consultation with the advisory committee, award such benefit to any person or persons for whose maintenance the deceased, in the opinion of the commissioner, was responsible before his death, and where there is no such person, the commissioner shall pay such benefit to the estate of the deceased.

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(5) Wanneer die sertifiseringskomitee vir die eerste keer bevind het dat 'n Blankepersoon aan wie voorheen 'n enkelbedragvoordeel ingevolge hierdie Wet of die vorige Wet ten opsigte van tuberkulose toegeken is, aan 'n vergoedbare siekte in die tweede graad ly, moet die kommissaris aan die betrokke persoon 'n enkelbedragvoordeel toeken wat gelyk is aan die verskil tussen agtienduisend rand en die bedrag van eersgenoemde voordeel.

81. (1) Indien 'n persoon wat ingevolge artikel 79 of 80 op 'n enkelbedragvoordeel geregtig geword het en aan wie daardie voordeel nie ten volle uitbetaal is nie, oorlede is, moet die kommissaris aan sy weduwee of, indien daar nie 'n weduwee is nie, aan sy afhanklike kinders, as daar is, 'n voordeel toeken gelyk aan die onuitbetaalde deel van bedoelde enkelbedragvoordeel.

Onuitbetaalde voordele by dood van beoordeelde Blanke.

(2) Indien 'n voordeel gelyk aan bedoelde onbetaalde gedeelte nie ingevolge subartikel (1) toegeken kan word nie omdat daar nie 'n weduwee of afhanklike kind is nie, kan die kommissaris na goeddunke en na raadpleging met die advieskomitee, 'n voordeel gelyk aan bedoelde gedeelte toeken aan 'n persoon of persone vir wie se onderhoud die oorledene voor sy dood volgens die kommissaris se mening verantwoordelik was, en waar daar nie so 'n persoon is nie, betaal die kommissaris bedoelde voordeel aan die boedel van die oorledene.

82. (1) Indien die sertifiseringskomitee bevind het dat 'n oorlede Blankepersoon wat nie voor sy dood op 'n voordeel ingevolge hierdie Wet of die vorige Wet geregtig geword het nie, ten tyde van sy dood aan 'n vergoedbare siekte gely het, ken die kommissaris aan sy afhanklikes, as daar is, voordele toe soos volg:—

Voordele aan afhanklikes van oorlede Blankepersoon wat nie voor dood op voordeel geregtig was nie of aan wie enkelbedragvoordeel in plek van pensioen toegeken is.

(a) in die geval van 'n bevinding van 'n ander vergoedbare siekte as tuberkulose, of van tuberkulose saam met 'n ander vergoedbare siekte—

(i) aan sy weduwee, 'n enkelbedragvoordeel wat gelyk is aan die bedrag waarop die oorledene geregtig sou gewees het indien hy nie gesterf het nie; of

(ii) indien daar nie 'n weduwee is nie maar wel afhanklike kinders is, ten opsigte van elke afhanklike kind 'n voordeel wat die kommissaris na raadpleging met die advieskomitee bepaal: Met dien verstande dat die aldus bepaalde voordele ten opsigte van al die bedoelde kinders gesamentlik die bedrag is waarop die oorledene geregtig sou gewees het indien hy nie gesterf het nie; of

(b) in die geval van 'n bevinding van tuberkulose alleen ten opsigte waarvan hy nie 'n voordeel ontvang het nie maar op 'n voordeel geregtig sou geword het indien hy nie gesterf het nie, aan sy weduwee, as daar een is, of ten opsigte van sy afhanklike kinders as daar geen weduwee is nie, 'n enkelbedragvoordeel van vyfduisend rand.

(2) Indien die sertifiseringskomitee bevind dat 'n oorlede Blankepersoon aan wie 'n enkelbedragvoordeel in die plek van 'n maandelikse pensioen ingevolge artikel 79 (4) toegeken is, ten tyde van sy dood aan 'n vergoedbare siekte in die tweede graad gely het, ken die kommissaris aan sy weduwee, as daar een is, of waar daar nie 'n weduwee is nie, aan sy afhanklike kinders, as daar is, 'n enkelbedragvoordeel van sesduisend rand toe.

(3) Indien 'n voordeel nie ingevolge subartikel (1) of (2) toegeken kan word nie omdat daar nie 'n weduwee of afhanklike kind is nie, kan die kommissaris na goeddunke en na raadpleging met die advieskomitee daardie voordeel toeken aan 'n persoon of persone vir wie se onderhoud die oorledene voor sy dood volgens die mening van die kommissaris verantwoordelik was, en waar daar nie so 'n persoon is nie betaal die kommissaris bedoelde voordeel aan die boedel van die oorledene.

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Benefits to dependants of deceased White person entitled to pension before his death.

83. (1) If a White person who was entitled to a pension under the previous Act and to whom a one-sum benefit in lieu of such pension was not awarded, has died, the commissioner shall award to his dependants, if any, benefits as follows—

- (a) to his widow, a one-sum benefit of nine thousand rand; or
- (b) if there is no widow but there are dependent children, in respect of each dependent child a benefit determined by the commissioner after consultation with the advisory committee: Provided that the benefits so determined in respect of all such children shall in the aggregate not exceed nine thousand rand.

(2) After the death of any person to whom a one-sum benefit was awarded under subsection (1) (b), the commissioner shall pay the unpaid balance (if any) of such benefit to the estate of the deceased.

Benefits to dependants of deceased White person who were entitled to pensions before commencement of Act.

84. (1) If a dependant of a deceased White person was immediately before the commencement of this Act entitled to a pension under the previous Act, such dependant shall, as from such commencement, be entitled—

- (a) in the case of a widow, to a monthly pension of seventy rand; and
- (b) in the case of a dependent child, to a monthly pension of twenty-nine rand.

(2) If any dependent child who has no mother or adoptive parent, is entitled to a pension under subsection (1), the commissioner, in his discretion and after consultation with the advisory committee, may, for the periods which the commissioner deems necessary—

- (a) continue to pay such pension after the dependant has reached the age of eighteen years; or
- (b) without regard to the age of the dependant, increase such pension by not more than one hundred per cent.

Benefits to dependants of deceased White person who did not become entitled to pensions under previous Act.

85. If any dependant of a deceased White person did not become entitled to a pension under the previous Act on the ground of a finding expressed before the commencement of this Act that the deceased was before or at the time of his death suffering from pneumoconiosis, the commissioner shall award with effect from such commencement to the widow of the deceased (if there is one) who has not remarried and to his dependent children (if any) the appropriate pensions provided for in section 84.

Benefits to Coloured person (excluding widow and dependent child) who received pension under previous Act.

86. (1) A Coloured person, excluding a widow and a dependent child, who immediately before the commencement of this Act was entitled to a pension in respect of himself and his dependants, if any, by virtue of a finding expressed before the commencement of this Act, shall as from such commencement be entitled to—

- (a) in the case of a finding of pneumoconiosis which has impaired his cardio-respiratory functions by not more than fifty per cent, a monthly pension of twenty-five rand;
- (b) in the case of a finding of pneumoconiosis which has impaired his cardio-respiratory functions by more than fifty per cent but not more than seventy-five per cent, or a finding of tuberculosis, a monthly pension of forty-seven rand;
- (c) in the case of a finding of pneumoconiosis which has impaired his cardio-respiratory functions by more than seventy-five per cent, or a finding of pneumoconiosis together with tuberculosis, a monthly pension of sixty-eight rand:

WET OP BEDRYFSIEKTES IN MYNE EN BEDRYWE, 1973. Wet No. 78, 1973.

83. (1) Indien 'n Blankepersoon wat ingevolge die vorige Wet op 'n pensioen geregtig was en aan wie nie 'n enkelbedragvoordeel in die plek van daardie pensioen toegeken is nie, te sterwe gekom het, ken die kommissaris aan sy afhanklikes, as daar is, voordele toe soos volg:—

- (a) aan sy weduwee, 'n enkelbedragvoordeel van negeduisend rand; of
- (b) indien daar nie 'n weduwee is nie maar wel afhanklike kinders is, ten opsigte van elke afhanklike kind 'n voordeel wat die kommissaris na raadpleging met die advieskomitee bepaal: Met dien verstande dat die aldus bepaalde voordele ten opsigte van al die bedoelde kinders gesamentlik hoogstens negeduisend rand is.

(2) Na die dood van 'n persoon aan wie 'n enkelbedragvoordeel ingevolge subartikel (1) (b) toegeken is, betaal die kommissaris die onuitbetaalde saldo (indien daar is) van sodanige voordeel aan die boedel van die oorledene.

Voordele aan afhanklikes van oorlede Blankepersoon wat voor sy dood op pensioen geregtig was.

84. (1) Indien 'n afhanklike van 'n oorlede Blankepersoon onmiddellik voor die inwerkingtreding van hierdie Wet op 'n pensioen ingevolge die vorige Wet geregtig was, is daardie afhanklike vanaf bedoelde inwerkingtreding geregtig—

- (a) in die geval van 'n weduwee, op 'n maandelikse pensioen van sewentig rand; en
- (b) in die geval van 'n afhanklike kind, op 'n maandelikse pensioen van nege-en-twintig rand.

(2) Waar 'n afhanklike kind wat geen moeder of aannemende ouer het nie, op 'n pensioen ingevolge subartikel (1) geregtig is, kan die kommissaris, na goeddunke en na raadpleging met die advieskomitee, vir die tydperke wat die kommissaris nodig ag—

- (a) dié pensioen nog betaal nadat die afhanklike die ouderdom van agtien jaar bereik het; of
- (b) dié pensioen sonder inagneming van die afhanklike se ouderdom met hoogstens honderd persent vermeerder.

85. Indien 'n afhanklike van 'n oorlede Blankepersoon nie ingevolge die vorige Wet op 'n pensioen geregtig geword het nie op grond van 'n bevinding uitgespreek voor die inwerkingtreding van hierdie Wet dat die oorledene voor of ten tyde van sy dood gely het aan pneumokoniose, ken die kommissaris vanaf bedoelde inwerkingtreding aan die weduwee van die oorledene (as daar een is) wat nie hertrou het nie, en aan sy afhanklike kinders (as daar is) die toepaslike pensioene toe waarvoor artikel 84 voorsiening maak.

Voordele aan oorlede Blankepersoon se afhanklikes wat nie ingevolge vorige Wet op pensioene geregtig geword het nie.

86. (1) 'n Kleurlingpersoon, uitgesonderd 'n weduwee en 'n afhanklike kind, wat onmiddellik voor die inwerkingtreding van hierdie Wet op 'n pensioen geregtig was ten opsigte van homself en sy afhanklikes, indien daar is, op grond van 'n bevinding uitgespreek voor die inwerkingtreding van hierdie Wet, is vanaf bedoelde inwerkingtreding geregtig op—

- (a) in die geval van 'n bevinding van pneumokoniose wat sy kardiopulmonêre funksies hoogstens vyftig persent belemmer het, 'n maandelikse pensioen van vyf-en-twintig rand;
- (b) in die geval van 'n bevinding van pneumokoniose wat sy kardiopulmonêre funksies meer as vyftig persent maar hoogstens vyf-en-sewentig persent belemmer het, of 'n bevinding van tuberkulose, 'n maandelikse pensioen van sewe-en-veertig rand;
- (c) in die geval van 'n bevinding van pneumokoniose wat sy kardiopulmonêre funksies meer as vyf-en-sewentig persent belemmer het, of 'n bevinding van pneumokoniose saam met tuberkulose, 'n maandelikse pensioen van agt-en-sestig rand:

Voordele aan Kleurlingpersoon (uitgesonderd weduwee en afhanklike kind) wat pensioen ingevolge vorige Wet ontvang het.

Act No. 78, 1973. OCCUPATIONAL DISEASES IN MINES AND WORKS ACT, 1973.

Provided that where the pension to which such a Coloured person was entitled immediately before the commencement of this Act, is equal to or greater than the corresponding pension under this subsection, the commissioner shall increase the pension to which the person concerned was entitled as aforesaid, by one rand and fifty cents in respect of every dependent child and shall pay the increased pension to the person concerned as if the previous Act had not been repealed, until, as a result of the decrease in the number of dependants, such pension has become smaller than the corresponding pension under this subsection: Provided further that when the number of dependants of the Coloured person concerned has decreased to such extent that, had he had the decreased number of dependants at the said commencement, the said corresponding pension would have been awarded to him at such commencement, the commissioner shall award the said corresponding pension to him in lieu of the pension to which he was entitled as aforesaid.

(2) When the certification committee has found that a Coloured person mentioned in subsection (1) (a), is suffering from pneumoconiosis which has impaired his cardio-respiratory functions by more than fifty per cent but not more than seventy-five per cent, the commissioner shall award to such Coloured person a monthly pension of forty-seven rand: Provided that where the pension under this subsection is smaller than the pension which he received under subsection (1), the commissioner shall continue to pay to him the last-mentioned pension together with a monthly allowance of ten rand, until such pension together with such monthly allowance has, as a result of the decrease in the number of dependants, become smaller than the pension under this subsection.

(3) When the certification committee has found that a Coloured person mentioned in subsection (1) or (2), is suffering from pneumoconiosis which has impaired his cardio-respiratory functions by more than seventy-five per cent or that he is suffering from pneumoconiosis together with tuberculosis, the commissioner shall award to the Coloured person concerned a monthly pension of sixty-eight rand: Provided that where the pension under this subsection is smaller than the pension which the Coloured person concerned received under subsection (1) or (2) in respect of himself and his dependants, the commissioner shall continue to pay to him the greater pension together with a monthly allowance of ten rand, until such pension together with such monthly allowance has, as a result of the decrease in the number of dependants, become smaller than the pension under this subsection.

Benefits to Coloured male found after commencement of Act to be suffering from compensatable disease.

87. (1) When the certification committee after the commencement of this Act finds for the first time that a Coloured male who did not before such commencement become entitled to any benefit under the previous Act, is suffering from a compensatable disease in the first degree, the commissioner shall award to the Coloured male concerned a one-sum benefit of six thousand rand.

(2) When the certification committee has found for the first time that a Coloured male to whom a benefit was awarded under subsection (1), is suffering from a compensatable disease in the second degree, the commissioner shall award to such person an additional one-sum benefit of three thousand rand.

(3) When the certification committee has found for the first time that a Coloured male who did not become entitled to a benefit under subsection (1), is suffering from a compensatable disease in the second degree, the commissioner shall award to such person a one-sum benefit of nine thousand rand.

WET OP BEDRYFSIEKTES IN MYNE EN BEDRYWE, 1973. Wet No. 78, 1973.

Met dien verstande dat waar die pensioen waarop so 'n Kleurlingpersoon onmiddellik voor die inwerkingtreding van hierdie Wet geregtig was, gelyk is aan of groter is as die ooreenstemmende pensioen ingevolge hierdie subartikel, die kommissaris die pensioen waarop die betrokke persoon soos voormeld geregtig was, moet verhoog met een rand en vyftig sent ten opsigte van elke afhanklike kind, en die verhoogde pensioen aan die betrokke persoon moet betaal asof die vorige Wet nie herroep was nie totdat dit vanweë die vermindering van die getal afhanklikes kleiner geword het as die ooreenstemmende pensioen ingevolge hierdie subartikel: Met dien verstande voorts dat wanneer die getal afhanklikes van die betrokke Kleurlingpersoon sodanig verminder het dat, indien hy die verminderde getal afhanklikes by bedoelde inwerkingtreding gehad het, die genoemde ooreenstemmende pensioen by bedoelde inwerkingtreding aan hom toegeken sou gewees het, die kommissaris die genoemde ooreenstemmende pensioen aan hom moet toeken in die plek van die pensioen waarop hy soos voormeld geregtig was.

(2) Wanneer die sertifiseringskomitee bevind het dat 'n Kleurlingpersoon bedoel in subartikel (1) (a) aan pneumokoniose ly wat sy kardiopulmonêre funksies meer as vyftig persent maar hoogstens vyf-en-sewentig persent belemmer het, moet die kommissaris aan daardie Kleurlingpersoon 'n maandelikse pensioen van sewe-en-veertig rand toeken: Met dien verstande dat waar die pensioen ingevolge hierdie subartikel kleiner is as die pensioen wat hy ingevolge subartikel (1) ontvang het, die kommissaris moet voortgaan om laasgenoemde pensioen aan hom te betaal saam met 'n maandelikse toelaag van tien rand totdat daardie pensioen saam met die maandelikse toelaag, vanweë die vermindering van die getal afhanklikes, kleiner geword het as die pensioen ingevolge hierdie subartikel.

(3) Wanneer die sertifiseringskomitee bevind het dat 'n Kleurlingpersoon bedoel in subartikel (1) of (2) aan pneumokoniose ly wat sy kardiopulmonêre funksies meer as vyf-en-sewentig persent belemmer het of dat hy aan pneumokoniose saam met tuberkulose ly, moet die kommissaris aan die betrokke Kleurlingpersoon 'n maandelikse pensioen van agt-en-sestig rand toeken: Met dien verstande dat waar die pensioen ingevolge hierdie subartikel kleiner is as die pensioen wat die betrokke Kleurlingpersoon ingevolge subartikel (1) of (2) ten opsigte van homself en sy afhanklikes ontvang het, die kommissaris moet voortgaan om die groter pensioen aan hom te betaal saam met 'n maandelikse toelaag van tien rand totdat daardie pensioen saam met die maandelikse toelaag, vanweë die vermindering van die getal afhanklikes, kleiner geword het as die pensioen ingevolge hierdie subartikel.

87. (1) Wanneer die sertifiseringskomitee na die inwerkingtreding van hierdie Wet vir die eerste keer bevind dat 'n Kleurlingman wat nie voor bedoelde inwerkingtreding op 'n voordeel ingevolge die vorige Wet geregtig geword het nie, aan 'n vergoedbare siekte in die eerste graad ly, moet die kommissaris aan die betrokke Kleurlingman 'n enkelbedragvoordeel van sesduisend rand toeken.

Voordele aan Kleurlingman wat volgens bevinding na inwerkingtreding van Wet aan vergoedbare siekte ly.

(2) Wanneer die sertifiseringskomitee vir die eerste keer bevind het dat 'n Kleurlingman aan wie 'n voordeel ingevolge subartikel (1) toegeken is, aan 'n vergoedbare siekte in die tweede graad ly, moet die kommissaris aan daardie persoon 'n bykomende enkelbedragvoordeel van drieduisend rand toeken.

(3) Wanneer die sertifiseringskomitee vir die eerste keer bevind het dat 'n Kleurlingman wat nie ingevolge subartikel (1) op 'n voordeel geregtig geword het nie, aan 'n vergoedbare siekte in die tweede graad ly, moet die kommissaris aan daardie persoon 'n enkelbedragvoordeel van negeduisend rand toeken.

Act No. 78, 1973. OCCUPATIONAL DISEASES IN MINES AND WORKS ACT, 1973.

(4) When the certification committee has found for the first time that a Coloured male who did not previously become entitled to any benefit under this Act or the previous Act, is suffering from tuberculosis with which he was, in the opinion of that committee, affected while he was performing risk work at or in connection with a controlled mine or a controlled works, or with which he was affected at any time within twelve months after the date on which he performed such work for the last time, the commissioner shall award to him a one-sum benefit of two thousand five hundred rand.

(5) When the certification committee has found for the first time that a Coloured male who previously became entitled to a benefit in respect of tuberculosis, is suffering from a compensatable disease in the second degree, the commissioner shall award to him an additional one-sum benefit which shall be equal to the difference between the benefit mentioned in subsection (3) and the benefit to which that person became entitled previously.

Benefits to
Coloured female
who legally
performed risk
work.

88. (1) When the certification committee has after the commencement of this Act found for the first time that a Coloured female who legally performed risk work at or in connection with a controlled mine or a controlled works, is suffering from a compensatable disease (excluding tuberculosis), the commissioner shall award to her the benefit mentioned in section 87 (1), (2) or (3), as the case may be, as if she were a Coloured male.

(2) When the certification committee has found for the first time that a Coloured female who legally performed risk work at or in connection with a controlled mine or a controlled works, is suffering from tuberculosis with which she was, in the opinion of the committee, already affected while she was performing such work, or with which she was affected at any time within twelve months from the date on which she performed such work for the last time, the commissioner shall award to her, if she performed not less than two hundred shifts of risk work at a controlled mine or a controlled works of which not less than one hundred shifts were worked within the twelve months which immediately preceded the date on which she performed such work for the last time, a one-sum benefit of two thousand five hundred rand.

(3) When the certification committee has found for the first time that a Coloured female who legally performed risk work at a controlled mine or a controlled works, is suffering from tuberculosis together with any other compensatable disease, the commissioner shall award to her—

- (a) if she previously became entitled to a one-sum benefit under the previous Act or under subsection (1) or (2) of this section, an additional one-sum benefit which shall be equal to the difference between nine thousand rand and the benefit she became entitled to previously; or
- (b) if she did not previously become entitled to a benefit under the previous Act or this Act, a one-sum benefit of nine thousand rand.

Unpaid benefits
upon death of
Coloured
beneficiary.

89. (1) If a Coloured male who became entitled to a one-sum benefit under the previous Act or section 87 of this Act, and to whom such benefit was not paid in full, has died, the commissioner shall award to his widow or, if there is no widow, to his dependent children or, if there is no widow or dependent child, to any other person for whose maintenance the deceased, in the opinion of the commissioner, was responsible, or if there is no such person, to the estate of the deceased, a benefit which shall be equal to the unpaid portion of the said one-sum benefit.

WET OP BEDRYFSKTEKTES IN MYNE EN BEDRYWE, 1973.

(4) Wanneer die sertifiseringskomitee vir die eerste keer bevind het dat 'n Kleurlingman wat nie voorheen ingevolge hierdie Wet of die vorige Wet op 'n voordeel geregtig geword het nie, aan tuberkulose ly waardeur hy, volgens die komitee se oordeel, aangetas was terwyl hy risikowerk by of in verband met 'n beheerde myn of 'n beheerde bedryf verrig het, of waardeur hy aangetas was te eniger tyd binne twaalf maande na die datum waarop hy vir die laaste keer sodanige werk verrig het, moet die kommissaris aan hom 'n enkelbedragvoordeel van tweeduisend vyfhonderd rand toeken.

(5) Wanneer die sertifiseringskomitee vir die eerste keer bevind het dat 'n Kleurlingman wat voorheen op 'n voordeel ten opsigte van tuberkulose geregtig geword het, aan 'n vergoedbare siekte in die tweede graad ly, moet die kommissaris aan hom 'n bykomende enkelbedragvoordeel toeken wat gelyk is aan die verskil tussen die voordeel genoem in subartikel (3) en die voordeel waarop daardie persoon voorheen geregtig geword het.

88. (1) Wanneer die sertifiseringskomitee na die inwerking-treding van hierdie Wet vir die eerste keer bevind het dat 'n Kleurlingvrou wat wettiglik risikowerk by of in verband met 'n beheerde myn of 'n beheerde bedryf verrig het, aan 'n vergoedbare siekte (uitgesonderd tuberkulose) ly, moet die kommissaris aan haar die voordeel bedoel in artikel 87 (1), (2) of (3), na gelang van die geval, toeken asof sy 'n Kleurlingman was.

Voordele aan
Kleurlingvrou
wat wettiglik
risikowerk
verrig het.

(2) Wanneer die sertifiseringskomitee vir die eerste keer bevind het dat 'n Kleurlingvrou wat wettiglik risikowerk by of in verband met 'n beheerde myn of 'n beheerde bedryf verrig het, aan tuberkulose ly waardeur sy volgens die komitee se oordeel reeds aangetas was terwyl sy sodanige werk verrig het, of waardeur sy aangetas was te eniger tyd binne twaalf maande na die datum waarop sy vir die laaste keer sodanige werk verrig het, moet die kommissaris aan haar, indien sy minstens tweehonderd skofte risikowerk by 'n beheerde myn of 'n beheerde bedryf verrig het waarvan minstens honderd skofte gewerk is in die twaalf maande onmiddellik voor die datum waarop sy vir die laaste keer sodanige werk verrig het, 'n enkelbedragvoordeel van tweeduisend vyfhonderd rand toeken.

(3) Wanneer die sertifiseringskomitee vir die eerste keer bevind het dat 'n Kleurlingvrou wat wettiglik risikowerk by 'n beheerde myn of 'n beheerde bedryf verrig het, aan tuberkulose saam met 'n ander vergoedbare siekte ly, moet die kommissaris aan haar—

- (a) indien sy voorheen op 'n enkelbedragvoordeel ingevolge die vorige Wet of ingevolge subartikel (1) of (2) van hierdie artikel geregtig geword het, 'n bykomende enkelbedragvoordeel toeken wat gelyk is aan die verskil tussen negeduisend rand en die voordeel waarop sy voorheen geregtig geword het; of
- (b) indien sy nie voorheen ingevolge die vorige Wet of hierdie Wet op 'n voordeel geregtig geword het nie, 'n enkelbedragvoordeel van negeduisend rand toeken.

89. (1) Indien 'n Kleurlingman wat ingevolge die vorige Wet of artikel 87 van hierdie Wet op 'n enkelbedragvoordeel geregtig geword het en aan wie daardie voordeel nie ten volle uitbetaal is nie, oorlede is, moet die kommissaris aan sy weduwee of, indien daar nie 'n weduwee is nie, aan sy afhanklike kinders of, indien daar geen weduwee of afhanklike kind is nie, aan enige ander persoon vir wie se onderhoud die oorledene volgens die kommissaris se oordeel verantwoordelik was, of indien daar nie so 'n persoon is nie, aan die boedel van die oorledene, 'n voordeel toeken gelyk aan die onuitbetaalde deel van die genoemde enkelbedragvoordeel.

Onuitbetaalde
voordele by
dood van
bevoordeelde
Kleurling.

Act No. 78, 1973. OCCUPATIONAL DISEASES IN MINES AND WORKS ACT, 1973.

(2) If a Coloured female who became entitled to a one-sum benefit under the previous Act or section 88 of this Act, has died before that benefit was paid to her in full, the commissioner shall award the unpaid portion of that benefit to her husband, if there is one, or to her dependent children, if any, or if there is no husband or dependent child, to any other person for whose maintenance the deceased, in the opinion of the commissioner, was responsible or towards whose maintenance she contributed, or, if there is no such person, to the estate of the deceased.

Benefits to dependants of Coloured person who did not become entitled to benefit before death.

90. (1) When the committee has found that a deceased Coloured male who did not before his death become entitled to any benefit under the previous Act or this Act, was at the time of his death suffering from a compensatable disease in respect of which he would have been entitled to a benefit had he not died, the commissioner shall award to his widow, if there is one, or, if there is no widow, to his dependent children, if any, a one-sum benefit which shall be equal to the benefit to which the deceased would have been entitled had he not died.

(2) If a benefit cannot be awarded under subsection (1) because there is no widow or dependent child, the commissioner shall award the benefit to which the deceased would have been entitled had he not died to any person or persons for whose maintenance the deceased was, in the opinion of the commissioner, responsible or towards whose maintenance he contributed or, if there is no such person, to the estate of the deceased.

(3) When the certification committee has found that a deceased Coloured female who legally performed risk work at a controlled mine or a controlled works and who did not before her death become entitled to any benefit under the previous Act or this Act, was at the time of her death suffering from a compensatable disease in respect of which she would have been entitled to a benefit had she not died, the commissioner shall award to her husband, if there is one, or to her dependent children, if any, or in part to her husband and in part to her dependent children, a one-sum benefit in accordance with the provisions of subsection (1).

(4) If a benefit cannot be awarded under subsection (3) because there is no husband or dependent child, the commissioner shall act in accordance with the provisions of subsection (2) as if the deceased were a person referred to in subsection (1).

Benefits to dependants of deceased Coloured person who was entitled to pension before death.

91. (1) If a Coloured person who was entitled to a pension under this Act, has died, the commissioner shall award benefits to his dependants as follows—

- (a) to his widow, a one-sum benefit of four thousand five hundred rand; or
- (b) if there is no widow but there are dependent children, to every dependent child, a benefit determined by the commissioner after consultation with the advisory committee: Provided that the benefits so determined in respect of all such children shall in the aggregate equal four thousand five hundred rand.

(2) If a benefit cannot be awarded under subsection (1) because there is no widow or dependent child, the commissioner shall award the benefit which would have been awarded under the said subsection to the widow, had there been one, to any person or persons for whose maintenance the deceased was, in the opinion of the commissioner, responsible or towards whose maintenance the deceased contributed or, if there is no such person, to the estate of the deceased.

WET OP BEDRYFSIEKTES IN MYNE EN BEDRYWE, 1973. Wet No. 78, 1973.

(2) Indien 'n Kleurlingvrou wat op 'n enkelbedragvoordeel ingevolge die vorige Wet of artikel 88 van hierdie Wet geregtig geword het, oorlede is voordat daardie voordeel ten volle aan haar uitbetaal is, moet die kommissaris die onuitbetaalde deel van bedoelde voordeel toeken aan haar eggenoot, as daar een is, of aan haar afhanklike kinders, as daar is, of waar daar nie 'n eggenoot of afhanklike kind is nie, aan enige ander persoon vir wie se onderhoud die oorledene, volgens die oordeel van die kommissaris, verantwoordelik was of tot wie se onderhoud sy bygedra het, of as daar nie so 'n persoon is nie, aan die boedel van die oorledene.

90. (1) Wanneer die sertifiseringskomitee bevind het dat 'n oorlede Kleurlingman wat nie voor sy dood op 'n voordeel ingevolge die vorige Wet of hierdie Wet geregtig geword het nie, ten tyde van sy dood aan 'n vergoedbare siekte gely het ten opsigte waarvan hy op 'n voordeel geregtig sou gewees het indien hy nie gesterf het nie, moet die kommissaris aan sy weduwee, as daar een is, of as daar geen weduwee is nie, aan sy afhanklike kinders, as daar is, 'n enkelbedragvoordeel toeken wat gelyk is aan die voordeel waarop die oorledene geregtig sou gewees het indien hy nie gesterf het nie.

(2) Indien 'n voordeel nie kragtens subartikel (1) toegeken kan word nie omdat daar nie 'n weduwee of afhanklike kind is nie, moet die kommissaris die voordeel waarop die oorledene geregtig sou gewees het indien hy nie gesterf het nie, toeken aan 'n persoon of persone vir wie se onderhoud die oorledene volgens die kommissaris se oordeel verantwoordelik was of tot wie se onderhoud die oorledene bygedra het of, as daar nie so 'n persoon is nie, aan die boedel van die oorledene.

(3) Wanneer die sertifiseringskomitee bevind het dat 'n oorlede Kleurlingvrou wat wettiglik risikowerk by 'n beheerde myn of 'n beheerde bedryf verrig het en wat nie voor haar dood op 'n voordeel ingevolge die vorige Wet of hierdie Wet geregtig geword het nie, ten tyde van haar dood aan 'n vergoedbare siekte gely het ten opsigte waarvan sy op 'n voordeel geregtig sou gewees het indien sy nie gesterf het nie, moet die kommissaris aan haar eggenoot, as daar een is, of aan haar afhanklike kinders, as daar is, of gedeeltelik aan haar eggenoot en gedeeltelik aan haar afhanklike kinders 'n enkelbedragvoordeel toeken ooreenkomstig die bepalinge van subartikel (1).

(4) Indien 'n voordeel nie kragtens subartikel (3) toegeken kan word nie omdat daar nie 'n eggenoot of afhanklike kind is nie, moet die kommissaris ooreenkomstig die bepalinge van subartikel (2) handel asof die oorledene 'n in subartikel (1) bedoelde persoon was.

91. (1) Indien 'n Kleurlingpersoon wat op 'n pensioen ingevolge hierdie Wet geregtig was, te sterwe gekom het, moet die kommissaris aan sy afhanklikes soos volg voordele toeken—

(a) aan sy weduwee, 'n enkelbedragvoordeel van vierduisend vyfhonderd rand; of

(b) indien daar geen weduwee is nie maar wel afhanklike kinders is, aan elke afhanklike kind 'n voordeel wat die kommissaris na raadpleging met die advieskomitee bepaal: Met dien verstande dat die aldus bepaalde voordele ten opsigte van al die bedoelde kinders gesamentlik vierduisend vyfhonderd rand is.

(2) Indien 'n voordeel nie kragtens subartikel (1) toegeken kan word nie omdat daar geen weduwee of afhanklike kind is nie, moet die kommissaris die voordeel wat ingevolge bedoelde subartikel aan 'n weduwee toegeken sou gewees het indien daar een was, toeken aan 'n persoon of persone vir wie se onderhoud die oorledene volgens die kommissaris se oordeel verantwoordelik was of tot wie se onderhoud die oorledene bygedra het of, indien daar nie so 'n persoon is nie, aan die boedel van die oorledene.

Voordele aan afhanklikes van Kleurlingpersoon wat nie voor dood op voordeel geregtig geword het nie.

Voordele aan afhanklikes van oorlede Kleurlingpersoon wat voor dood op pensioen geregtig was.

Act No. 78, 1973. OCCUPATIONAL DISEASES IN MINES AND WORKS ACT, 1973.

Benefits to dependant of Coloured person who received pension before commencement of Act.

92. (1) If a dependant of a deceased Coloured person was immediately before the commencement of this Act entitled to a pension under the previous Act, such dependant shall as from such commencement, be entitled—

- (a) in the case of a widow, to a monthly pension of thirty-five rand; and
- (b) in the case of a dependent child, to a monthly pension of fourteen rand and fifty cents.

(2) The provisions of section 84 (2) shall *mutatis mutandis* apply with reference to any dependent child of a deceased Coloured person who has no mother or adoptive parent.

Benefits to dependants of deceased Coloured person who did not become entitled to pensions under previous Act.

93. If any dependant of a deceased Coloured person did not become entitled to a pension under the previous Act on the ground of a finding expressed before the commencement of this Act that the deceased was before or at the time of his death suffering from pneumoconiosis, the commissioner shall award with effect from such commencement to the widow of the deceased (if there is one) who has not remarried and to his dependent children (if any) the appropriate pensions provided for in section 92.

Payment of, and interest on, benefit awarded to White or Coloured person.

94. (1) Subject to the provisions of subsection (2), the commissioner shall pay a one-sum benefit awarded to a White person or a Coloured person under this Act, in a single payment.

(2) The commissioner shall, at the request in writing of a beneficiary referred to in subsection (1), pay the one-sum benefit in question or any portion thereof as elected by the beneficiary, in such monthly or three-monthly instalments as may be determined from time to time by the beneficiary in question.

(3) The commissioner may pay any pension or any instalment of a one-sum benefit awarded to any White person or Coloured person under the previous Act or this Act—

- (a) to the beneficiary himself; or
- (b) in part to the beneficiary and in part to his dependants; or
- (c) in full to his dependants; or
- (d) for the benefit of the beneficiary or his dependants, to any other person or any institution, organization or Government Department; or
- (e) in part to the beneficiary and in part, for the benefit of the beneficiary or his dependants, in accordance with paragraph (d).

(4) The commissioner shall add interest to any one-sum benefit or any other amount awarded under the previous Act or this Act to a White person or a Coloured person, or to the balance of any such benefit or amount, as the case may be, at a rate determined from time to time by the commissioner after consultation with an actuary designated by the Minister and with the advisory committee, as from the first day of the month following the month in which such benefit or amount was awarded until the last day of the month preceding the month in which such benefit or amount or the final instalment thereof was paid: Provided that no interest shall be paid on any amount which has remained in the possession of the commissioner for less than thirty days.

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92. (1) Indien 'n afhanklike van 'n oorlede Kleurlingpersoon onmiddellik voor die inwerkingtreding van hierdie Wet op 'n pensioen ingevolge die vorige Wet geregtig was, is daardie afhanklike vanaf bedoelde inwerkingtreding geregtig—

- (a) in die geval van 'n weduwee, op 'n maandelikse pensioen van vyf-en-dertig rand; en
- (b) in die geval van 'n afhanklike kind, op 'n maandelikse pensioen van veertien rand en vyftig sent.

(2) Die bepalings van artikel 84 (2) is *mutatis mutandis* van toepassing met betrekking tot die afhanklike kind van 'n oorlede Kleurlingpersoon wat geen moeder of aannemende ouer het nie.

93. Indien 'n afhanklike van 'n oorlede Kleurlingpersoon nie ingevolge die vorige Wet op 'n pensioen geregtig geword het nie op grond van 'n bevinding uitgespreek voor die inwerkingtreding van hierdie Wet dat die oorledene voor of ten tyde van sy dood aan pneumokoniose gely het, ken die kommissaris vanaf bedoelde inwerkingtreding aan die weduwee van die oorledene (as daar een is) wat nie hertrou het nie, 'en aan sy afhanklike kinders (as daar is) die toepaslike pensioene toe waarvoor artikel 92 voorsiening maak.

94. (1) Die kommissaris moet, behoudens die bepalings van subartikel (2), 'n enkelbedragvoordeel wat aan 'n Blankepersoon of 'n Kleurlingpersoon ingevolge hierdie Wet toegeken is, uitbetaal in 'n enkele bedrag.

(2) Die kommissaris moet, op skriftelike versoek deur 'n bevoordeelde in subartikel (1) bedoel, die betrokke enkelbedragvoordeel of, volgens die keuse van die bevoordeelde, 'n gedeelte daarvan uitbetaal in die maandelikse of driemaandelikse paaieimente wat die betrokke bevoordeelde van tyd tot tyd bepaal.

(3) Die kommissaris kan 'n pensioen of 'n paaieiment van 'n enkelbedragvoordeel wat ingevolge die vorige Wet of hierdie Wet aan 'n Blankepersoon of Kleurlingpersoon toegeken is, betaal—

- (a) aan die bevoordeelde self; of
- (b) gedeeltelik aan die bevoordeelde en gedeeltelik aan sy afhanklikes; of
- (c) in geheel aan sy afhanklikes; of
- (d) ten voordele van die bevoordeelde of sy afhanklikes, aan 'n ander persoon of 'n inrigting, organisasie of Staatsdepartement; of
- (e) gedeeltelik aan die bevoordeelde en gedeeltelik, ten voordele van die bevoordeelde of sy afhanklikes, ooreenkomstig paragraaf (d).

(4) Die kommissaris moet by 'n enkelbedragvoordeel of 'n ander bedrag wat aan 'n Blankepersoon of 'n Kleurlingpersoon ingevolge die vorige Wet of hierdie Wet toegeken is, of by die saldo van so 'n voordeel of bedrag, na gelang van die geval, rente voeg, teen 'n koers wat die kommissaris van tyd tot tyd bepaal na raadpleging met 'n aktuaris wat die Minister aangewys het en met die advieskomitee, van die eerste dag van die maand wat volg op die maand waarin die voordeel of bedrag toegeken is tot die laaste dag van die maand wat die maand voorafgaan waarin die voordeel of bedrag of die laaste paaieiment daarvan uitbetaal is. Met dien verstande dat rente nie betaal word op 'n bedrag wat vir minder as dertig dae in besit van die kommissaris gebly het nie.

Voordele aan Kleurlingpersoon se afhanklike wat voor inwerkingtreding van Wet pensioen ontvang het.

Voordele aan afhanklikes van oorlede Kleurlingpersoon, wat nie ingevolge vorige Wet op pensioene geregtig geword het nie.

Betaling van, en rente op, voordeel aan Blanke- of Kleurlingpersoon toegeken.

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Gratuity payable on remarriage of widow entitled to pension.

95. If a widow who is entitled to a pension under this Act, remarries, her pension shall lapse and the commissioner shall pay to her an amount equal to twenty-four times the amount of her monthly pension.

Death of White or Coloured beneficiary.

96. (1) A right to any benefit under this Act to which any White person or Coloured person became entitled, shall lapse on the death of the person concerned, except in so far as any part of the benefit was paid out to or for the benefit of such person.

(2) When a right to a one-sum benefit to which the widow of a deceased White person or deceased Coloured person became entitled under any provision of the previous Act or this Act, has lapsed as aforesaid, the commissioner shall pay the benefit in question or the unpaid balance thereof to any person or persons for whose maintenance she was, in the opinion of the commissioner, responsible, or if there is no such person, the commissioner shall pay the benefit in question or the unpaid balance thereof to the estate of the deceased.

(3) When any person who was entitled to a pension under this Act has died, the commissioner shall pay the full pension in respect of the month in which such person has died—

- (a) to the dependants of the deceased, if any; or
- (b) if there are no dependants, to any person or persons for whose maintenance the deceased was, in the opinion of the commissioner, responsible; or
- (c) if there is no such person, to any person who or organization which cared for or medically treated the deceased immediately before his death; or
- (d) if there is no such person or organization, to the estate of the deceased.

Pensioner becoming permanent inmate of State institution.

97. When any person who is entitled to a pension under this Act has become a permanent inmate of any institution the cost of maintenance of which is paid in full or in part from State funds, the commissioner may discontinue payment of such pension or retain so much thereof as is not required to pay the cost of maintenance of the person concerned or of any person or persons for whose maintenance that person is responsible.

Cessation of pension awarded to dependant.

98. (1) A pension awarded under the previous Act or this Act to a dependant of a deceased White person or a deceased Coloured person, shall cease—

- (a) in the case of a widow, on her re-marriage; and
- (b) in the case of a dependent child, when that child reaches the age of eighteen years, but subject to the provisions of section 84 (2) or section 92 (2), as the case may be.

(2) If the commissioner has increased the pension of a dependant under the provisions of section 84 (2) or 92 (2), or has continued payment of such pension after the age of eighteen years, the commissioner may—

- (a) at any time reduce such pension; or
- (b) at any time after the beneficiary has reached the age of eighteen years, discontinue payment of such pension if the commissioner is satisfied that the beneficiary has acquired sufficient means of subsistence.

(3) A pension which is continued after the age of eighteen years as aforesaid, may not be paid beyond the age of twenty-five years.

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95. Indien 'n weduwe wat op 'n pensioen ingevolge hierdie Wet geregtig is, weer trou, verval haar pensioen en moet die kommissaris aan haar 'n bedrag uitbetaal wat vier-en-twintig maal die bedrag van haar maandelikse pensioen is.

Gratifikasie betaalbaar by hertroue van weduwe wat op pensioen geregtig is.

96. (1) 'n Reg op 'n voordeel ingevolge hierdie Wet waarop 'n Blankepersoon of 'n Kleurlingpersoon geregtig geword het, verval by die dood van die betrokke persoon, behalwe vir sover 'n deel van die voordeel aan of ten voordele van so iemand uitbetaal is.

Dood van bevoordeelde Blanke of Kleurling.

(2) Wanneer die reg op 'n enkelbedragvoordeel waarop die weduwe van 'n oorlede Blankepersoon of oorlede Kleurlingpersoon ingevolge 'n bepaling van die vorige Wet of hierdie Wet geregtig geword het, verval het soos voormeld, betaal die kommissaris die betrokke voordeel of die onuitbetaalde balans daarvan aan enige persoon of persone vir wie se onderhoud sy volgens die kommissaris se oordeel aanspreeklik was, en as daar nie so 'n persoon is nie, betaal die kommissaris die betrokke voordeel of die onuitbetaalde balans daarvan aan die boedel van die oorledene.

(3) Wanneer iemand wat op 'n pensioen ingevolge hierdie Wet geregtig was, te sterwe gekom het, moet die kommissaris die volle pensioen ten opsigte van die maand waarin so iemand te sterwe gekom het, betaal—

- (a) aan die afhanklikes van die oorledene, as daar is; of
- (b) indien daar nie afhanklikes is nie, aan enige persoon of persone vir wie se onderhoud die oorledene volgens die kommissaris se oordeel verantwoordelik was; of
- (c) indien daar nie so 'n persoon is nie, aan 'n persoon of inrigting wat die oorledene onmiddellik voor sy dood versorg of geneeskundig behandel het; of
- (d) indien daar nie so 'n persoon of inrigting is nie, aan die boedel van die oorledene.

97. Wanneer iemand wat op 'n pensioen ingevolge hierdie Wet geregtig is, 'n permanente ingesetene geword het van 'n inrigting waarvan die onderhoudskoste geheel of gedeeltelik uit Staatsfondse bestry word, kan die kommissaris betaling van daardie pensioen staak of soveel daarvan terughou as wat nie nodig is om die koste van onderhoud van so iemand of van 'n persoon of persone vir wie se onderhoud so iemand verantwoordelik is, te bestry nie.

Pensioenaris word permanente ingesetene van Staatsinrigting.

98. (1) 'n Pensioen wat ingevolge die vorige Wet of hierdie Wet aan 'n afhanklike van 'n oorlede Blankepersoon of oorlede Kleurlingpersoon toegeken is, verval—

Staking van pensioen aan afhanklike toegeken.

- (a) in die geval van 'n weduwe, wanneer sy weer trou; en
- (b) in die geval van 'n afhanklike kind, wanneer daardie kind die ouderdom van agtien jaar bereik, maar behoudens die bepalings van artikel 84 (2) of artikel 92 (2), na gelang van die geval.

(2) Indien die kommissaris die pensioen van 'n afhanklike ingevolge die bepalings van artikel 84 (2) of 92 (2) vermeerder het of die betaling van so 'n pensioen na die ouderdom van agtien jaar voortgesit het, kan die kommissaris—

- (a) so 'n pensioen te eniger tyd verminder; of
- (b) te eniger tyd nadat die bevoordeelde die ouderdom van agtien jaar bereik het, die betaling van die pensioen staak indien die kommissaris oortuig is dat die bevoordeelde voldoende bestaansmiddele verkry het.

(3) 'n Pensioen wat soos voormeld na die ouderdom van agtien jaar voortgesit word, kan betaal word hoogstens tot die ouderdom van vyf-en-twintig jaar.

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Where disease not due exclusively to work or risk work at mine or works.

99. (1) No person shall be entitled to any benefit or other amount under this Act in respect of any disease which, in the opinion of the certification committee, is attributable exclusively to work other than work at a mine or works.

(2) When the certification committee has found that any person is, or that any deceased person was at the time of his death, suffering from a compensatable disease (including tuberculosis) attributable mainly to the performance at a mine or works of work other than risk work, benefits shall be awarded to or in respect of such person as if the disease were attributable to the performance of risk work at a controlled mine or a controlled works.

(3) When the certification committee has found that any person is suffering from a compensatable disease which, in the opinion of that committee, is attributable partly but not mainly to work at a mine or works, the commissioner may in his discretion award to or in respect of such person who is not in receipt of full benefits in respect of that disease under the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), or any other law, benefits not exceeding one-half of the benefits provided for in this Act.

No person entitled to benefits from more than one source in respect of same disease.

100. (1) No person shall be entitled to benefits under this Act in respect of any disease for which he has received or is still receiving full benefits under the Workmen's Compensation Act, 1941 (Act No. 30 of 1941).

(2) Notwithstanding anything in any other law contained, no person who has a claim to benefits under this Act in respect of a compensatable disease as defined in this Act, on the ground that such person is or was employed at a controlled mine or a controlled works, shall be entitled, in respect of such disease, to benefits under the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), or any other law.

Special awards, and allowance in respect of permanent attendant.

101. (1) If a special award was made under the provisions of the previous Act to any person the commissioner may in his discretion continue payment of the award in question for any such period or during any such periods as he may deem necessary, but subject to the provisions of subsections (2) and (3).

(2) No special award shall be paid to any person who is in receipt of a pension or to whom a one-sum benefit was awarded after the commencement of this Act in respect of a compensatable disease other than tuberculosis.

(3) A special award shall not exceed the amount of seventy rand per month and no such award, except an award referred to in subsection (1), shall be paid—

- (a) in the case of a female, after she has attained the age of sixty years; or
- (b) in the case of a male, after he has attained the age of sixty-five years.

(4) The commissioner may, subject to the provisions of subsection (3), make a special award to a White person or Coloured person to whom a one-sum benefit has been awarded in respect of tuberculosis and who—

- (a) in the opinion of the commissioner is in necessitous circumstances; or
- (b) in the opinion of the certification committee has been permanently incapacitated by tuberculosis from performing remunerative work.

(5) The commissioner may, subject to the provisions of subsection (3), discontinue or increase or decrease any special award made to any person under the previous Act or this Act.

(6) If any person received an allowance in respect of a permanent attendant in terms of any provision of the previous Act immediately before the commencement of this Act, the commissioner may in his discretion and on such conditions as he

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99. (1) Niemand is op 'n voordeel of ander bedrag ingevolge hierdie Wet ten opsigte van 'n vergoedbare siekte geregtig nie wat volgens die sertifiseringskomitee se oordeel uitsluitlik toe te skryf is aan ander werk as werk by 'n myn of bedryf.

Waar siekte nie uitsluitlik te wyte is aan werk of risikowerk by myn of bedryf.

(2) Wanneer die sertifiseringskomitee bevind het dat 'n persoon aan 'n vergoedbare siekte (met inbegrip van tuberkulose) ly, of dat 'n oorlede persoon ten tyde van sy dood aan so 'n siekte gely het, wat volgens die komitee se oordeel hoofsaaklik toe te skryf is aan ander werk by 'n myn of bedryf as risikowerk, word aan of ten opsigte van so 'n persoon voordele toegeken asof die siekte toe te skryf was aan risikowerk by 'n beheerde myn of 'n beheerde bedryf.

(3) Wanneer die sertifiseringskomitee bevind het dat iemand aan 'n vergoedbare siekte ly wat volgens die komitee se oordeel ten dele maar nie hoofsaaklik nie toe te skryf is aan werk by 'n myn of bedryf, kan die kommissaris aan of ten opsigte van so iemand wat nie ingevolge die Ongevalwet, 1941 (Wet No. 30 van 1941), of 'n ander wet volle voordele ten opsigte van daardie siekte ontvang nie, na goëddunke hoogstens die helfte van die voordele waarvoor hierdie Wet voorsiening maak, toeken.

100. (1) Niemand is ingevolge hierdie Wet op voordele geregtig nie vir 'n siekte waarvoor hy volle voordele ingevolge die Ongevalwet, 1941 (Wet No. 30 van 1941), ontvang het of nog ontvang nie.

Niemand op voordele uit meer as een bron ten opsigte van dieselfde siekte geregtig nie.

(2) Ondanks andersluidende wetsbepalings is niemand wat 'n aanspraak op voordele ingevolge die bepaling van hierdie Wet het ten opsigte van 'n vergoedbare siekte soos in hierdie Wet omskryf op grond daarvan dat so iemand by 'n beheerde myn of 'n beheerde bedryf werk of gewerk het, ten opsigte van 'n siekte op voordele ingevolge die Ongevalwet, 1941 (Wet No. 30 van 1941), of 'n ander wet geregtig nie.

101. (1) Indien daar ingevolge die bepaling van die vorige Wet aan iemand 'n spesiale toekenning gemaak is, kan die kommissaris na goëddunke die betaling van die betrokke toekenning voortsit vir die tydperk of gedurende die tydperke wat hy wenslik ag, maar onderworpe aan die bepaling van subartikels (2) en (3).

Spesiale toekennings, en toelae ten opsigte van 'n permanente oppasser.

(2) 'n Spesiale toekenning word nie aan iemand betaal nie wat in ontvangs van 'n pensioen is of aan wie na die inwerking-treding van hierdie Wet 'n enkelbedragvoordeel ten opsigte van 'n ander vergoedbare siekte as tuberkulose toegeken is.

(3) 'n Spesiale toekenning oorskryf nie die bedrag van sewentig rand per maand nie en so 'n toekenning, uitgesonderd 'n in subartikel (1) bedoelde toekenning, word nie betaal nie—

(a) in die geval van 'n vrouspersoon, nadat sy die leeftyd van sestig jaar bereik het; of

(b) in die geval van 'n manspersoon, nadat hy die leeftyd van vyf-en-sestig jaar bereik het.

(4) Die kommissaris kan, behoudens die bepaling van subartikel (3), 'n spesiale toekenning maak aan 'n Blankepersoon of Kleurlingpersoon aan wie 'n enkelbedragvoordeel ten opsigte van tuberkulose toegeken is en wat—

(a) volgens die kommissaris se oordeel in behoeftige omstandighede verkeer; en

(b) volgens die sertifiseringskomitee se oordeel deur tuberkulose blywend ongeskik gemaak is om lonende werk te verrig.

(5) Die kommissaris kan, behoudens die bepaling van subartikel (3), 'n spesiale toekenning wat aan iemand ingevolge die vorige Wet of hierdie Wet gemaak is, staak of verminder of verminder.

(6) Indien iemand onmiddellik voor die inwerking-treding van hierdie Wet 'n toelae ten opsigte van 'n permanente oppasser ontvang het ingevolge 'n bepaling van die vorige Wet, kan die kommissaris na goëddunke en op die voorwaardes wat hy

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may deem desirable, continue to pay such allowance, and decrease or cancel such allowance at any time.

Assistance in connection with training.

102. (1) The commissioner may, after consultation with the advisory committee but subject to the provisions of subsections (2) and (3), render assistance to any White person or Coloured person to whom any benefit was awarded under the previous Act or this Act or to any dependant of any such person or to any dependant of a deceased person to whom a benefit has been awarded by reason of a post-mortem finding of the certification committee, in order to enable such person or dependant—

- (a) to receive school education; or
- (b) to receive education at any college, university or other educational institution for the purpose of qualifying for any profession; or
- (c) to receive training for the purpose of qualifying for any trade or for any commercial, industrial or domestic occupation.

(2) Assistance under subsection (1) may be rendered by way of a single award or periodical awards, as the commissioner deems desirable, and in the case of secondary school education or education at any college, university or other post-school educational institution, by way of bursaries which shall be awarded on such conditions and in accordance with such scale as the commissioner may determine: Provided that a bursary awarded to any person shall not exceed the amount of one thousand two hundred rand in any one year.

(3) The amounts paid out under this section shall not exceed in the aggregate one hundred and fifty thousand rand in any one financial year.

Commissioner may demand proof of continuance of right to benefit.

103. The commissioner may require proof that a person to whom any benefit or other amount has been awarded under the previous Act or this Act, is still alive, or, in the case of a pension or monthly allowance, that the person concerned has not ceased to be entitled to such pension or monthly allowance, and may, if such proof is not furnished to his satisfaction, discontinue payment of the pension or allowance until such proof is furnished.

Recovery by commissioner of amount wrongly paid.

104. Any amount paid by the commissioner to or for the benefit of a person who was not entitled to the payment thereof, may be recovered by the commissioner either directly or by deducting it from any amount to which the person concerned is or becomes entitled under this Act.

Arrangements by commissioner for payment of benefits on his behalf.

105. The commissioner may with the approval of the Minister make arrangements with any other Government Department or any other institution, organization or authority to undertake the payment, on behalf of the commissioner, of benefits or other amounts awarded under the previous Act or this Act.

CHAPTER VII.

COMPENSATION TO BANTU PERSONS.

Benefits to Bantu person found to be suffering from compensatable disease.

106. When the certification committee has found that a Bantu person is suffering from a compensatable disease which he contracted as a result of employment at or in connection with a controlled mine or a controlled works, the commissioner shall award benefits as follows—

- (a) in the case of a compensatable disease other than tuberculosis, if a benefit was not previously awarded under the previous Act or this Act, a one-sum benefit of one thousand rand;
- (b) in the case of tuberculosis together with any other compensatable disease, if a benefit was not previously

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wenslik ag, aanhou om daardie toelae te betaal, en so 'n toelae te eniger tyd verminder of intrek.

102. (1) Die kommissaris kan na raadpleging met die advieskomitee maar behoudens die bepalinge van subartikels (2) en (3), aan 'n Blankepersoon of Kleurlingpersoon aan wie 'n voordeel ingevolge die vorige Wet of hierdie Wet toegeken is of aan 'n afhanklike van so 'n persoon of aan 'n afhanklike van 'n oorlede persoon aan wie 'n voordeel op grond van 'n nadoodsé bevinding van die sertifiseringskomitee toegeken is, bystand verleen ten einde bedoelde persoon of afhanklike in staat te stel—

Bystand in verband met opleiding.

(a) om skoolopleiding te ontvang; of
(b) om onderrig by 'n kollege, universiteit of ander opvoedkundige inrigting te ontvang met die doel om homself vir 'n beroep te bekwaam; of
(c) om onderrig te ontvang met die doel om homself te bekwaam vir 'n ambag of vir 'n handels-, nywerheids- of huishoudelike beroep.

(2) Bystand ingevolge subartikel (1) kan verleen word by wyse van 'n eenmalige toekening of periodieke toekennings, na gelang die kommissaris dit wenslik ag, en in die geval van hoërskoolopleiding of opleiding by 'n kollege, universiteit of ander na-skoolse opvoedkundige inrigting, by wyse van beurse wat toegeken word op die voorwaardes en volgens die skaal wat die kommissaris bepaal. Met dien verstande dat 'n beurs wat aan iemand toegeken word nie die bedrag van eenduisend tweehonderd rand in 'n enkele jaar oorskry nie.

(3) Die bedrae wat kragtens hierdie artikel uitbetaal word gaan in die geheel nie honderd-en-vyftigduisend rand gedurende 'n enkele boekjaar te bowe nie.

103. Die kommissaris kan bewys eis dat iemand aan wie 'n voordeel of ander bedrag ingevolge die vorige Wet of hierdie Wet toegeken is, nog lewe, of, in die geval van 'n pensioen of 'n maandelikse toelae, dat die betrokke persoon nie opgehou het om op daardie pensioen of maandelikse toelae geregtig te wees nie, en kan indien dié bewys nie tot sy bevrediging verstrekkend word nie, die betaling van die pensioen of toelae staak totdat die verlangde bewys verstrekkend word.

Die kommissaris kan bewys van voortbestaan van reg op voordeel eis.

104. 'n Bedrag wat deur die kommissaris betaal is aan of ten bate van iemand wat nie op betaling daarvan geregtig was nie, kan deur die kommissaris verhaal word of regstreeks of deur dit af te trek van 'n bedrag waarop die betrokke persoon ingevolge 'n bepaling van hierdie Wet geregtig is of word.

Verhaal deur kommissaris van bedrag verkeerdlik betaal.

105. Die Kommissaris kan met die goedkeuring van die Minister reëlings tref met 'n ander Staatsdepartement of 'n ander instelling, organisasie of owerheid om die uitbetaling van voordele of ander bedrae wat ingevolge die vorige Wet of hierdie Wet toegeken is, namens die kommissaris te behartig.

Reëlings deur kommissaris vir uitbetaling van voordele namens hom.

HOOFSTUK VII.

VERGOEDING AAN BANTOEPERSONE.

106. Wanneer die sertifiseringskomitee bevind het dat 'n Bantoepersoon aan 'n vergoedbare siekte ly wat hy opgedoen het as gevolg van werk by of in verband met 'n beheerde myn of 'n beheerde bedryf, moet die kommissaris voordele soos volg toeken—

Voordele aan Bantoepersoon wat volgens bevinding aan vergoedbare siekte ly.

(a) in die geval van 'n ander vergoedbare siekte as tuberkulose, indien daar nog nie voorheen ingevolge die vorige Wet of hierdie Wet 'n voordeel toegeken is nie, 'n enkelbedragvoordeel van eenduisend rand; |

(b) in die geval van tuberkulose saam met 'n ander vergoedbare siekte, indien daar nog nie voorheen inge-

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awarded under the previous Act or this Act, a one-sum benefit of one thousand two hundred rand, or, of a benefit was previously awarded in respect of tuberculosis or any other compensatable disease, an additional one-sum benefit equal to the difference between one thousand two hundred rand and the benefit previously awarded;

- (c) in the case of tuberculosis with which the person concerned was in the opinion of the certification committee already affected while he was performing risk work at or in connection with a controlled mine or a controlled works, or with which he was in the opinion of the certification committee affected at any time within twelve months as from the date on which he performed risk work at or in connection with a controlled mine or a controlled works for the last time, if such person has worked not less than two hundred shifts as aforesaid of which not less than one hundred shifts were worked within the six months immediately preceding the date on which he performed such work for the last time, and if a benefit was not previously awarded in respect of tuberculosis, a one-sum benefit of six hundred rand.

Benefits in respect of deceased Bantu persons.

107. When the certification committee has found that a deceased Bantu person who performed risk work at or in connection with a controlled mine or a controlled works, was at the time of his death suffering from a compensatable disease in respect of which he would have been entitled to a benefit had he not died, the commissioner shall award benefits as follows—

- (a) in the case of a compensatable disease other than tuberculosis, or of such other compensatable disease together with tuberculosis, if the deceased did not before his death become entitled to a benefit under the previous Act or this Act, two-thirds of the benefit to which the deceased would have been entitled had he not died;
- (b) in the case of tuberculosis, if he did not before his death become entitled to a benefit, one-half of the benefit to which the deceased would have been entitled had he not died;
- (c) in the case of tuberculosis together with any other compensatable disease, if the deceased became entitled before his death to a benefit under the previous Act or this Act, two-thirds of the additional benefit to which the deceased would have been entitled had he not died.

Commissioner to pay benefits for Bantu persons to Bantu affairs authority.

108. (1) The commissioner shall pay to the Bantu affairs authority any benefit or other amount which the commissioner has awarded to or in respect of a Bantu person in terms of this Act.

(2) The commissioner shall pay to the Bantu affairs authority, as soon as may be after the commencement of this Act, all moneys awarded to or in respect of Bantu persons under the previous Act and held by the commissioner at such commencement.

Bantu affairs authority charged with payment, from Bantu Compensation Fund, of benefits to Bantu persons.

109. (1) The Bantu affairs authority shall be charged with the payment of any benefit or other amount awarded in terms of this Act or the previous Act to or in respect of a Bantu person.

(2) The Bantu affairs authority shall deposit all moneys paid to it under section 108 in a fund which shall be called the Bantu Compensation Fund and from which every benefit or other amount contemplated in subsection (1) shall be paid.

(3) The Bantu affairs authority may in its discretion pay any such benefit or other amount—

- (a) to the beneficiary; or

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volge die vorige Wet of hierdie Wet 'n voordeel toegeken is nie, 'n enkelbedragvoordeel van eenduisend tweehonderd rand, of indien daar voorheen 'n voordeel ten opsigte van tuberkulose of 'n ander vergoedbare siekte toegeken is, 'n bykomende enkelbedragvoordeel gelyk aan die verskil tussen eenduisend tweehonderd rand en die voordeel wat voorheen toegeken is;

- (e) in die geval van tuberkulose waardeur die betrokke persoon volgens die sertifiseringskomitee se oordeel reeds aangetas was terwyl hy risikowerk by of in verband met 'n beheerde myn of 'n beheerde bedryf verrig het, of waardeur hy volgens die sertifiseringskomitee se oordeel aangetas was te eniger tyd binne twaalf maande van die datum waarop hy vir die laaste keer risikowerk by of in verband met 'n beheerde myn of 'n beheerde bedryf verrig het, indien bedoelde persoon minstens tweehonderd skofte soos voormeld gewerk het waarvan minstens honderd skofte gewerk is in die ses maande onmiddellik voor die datum waarop hy vir die laaste keer sodanige werk verrig het, en indien daar nie voorheen 'n voordeel ten opsigte van tuberkulose toegeken is nie, 'n enkelbedragvoordeel van seshonderd rand.

107. Wanneer die sertifiseringskomitee bevind het dat 'n oorlede Bantoe persoon wat risikowerk by of in verband met 'n beheerde myn of 'n beheerde bedryf verrig het, ten tyde van sy dood aan 'n vergoedbare siekte gelyk het ten opsigte waarvan hy op 'n voordeel geregtig sou gewees het indien hy nie gesterf het nie, moet die kommissaris voordele soos volg toeken—

Voordele ten opsigte van oorlede Bantoe persone.

- (a) in die geval van 'n ander vergoedbare siekte as tuberkulose of van so 'n ander vergoedbare siekte saam met tuberkulose, indien die oorlede persoon nie voor sy dood op 'n voordeel ingevolge die vorige Wet of hierdie Wet geregtig geword het nie, twee-derdes van die voordeel waarop die oorledene geregtig sou gewees het indien hy nie gesterf het nie;
- (b) in die geval van tuberkulose, indien hy nie voor sy dood op 'n voordeel geregtig geword het nie, die helfte van die voordeel waarop die oorledene geregtig sou gewees het indien hy nie gesterf het nie;
- (c) in die geval van tuberkulose saam met 'n ander vergoedbare siekte, indien die oorledene voor sy dood op 'n voordeel ingevolge die vorige Wet of hierdie Wet geregtig geword het, twee-derdes van die bykomende voordeel waarop die oorledene geregtig sou gewees het indien hy nie gesterf het nie.

108. (1) Die kommissaris betaal 'n voordeel of ander bedrag wat hy ingevolge hierdie Wet aan of ten opsigte van 'n Bantoe persoon toegeken het, aan die Bantoesake-owerheid.

Kommissaris betaal voordele vir Bantoe persone aan Bantoesake-owerheid.

(2) Die kommissaris moet, so gou doenlik na die inwerking-treding van hierdie Wet, alle gelde wat ingevolge die vorige Wet aan of ten opsigte van Bantoe persone toegeken is en wat by bedoelde inwerking-treding deur hom gehou word, aan die Bantoesake-owerheid betaal.

109. (1) Die Bantoesake-owerheid is belas met die betaling van 'n voordeel of ander bedrag wat ingevolge hierdie Wet of die vorige Wet aan of ten opsigte van 'n Bantoe persoon toegeken is.

Bantoesake-owerheid belas met betaling van voordele aan Bantoe persone, uit Bantoe-vergoedings-fonds.

(2) Die Bantoesake-owerheid stort alle gelde wat ingevolge artikel 108 aan hom betaal is, in 'n fonds wat die Bantoe-vergoedingsfonds heet en waaruit elke in subartikel (1) van hierdie artikel bedoelde voordeel of ander bedrag betaal moet word.

(3) Die Bantoesake-owerheid kan so 'n voordeel of ander bedrag na goeddunke betaal—

- (a) aan die bevoordeelde; of

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- (b) in part to the beneficiary and in part to his dependants, or in part to the beneficiary and in part to his dependants and in part, for the benefit of the beneficiary or his dependants, to any other person or any institution, organization or authority; or
- (c) in full, for the benefit of the beneficiary or his dependants, to any other person or any institution, organization or authority; or
- (d) in the case of a deceased Bantu person, to his dependants or to any other person who, in the opinion of the Bantu affairs authority, was dependent on the deceased or for whose maintenance the deceased was responsible or towards whose maintenance the deceased contributed, or, for the benefit of such dependants or such other person, to any other person or any institution, organization or authority.

(4) The Bantu affairs authority may pay any such benefit or other amount—

- (a) in a single sum; or
- (b) in instalments; or
- (c) partly in a single sum and partly in instalments.

(5) The Bantu affairs authority shall add interest to any benefit or balance of a benefit which is in its possession, at a rate determined from time to time by the said authority and approved by the Minister of Bantu Administration and Development, from the first day of the month following upon the month in which that authority received the benefit from the commissioner until the last day of the month preceding the month in which such benefit or the final instalment thereof is paid out: Provided that interest shall not be paid on any amount which remained in the possession of the Bantu affairs authority for less than thirty days.

Unpaid benefit.

110. If the Bantu affairs authority is unable to pay out any benefit in accordance with the provisions of section 109, by reason of the death or disappearance of the person who is entitled thereto and the fact that no other person who is eligible to receive that benefit under the said section is in existence or can be traced, the Bantu affairs authority may in its discretion use the benefit or so much thereof as it deems desirable to pay wholly or partly for reasonable medical or nursing services rendered to the person who was before his death or disappearance entitled to the benefit, and for necessary medicines or articles purchased for the purpose of treating him or of alleviating any disease or defect from which he was suffering and for his funeral expenses.

Arrangements for payment of benefits, and delegation of powers, by Bantu affairs authority.

111. (1) The Bantu affairs authority may with the approval of the Minister of Bantu Administration and Development make such arrangements as the said authority may deem necessary or desirable, with any other Government Department or any institution, organization or authority (including the Government of the Transkei or the government of an area for which a legislative assembly has been established under the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), or for which a legislative council has been established under the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act No. 54 of 1968)) to undertake on behalf of the Bantu affairs authority the payment of any benefit or other amount which in terms of this Chapter is to be paid by the Bantu affairs authority.

(2) The Bantu affairs authority may in writing delegate any power conferred upon it by this Act—

- (a) to any other officer or employee in the Department of Bantu Administration and Development; or
- (b) with the approval of the Minister of Bantu Administration and Development, to any officer or employee in a Government Department, or person in the service of an institution, organization or authority, with which an arrangement has been made as contemplated in subsection (1).

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- (b) gedeeltelik aan die bevoordeelde en gedeeltelik aan sy afhanklikes, of gedeeltelik aan die bevoordeelde en gedeeltelik aan sy afhanklikes en gedeeltelik, ten voordele van die bevoordeelde of sy afhanklikes, aan 'n ander persoon of 'n inrigting, organisasie of owerheid; of
 - (c) in geheel, ten voordele van die bevoordeelde of sy afhanklikes, aan 'n ander persoon of 'n inrigting, organisasie of owerheid; of
 - (d) in die geval van 'n oorlede Bantoe persoon, aan sy afhanklikes of aan 'n ander persoon wat volgens die oordeel van die Bantoesake-owerheid van die oorledene afhanklik was of vir wie se onderhoud die oorledene verantwoordelik was of tot wie se onderhoud die oorledene bygedra het, of, ten voordele van bedoelde afhanklikes of ander persoon, aan 'n ander persoon of 'n inrigting, organisasie of owerheid.
- (4) Die Bantoesake-owerheid kan so 'n voordeel betaal—
- (a) in 'n enkele bedrag; of
 - (b) in paaiemente; of
 - (c) gedeeltelik in 'n enkele bedrag en gedeeltelik in paaiemente.

(5) Die Bantoesake-owerheid moet rente byvoeg by 'n voordeel of saldo van 'n voordeel wat in sy besit is, teen 'n koers wat van tyd tot tyd deur bedoelde owerheid bepaal en deur die Minister van Bantoe-administrasie en -ontwikkeling goedgekeur is, van die eerste dag van die maand wat volg op die maand waarin dié owerheid die voordeel van die kommissaris ontvang het tot die laaste dag van die maand wat die maand voorafgaan waarin die voordeel of die laaste paaiement daarvan uitbetaal word: Met dien verstande dat rente nie op 'n bedrag wat vir minder as dertig dae in besit van die Bantoesake-owerheid gebly het, betaal word nie.

110. Indien die Bantoesake-owerheid nie in staat is om 'n voordeel ooreenkomstig die bepalinge van artikel 109 uit te betaal nie, weens die dood of verdwyning van die persoon wat daarop geregtig is en die feit dat niemand anders wat ingevolge bedoelde artikel in aanmerking kan kom om die voordeel te ontvang, bestaan of opgespoor kan word nie, kan die Bantoesake-owerheid na goëddunke die betrokke voordeel of soveel daarvan as wat hy wenslik ag, bestee om te betaal of ten dele te betaal vir redelike geneeskundige of verplegingsdienste gelewer aan die persoon wat voor sy dood of verdwyning op die voordeel geregtig was, en vir nodige medisyne of artikels aangekoop ten einde hom te behandel of 'n siekte of gebrek waaraan hy gely het, te verlig en vir sy begrafniskoste.

Onuitbetaalde voordeel.

111. (1) Die Bantoesake-owerheid kan met die goedkeuring van die Minister van Bantoe-administrasie en -ontwikkeling die reëlins wat genoemde owerheid nodig of wenslik ag, tref met 'n ander Staatsdepartement of 'n inrigting, organisasie of owerheid (met inbegrip van die Regering van die Transkei of die regering van 'n gebied waarvoor 'n wetgewende vergadering kragtens die Grondwet van die Bantoe tuislande, 1971 (Wet No. 21 van 1971), of 'n wetgewende raad kragtens die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet No. 54 van 1968), ingestel is) om namens die Bantoesake-owerheid die betaling te behartig van 'n voordeel of ander bedrag wat ingevolge hierdie Hoofstuk deur die Bantoesake-owerheid betaal moet word.

Reëlins vir betaling van voordele, en delegering van bevoegdhede, deur Bantoesake-owerheid.

- (2) Die Bantoesake-owerheid kan 'n bevoegdheid deur hierdie Wet aan hom verleen, skriftelik deleger aan—
- (a) 'n ander beampete of werknemer in die Departement van Bantoe-administrasie en -ontwikkeling; of
 - (b) met die goedkeuring van die Minister van Bantoe-administrasie en -ontwikkeling, aan 'n beampete of werknemer in 'n Staatsdepartement, of persoon in diens van 'n inrigting, organisasie of owerheid, waarmee 'n reëling aangegaan is soos in subartikel (1) beoog.

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Agreement with other government.

112. (1) The State President may by agreement with the government of any country or territory in southern Africa, regulate the manner in which any benefit awarded to any Bantu person who is domiciled in such country or territory shall be paid to that Bantu person or to any other person on his behalf, and the manner of disposing of any part of such benefit which has not been paid out because the beneficiary has died.

(2) If an agreement concluded under subsection (1) contains any provisions which are in conflict with the provisions of section 108 (1) or 109, the provisions of the agreement shall prevail.

(3) Any agreement entered into before the commencement of this Act with the Government of any country or territory in southern Africa, shall be deemed to have been entered into in terms of this section until it is replaced or amended.

Recovery by Bantu affairs authority of amount wrongly paid.

113. Any amount paid by the Bantu affairs authority to or for the benefit of a person who was not entitled to the payment thereof, may be recovered by the Bantu affairs authority either directly or by deducting it from any amount to which the person concerned is or becomes entitled under any provision of this Act.

Minister of Bantu Administration and Development to make good certain losses in Bantu Compensation Fund.

114. The Minister of Bantu Administration and Development shall pay, from moneys appropriated by Parliament for that purpose, to the Bantu affairs authority for the credit of the Bantu Compensation Fund—

- (a) any amount paid from the Bantu Compensation Fund to or for the benefit of a Bantu person who was not entitled to receive such amount, and which the Bantu affairs authority is unable to recover from such person;
- (b) any loss suffered by the Bantu Compensation Fund through the negligence, dishonesty or other act or omission of any person in the service of the State, or any person, institution, organization or authority who or which has acted on behalf of the Bantu affairs authority in terms of any provision of this Act, and which the Bantu affairs authority is unable to recover from the person, institution, organization or authority concerned.

Special award to Bantu person.

115. If a Bantu person to whom a benefit awarded under the previous Act or this Act has been paid in full, is in necessitous circumstances and unable, by reason of old age or continuous poor health, to earn sufficient means of subsistence, the Bantu affairs authority may in its discretion, out of moneys in the Bantu Compensation Fund not required for the payment of benefits under this Act, make special awards to such person, not exceeding in the aggregate the sum of one hundred and eighty rand in any financial year.

Bantu affairs authority may make awards to certain institutions or organizations.

116. The Bantu affairs authority may, with the approval of the Minister of Bantu Administration and Development, which shall not be granted except in consultation with the Minister of Health, from moneys in the Bantu Compensation Fund which are not required for the payment of benefits under this Act, make awards, which in the aggregate shall not exceed the amount of eighty thousand rand in any financial year, to any one or more of the following institutions or organizations in the Republic, that is to say—

- (a) any medical institution where Bantu persons suffering from any compensatable disease, are medically treated; or
- (b) any institution or organization the function or object of which is to prevent the contracting of compensatable diseases by Bantu persons.

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112. (1) Die Staatspresident kan by ooreenkoms met die regering van 'n land of gebied in suidelike Afrika, die wyse reël waarop 'n voordeel toegeken aan 'n Bantoe persoon wat in daardie land of gebied gedomisiëer is, aan daardie Bantoe persoon of aan iemand anders ten behoeve van hom betaal moet word, asook die wyse waarop daar oor 'n gedeelte van so 'n voordeel wat nie uitbetaal is nie omdat die bevoordeelde oorlede is, beskik moet word.

Ooreenkoms met ander regering.

(2) Indien 'n ooreenkoms wat ingevolge subartikel (1) aangegaan is bepalings bevat wat strydig is met die bepalings van artikel 108 (1) of 109, is die bepalings van die ooreenkoms deurslaggewend.

(3) 'n Ooreenkoms wat voor die inwerkingtreding van hierdie Wet met die regering van 'n land of gebied in suidelike Afrika aangegaan is, word geag kragtens hierdie artikel aangegaan te gewees het totdat dit vervang of gewysig word.

113. 'n Bedrag wat deur die Bantoesake-owerheid betaal is aan of ten bate van iemand wat nie op betaling daarvan geregtig was nie, kan deur die Bantoesake-owerheid verhaal word of registreerds of deur dit af te trek van 'n bedrag waarop die betrokke persoon ingevolge 'n bepaling van hierdie Wet geregtig is of word.

Verhaal deur Bantoesake-owerheid van bedrag verkeerdlik betaal.

114. Die Minister van Bantoe-administrasie en -ontwikkeling betaal vir krediet van die Bantoevergoedingsfonds aan die Bantoesake-owerheid, uit gelde deur die Parlement vir dié doel be-

Minister van Bantoe-administrasie en -ontwikkeling vergoed sekere verliese in Bantoevergoedingsfonds.

(a) enige bedrag wat uit die Bantoevergoedingsfonds betaal is aan of ten bate van 'n Bantoe persoon wat nie geregtig was om daardie bedrag te ontvang nie, en wat die Bantoesake-owerheid nie op daardie persoon kan verhaal nie;

(b) enige verlies wat die Bantoevergoedingsfonds gely het deur die nalatigheid, oneerlikheid of ander doen of late van 'n persoon in diens van die Staat, of 'n persoon, inrigting, organisasie of owerheid wat ten behoeve van die Bantoesake-owerheid ingevolge 'n bepaling van hierdie Wet opgetree het, en wat die Bantoesake-owerheid nie op die betrokke persoon, inrigting, organisasie of owerheid kan verhaal nie.

115. Indien 'n Bantoe persoon aan wie 'n voordeel wat ingevolge die vorige Wet of hierdie Wet toegeken is, ten volle betaal is, in behoeftige omstandighede verkeer en weens ouderdom of voortdurende swak gesondheid nie in staat is om voldoende lewensmiddele te verdien nie, kan die Bantoesake-owerheid na goeddunke uit gelde in die Bantoevergoedingsfonds wat nie vir die betaling van voordele ingevolge hierdie Wet nodig is nie, aan die betrokke persoon spesiale toekennings maak wat in geheel nie die bedrag van honderd-en-tagtig rand in 'n boekjaar te bowe gaan nie.

Spesiale toekennung aan Bantoe persoon.

116. Die Bantoesake-owerheid kan met die goedkeuring van die Minister van Bantoe-administrasie en -ontwikkeling, wat nie verleen word nie behalwe in oorleg met die Minister van Gesondheid, uit gelde in die Bantoevergoedingsfonds wat nie vir die betaling van voordele ingevolge hierdie Wet nodig is nie, toekennings wat in geheel nie die som van tagtigduisend rand gedurende 'n boekjaar oorskry nie, maak aan een of meer van die volgende inrigtings of organisasies in die Republiek, te wete—

Bantoesake-owerheid kan toekennings aan sekere inrigtings of organisasies maak.

(a) 'n geneeskundige inrigting waar Bantoe persone wat aan 'n vergoedbare siekte ly, geneeskundig behandel word; of

(b) 'n inrigting of organisasie waarvan die funksie of oogmerk is om te voorkom dat Bantoe persone vergoedbare siektes opdoen.

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Bantu affairs authority to invest moneys with Public Debt Commissioners.

117. (1) The Bantu affairs authority shall invest all moneys in the Bantu Compensation Fund which are not immediately required for the payment of benefits to Bantu persons under the provisions of this Act, with the Public Debt Commissioners.

(2) Any profit or loss on realization of investments of moneys deposited with the Public Debt Commissioners by the Bantu affairs authority, shall accrue to or be borne by the Bantu Compensation Fund.

Records and accounts to be kept by Bantu affairs authority.

118. (1) The Bantu affairs authority shall keep full and true records and accounts of all moneys paid into the Bantu Compensation Fund and of all payments made from that fund.

(2) The Bantu affairs authority shall keep separate records and accounts of all moneys which cannot be paid out to or for the benefit of Bantu persons in accordance with the provisions of this Act.

(3) The Bantu affairs authority shall cause statements to be drawn up of the records and accounts referred to in subsections (1) and (2), as at the thirty-first day of March in each year, and the Minister of Bantu Administration and Development shall lay such statements, certified by the Controller and Auditor-General, upon the Table in the House of Assembly.

Annual reports of Bantu affairs authority.

119. (1) As soon as possible after the close of each financial year the Bantu affairs authority shall furnish the Minister, the Minister of Bantu Administration and Development and the commissioner with a report containing full details in connection with the moneys in the Bantu Compensation Fund and the payments made from it.

(2) The Minister of Bantu Administration and Development shall lay copies of the report referred to in subsection (1) upon the Table in the Senate and in the House of Assembly within fourteen days of the receipt thereof, if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

CHAPTER VIII. GENERAL.

Research and special medical treatment.

120. (1) The Minister may make such arrangements as he deems necessary or desirable for the proper investigation of all matters affecting the health of persons employed in or at mines or works and for the medical treatment of persons suffering from any compensatable disease.

(2) The Minister may in his discretion, but subject to the provisions of subsection (3), from moneys in the Research Account and, in consultation with the Minister of Finance, from moneys appropriated by Parliament for that purpose—

(a) on such conditions as the Minister deems fit, subsidize or pay wholly or partly the cost of maintenance and other expenses of, any institution or organization having as its object the doing of research with a view to the protection of the health of persons employed in or at or in connection with mines or works, or the prevention or alleviation of diseases to which such persons are exposed, or establish such an institution or organization;

(b) on such conditions and in such manner and in such amounts as the Minister deems fit, subsidize any person or group of persons whose object is the doing of research in connection with any disease or working conditions to which persons employed in or at or in connection with mines or works are exposed, or award to such person or group of persons a bursary or bursaries;

(c) on such conditions and in such manner as the Minister deems fit, subsidize or pay wholly or partly the cost of maintenance of any institution or organization having

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117. (1) Die Bantoesake-owerheid moet gelde in die Bantoe-vergoedingsfonds wat nie onmiddellik vir die uitbetaling van voordele aan Bantoe persone ingevolge die bepalings van hierdie Wet nodig is nie, by die Openbare Skuldkommissarisse belê.

Bantoesake-owerhede belê geld by Openbare Skuldkommissarisse.

(2) 'n Wins of verlies by die tegeldemaking van beleggings van gelde wat die Bantoesake-owerheid by die Openbare Skuldkommissarisse gestort het, val toe aan of word gedra deur die Bantoe vergoedingsfonds.

118. (1) Die Bantoesake-owerheid moet volledige en juiste aantekeninge en rekenings hou van al die geld wat in die Bantoe-vergoedingsfonds gestort word en van al die betalings wat uit daardie fonds gedoen word.

Aantekeninge en rekenings wat deur Bantoesake-owerheid gehou moet word.

(2) Die Bantoesake-owerheid moet afsonderlike aantekeninge en rekenings hou van gelde wat nie ooreenkomstig die bepalings van hierdie Wet aan of ten voordele van Bantoe persone uitbetaal kan word nie.

(3) Die Bantoesake-owerheid moet rekeningstate van die aantekeninge en rekenings bedoel in subartikels (1) en (2) laat opmaak soos dit op die een-en-dertigste dag van Maart in iedere jaar is, en die Minister van Bantoe-administrasie en -ontwikkeling moet bedoele state, gesertifiseer deur die Kontroleur en Ouditeur-generaal, in die Volksraad ter Tafel lê.

119. (1) So gou doenlik na afloop van elke boekjaar moet die Bantoesake-owerheid aan die Minister, die Minister van Bantoe-administrasie en -ontwikkeling en die kommissaris 'n verslag verstrekk wat volledige besonderhede bevat in verband met die gelde in die Bantoe vergoedingsfonds en die betalings daaruit gemaak.

Jaarverslae van Bantoesake-owerheid.

(2) Die Minister van Bantoe-administrasie en -ontwikkeling moet afskrifte van die verslag in subartikel (1) bedoel in die Senaat en in die Volksraad ter Tafel lê binne veertien dae na ontvangs daarvan as die Parlement dan in gewone sessie is of, as die Parlement dan nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

HOOFSTUK VIII.

ALGEMEEN.

120. (1) Die Minister kan die reëlings tref wat hy nodig of wenslik ag vir die behoorlike ondersoek van alle aangeleenthede rakende die gesondheid van persone wat in of by myne of bedrywe werk en vir die geneeskundige behandeling van persone wat aan 'n vergoedbare siekte ly.

Navorsing en spesiale geneeskundige behandeling.

(2) Die Minister kan na goëddunke, maar behoudens die bepalings van subartikel (3), uit gelde in die Navorsingsrekening en, in oorleg met die Minister van Finansies, uit gelde deur die Parlement vir dié doel bewillig—

(a) op die voorwaardes wat die Minister goëdvind, 'n inrigting of organisasie waarvan die oogmerk is om navorsing te doen wat daarop gemik is om die gesondheid van persone wat in of by of in verband met myne of bedrywe werksaam is, te beskerm of om siektes waaraan sulke persone blootgestel is, te voorkom of te verlig, subsidieer of in geheel of ten dele die instandhoudingskoste en ander uitgawes van so 'n inrigting of organisasie, betaal, of so 'n inrigting of organisasie tot stand bring;

(b) op die voorwaardes en wyse en tot die bedrae wat die Minister goëdvind, 'n persoon of groep persone wie se oogmerk dit is om navorsing te doen in verband met 'n siekte of werksomstandigheid waaraan persone wat in of by of in verband met myne en bedrywe werk, blootgestel is, subsidieer of aan so 'n persoon of groep persone 'n beurs of beurse toeken;

(c) op die voorwaardes en wyse wat die Minister goëdvind, 'n inrigting of organisasie waarvan die oogmerk die geneeskundige behandeling of die versorging is

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as its object the medical treatment or the care of persons suffering from compensatable diseases;

(d) on such conditions and in such manner as the Minister deems fit, establish institutions for the medical treatment of persons suffering from compensatable diseases and pay the cost of maintenance in whole or in part and any other costs of any such institution;

(e) on such conditions and in such manner and on such scale as the Minister deems fit, pay the travelling or other costs incurred by persons suffering from compensatable diseases in order to enable such persons to undergo medical treatment.

(3) The Minister shall not act under subsection (2) in relation to any matter of a medical nature, except in consultation with the Minister of Health, who, if it is a matter relating to research, shall consult the South African Medical Research Council established by section 2 of the South African Medical Research Council Act, 1969 (Act No. 19 of 1969), in regard thereto.

Minister may make regulations.

121. The Minister may make regulations for the purpose of prescribing any matter which is to be prescribed or may be prescribed in terms of any provision of this Act.

Minister to table annual reports.

122. The Minister shall lay copies of any annual report furnished to him under section 8 or 77 upon the Table in the Senate and in the House of Assembly within fourteen days after its receipt, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Minister may delegate powers.

123. (1) The Minister may in his discretion and on such conditions as he may deem fit, delegate in writing to the secretary or any other officer in the Department of Mines any power vested in him under this Act, and may at any time cancel any such delegation.

(2) A delegation under subsection (1) shall not divest the Minister of the power delegated, and he may at any time set aside any decision made on his behalf under such delegation: Provided that if any benefit or other amount has been awarded to any person by virtue of a decision made under such delegation, the Minister shall not set aside that decision with reference to that person.

Offences by persons generally.

124. (1) Any person who—

- (a) knowingly makes a false statement or misrepresentation or conceals any fact of material importance with intent to obtain for himself, or assist any other person to obtain, a certificate of fitness or any other document or advantage under this Act; or
- (b) forges, or alters with intent to deceive, any certificate of fitness or any other document for which provision was made in the previous Act or is made in this Act, or which was issued under the previous Act or this Act,
- shall be guilty of an offence and liable on conviction to any penalty which may in law be imposed on a conviction of fraud.

(2) Any person who in any sworn declaration under subsection (2) of section 6 or under that subsection as applied by section 19 (2), 42 (1) or 55 (1), or in answering any question under oath or affirmation administered under subsection (3) of section 6 or under the last-mentioned subsection as so applied, makes a statement which he knows to be false, shall be guilty of an offence and liable on conviction to any penalty which may in law be imposed on a conviction of perjury.

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van persone wat aan vergoedbare siektes ly, subsidieer of die instandhoudingskoste daarvan in geheel of ten dele betaal;

(d) op die voorwaardes en wyse wat die Minister goedvind, inrigtings vir die geneeskundige behandeling van persone wat aan vergoedbare siektes ly, tot stand bring en die instandhoudingskoste en ander uitgawes van so 'n inrigting in geheel of ten dele betaal; en

(e) op die voorwaardes en wyse en volgens 'n skaal wat die Minister goedvind, die reis- of ander koste aangegaan deur persone wat aan vergoedbare siektes ly, betaal ten einde sodanige persone in staat te stel om geneeskundige behandeling te ondergaan.

(3) Die Minister tree nie kragtens subartikel (2) met betrekking tot 'n aangeleentheid van 'n geneeskundige aard op nie, behalwe in oorleg met die Minister van Gesondheid, wat, indien dit 'n aangeleentheid is wat met navorsing in verband staan, die Suid-Afrikaanse Mediese Navorsingsraad by artikel 2 van die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969 (Wet No. 19 van 1969), ingestel, daarvoor moet raadpleeg.

121. Die Minister kan regulasies uitvaardig ten einde enigiets voor te skryf wat ingevolge 'n bepaling van hierdie Wet voorgeskryf moet word of voorgeskryf kan word.

Minister kan regulasies uitvaardig.

122. Die Minister moet afskrifte van 'n jaarverslag wat ingevolge artikel 8 of 77 aan hom verstrekk word, in die Senaat en in die Volksraad ter Tafel lê binne veertien dae na die ontvangs daarvan, as die Parlement dan in gewone sessie is of, as die Parlement dan nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

Minister lê jaarverslag ter Tafel.

123. (1) Die Minister kan na goeëdunke en op die voorwaardes wat hy goedvind, 'n bevoegdheid waarmee hierdie Wet hom bekleë, skriftelik aan die sekretaris of aan 'n ander beampte in die Departement van Mynwese deleger, en kan so 'n delegering te eniger tyd intrek.

Minister kan bevoegdhede deleger.

(2) 'n Delegering kragtens subartikel (1) ontnem die Minister nie die bevoegdheid wat hy deleger nie, en hy kan 'n beslissing wat namens hom kragtens so 'n delegering gegee is, te eniger tyd tersyde stel: Met dien verstande dat waar 'n voordeel of ander bedrag aan iemand toegeken is op grond van 'n beslissing wat kragtens so 'n delegering gegee is, die Minister daardie beslissing nie met betrekking tot daardie persoon tersyde kan stel nie.

124. (1) Iemand wat—

(a) wetens 'n valse bewering of wanvoorstelling maak of 'n feit van wesentlike belang verswyg, met die doel om 'n sertifikaat van geskiktheid of 'n ander stuk of gewin ingevolge hierdie Wet vir homself te verkry of om iemand anders te help om dit te verkry; of

(b) 'n sertifikaat van geskiktheid of 'n ander stuk waarvoor in die vorige Wet voorsiening gemaak was of in hierdie Wet gemaak word, of wat ingevolge die vorige Wet of hierdie Wet uitgereik is, vervals of dit verander met die doel om te bedrieg,

Misdryf deur persone in algemeen.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n straf wat regtens by 'n skuldigbevinding weens bedrog opgelê kan word.

(2) Iemand wat in 'n beëdigde verklaring ingevolge subartikel (2) van artikel 6 of ingevolge daardie subartikel soos toegepas deur artikel 19 (2), 42 (1), of 55 (1), of in antwoord op 'n vraag onder eed of bevestiging opgelê of afgeneem kragtens subartikel (3) van artikel 5 of kragtens laasgenoemde subartikel soos aldus toegepas, 'n verklaring maak wat na sy wete vals is; is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n straf wat regtens by 'n skuldigbevinding weens meened opgelê kan word.

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- (3) Any person who—
- (a) hinders or obstructs any other person in the exercise by such other person of a power conferred upon him by or under a provision of section 5 or 6 or by or under such provision as applied by section 19 (2), 42 (1) or 55 (1); or
 - (b) is in control of any place, or has in his possession or is in control of any book, document, appliance, instrument, machine or X-ray photograph contemplated in any provision of section 5 or 6, and who refuses or fails to afford any other person all reasonable facilities required by such other person in order to enable him to exercise with reference to such place, book, document, appliance, instrument, machine or X-ray photograph any power conferred upon him by or under the provision in question or by or under that provision applied as aforesaid; or
 - (c) without reasonable excuse, fails to comply with any direction under subsection (1) or (3) of section 6 or under the relevant subsection applied as aforesaid, or under section 42 (3); or
 - (d) when appearing in compliance with a direction referred to in paragraph (c), refuses to answer to the best of his knowledge and belief any lawful question put to him, or refuses to be sworn or to affirm when required by a competent person to do so; or
 - (e) in reply to a direction under subsection (1) of section 6 or under that subsection applied as aforesaid, furnishes (otherwise than in a sworn declaration) any information which is false, knowing it to be false; or
 - (f) contravenes the provisions of section 14 (1) or 15 (1); or
 - (g) without reasonable excuse fails to comply with the requirements of a notice addressed to him under section 26 (1), 29 (3) or 30 (4); or
 - (h) after having received a notice referred to in paragraph (g), performs risk work at a controlled mine or a controlled works without being in possession of a certificate of fitness thereafter issued to him under this Act,
- shall be guilty of an offence and, subject, in the case of an offence contemplated in paragraph (f), to the provisions of section 126 (1) (a), liable on conviction to a fine not exceeding two hundred rand.

Offences by holder of certificate of fitness.

125. A holder of a certificate of fitness issued to him under this Act or the previous Act, who—

- (a) at a controlled mine or a controlled works performs work which his certificate of fitness does not authorize him to perform; or
- (b) performs work at a controlled mine or a controlled works otherwise than in accordance and compliance with any restriction subject to which that certificate has been issued or renewed,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

Offences by owner, or person in control of, controlled mine or works, or contractor.

126. (1) An owner of a controlled mine or a controlled works, or person in control of such a mine or works or a part thereof, or contractor who—

- (a) contravenes the provisions of section 14 (1) or 15 (1); or
- (b) by virtue of an authorization under section 14 (2) or an exemption under section 15 (2) employs any person in risk work at a controlled mine or a controlled works and who fails to comply with any condition subject to which the authorization or exemption has been granted,

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- (3) 'n Persoon wat—
- (a) 'n ander persoon hinder of belemmer by die uitoefening deur bedoelde ander persoon van 'n bevoegdheid wat by of kragtens 'n bepaling van artikel 5 of 6, of by of kragtens bedoelde bepaling soos toegepas deur artikel 19 (2), 42 (1) of 55 (1), aan hom verleen is; of
 - (b) beheer oor 'n plek voer, of in besit of beheer is van 'n boek, stuk, toestel, instrument, masjien of X-straal-foto in 'n bepaling van artikel 5 of 6 bedoel en wat weier of versuim om alle redelike fasiliteite te verleen wat bedoelde ander persoon vereis ten einde hom in staat te stel om met betrekking tot bedoelde plek, boek, stuk, toestel, instrument, masjien of X-straal-foto 'n bevoegdheid uit te oefen wat by of kragtens die betrokke bepaling of by of kragtens daardie bepaling toegepas soos voormeld, aan hom verleen is; of
 - (c) sonder redelike verskoning versuim om te voldoen aan 'n aansegging kragtens subartikel (1) of (3) van artikel 6 of kragtens die betrokke subartikel toegepas soos voormeld of kragtens artikel 42 (3); of
 - (d) wanneer hy ter voldoening aan 'n aansegging bedoel in paragraaf (c) verskyn, weier om na sy beste wete en geloof te antwoord op 'n wettige vraag aan hom gestel, of weier om 'n eed af te lê of te bevestig wanneer hy deur 'n bevoegde persoon gelas word om dit te doen; of
 - (e) in antwoord op 'n aansegging kragtens subartikel (1) van artikel 6 of kragtens daardie subartikel toegepas soos voormeld, inligting verstrekkend (anders as in 'n beëdigde verklaring) wat vals is, wetende dat dit vals is; of
 - (f) die bepalings van artikel 14 (1) of 15 (1) oortree; of
 - (g) sonder redelike verskoning versuim om te voldoen aan die vereistes van 'n kennisgewing ingevolge artikel 26 (1), 29 (3) of 30 (4) aan hom gerig; of
 - (h) nadat hy 'n kennisgewing in paragraaf (g) bedoel, ontvang het, risikowerk by 'n beheerde myn of 'n beheerde bedryf verrig sonder dat hy 'n sertifikaat van geskiktheid besit wat daarna ingevolge hierdie Wet aan hom uitgereik is,
- is aan 'n misdryf skuldig en, behoudens, in die geval van 'n misdryf in paragraaf (f) bedoel, die bepalings van artikel 126 (1) (a), by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

125. 'n Houer van 'n sertifikaat van geskiktheid wat ingevolge hierdie Wet of die vorige Wet aan hom uitgereik is, wat—

- (a) by 'n beheerde myn of 'n beheerde bedryf werk verrig wat sy sertifikaat van geskiktheid hom nie magtig om te verrig nie; of
 - (b) by 'n beheerde myn of 'n beheerde bedryf werk verrig anders as in ooreenstemming met en ooreenkomstig 'n beperking onderworpe waaraan daardie sertifikaat uitgereik of hernieu is,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

Misdrywe deur houer van sertifikaat van geskiktheid.

126. (1) 'n Eienaar van 'n beheerde myn of 'n beheerde bedryf, of persoon in beheer van so 'n myn of bedryf of 'n deel daarvan, of kontrakteur wat—

- (a) die bepalings van artikel 14 (1) of 15 (1) oortree; of
- (b) 'n persoon uit hoofde van 'n magtiging kragtens artikel 14 (2) of 'n vrystelling kragtens artikel 15 (2) verleen, in risikowerk by 'n beheerde myn of 'n beheerde bedryf in diens stel en wat versuim om te voldoen aan 'n voorwaarde onderworpe waaraan die magtiging of vrystelling verleen is,

Misdrywe deur eienaar, of persoon in beheer van, beheerde myn of bedryf, of kontrakteur.

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shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand.

(2) An owner of a controlled mine or a controlled works or contractor who—

- (a) knowingly permits the performance at a controlled mine or a controlled works, by a holder of a certificate of fitness in his service, of work which his certificate of fitness does not authorize him to perform; or
- (b) knowingly permits the performance of any work by such a holder otherwise than in accordance and compliance with a condition subject to which his permit has been issued or renewed; or
- (c) fails to keep a register in accordance with the provisions of section 16 (1) or (2), as the case may be; or
- (d) fails to afford the director or an authorized person referred to in section 16 (3) all reasonable facilities and assistance to inspect any such register, or make a copy thereof available at the request of the director or such authorized person,

shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand.

(3) An owner of a controlled mine or a controlled works who—

- (a) after having received a copy of a notice issued under section 26 (1), 29 (3) or 30 (4), permits the performance of risk work by the person to whom the notice was addressed at such owner's mine or works before a fresh certificate has been issued to that person under this Act; or
- (b) contravenes the provisions of section 17 (1) or any provision of Chapter V,

shall be guilty of an offence and liable on conviction—

- (i) in the case of the offence referred to in paragraph (a), to a fine not exceeding four hundred rand; and
- (ii) in the case of an offence referred to in paragraph (b), to a fine not exceeding one thousand rand.

Offences by
medical
practitioner.

127. (1) A medical practitioner who without reasonable excuse fails to comply with any provision of section 33 or 34 or with any requirement or direction by the director thereunder or by the chairman of the certification committee under section 42 (2), shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand.

(2) The provisions of section 126 (1) (d) and (e) shall *mutatis mutandis* apply with reference to a medical practitioner who has been directed under section 42 (2) to submit any report to the certification committee or to appear before that committee.

Prescription.

128. No legal proceedings shall be brought against the director, the bureau, the certification committee, the reviewing authority, the commissioner, any officer or employee of the State, any institution, organization or authority or a minister of the State, to enforce any right under the previous Act or this Act, unless such proceedings are commenced within five years from the date on which the cause of action on which those proceedings are based, arose.

Notice by
registered post.

129. Any notice, demand or direction under this Act shall be deemed, unless the contrary is proved—

- (a) to have been properly given or served if it was sent in a correctly addressed, registered envelope; and
- (b) to have been given or served at the time when the said envelope may be expected to have reached the address in question in normal circumstances.

Exemption from
certain taxes and
duties.

130. (1) The income of the compensation fund under the provisions of this Act, shall be free from any form of taxation on income.

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is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand.

(2) 'n Eienaar van 'n beheerde myn of 'n beheerde bedryf, of kontrakteur wat—

- (a) wetens toelaat dat 'n houer van 'n sertifikaat van geskiktheid wat in sy diens is, werk by 'n beheerde myn of 'n beheerde bedryf verrig wat sy sertifikaat van geskiktheid hom nie magtig om te verrig nie; of
- (b) wetens toelaat dat so 'n houer werk verrig anders as in ooreenstemming met en ooreenkomstig 'n beperking onderworpe waaraan sy sertifikaat van geskiktheid uitgereik of hernieu is; of
- (c) versuim om 'n register ooreenkomstig die bepalinge van artikel 16 (1) of (2), na gelang van die geval, te hou; of
- (d) versuim om aan die direkteur of 'n in artikel 16 (3) bedoelde gemagtigde persoon alle redelike fasiliteite en hulp te verleen om so 'n register in te sien, of op versoek van die direkteur of bedoelde gemagtigde persoon 'n afskrif daarvan beskikbaar te stel,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand.

(3) 'n Eienaar van 'n beheerde myn of 'n beheerde bedryf wat—

- (a) nadat hy 'n afskrif ontvang het van 'n kennisgewing kragtens artikel 26 (1), 29 (3) of 30 (4) uitgereik, toelaat dat die persoon aan wie die kennisgewing gerig is, risikowerk by daardie eienaar se myn of bedryf verrig voordat 'n nuwe sertifikaat van geskiktheid aan daardie persoon ingevolge hierdie Wet uitgereik is; of
- (b) wat die bepalinge van artikel 17 (1) of 'n bepaling van Hoofstuk V oortree,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- (i) in die geval van die misdryf in paragraaf (a) bedoel, met 'n boete van hoogstens vierhonderd rand; en
- (ii) in die geval van 'n misdryf in paragraaf (b) bedoel, met 'n boete van hoogstens duisend rand.

127. (1) 'n Geneesheer wat sonder redelike verskoning Misdrywe deur geneesheer. versuim om te voldoen aan 'n bepaling van artikel 33 of 34 of aan 'n vereiste of opdrag deur die direkteur daarkragtens of deur die voorsitter van die sertifiseringskomitee kragtens artikel 42 (2), is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand.

(2) Die bepalinge van artikel 126 (1) (d) en (e) is *mutatis mutandis* van toepassing met betrekking tot 'n geneesheer wat ingevolge artikel 42 (2) aagesê is om 'n verslag aan die sertifiseringskomitee voor te lê of om voor daardie komitee te verskyn.

128. Geen regsdeding kan teen die direkteur, die buro, die Verjaring. sertifiseringskomitee, die hersieningsowerheid, die kommissaris, 'n beampete of werknemer van die Staat, 'n inrigting, organisasie of owerheid of 'n minister van die Staat ingestel word om 'n reg ingevolge die vorige Wet of hierdie Wet af te dwing nie, tensy sodanige geding ingestel word binne vyf jaar vanaf die datum waarop die oorsaak waarop daardie geding berus, ontstaan het.

129. 'n Kennisgewing, eis of lasgewing ingevolge hierdie Wet Kennisgewing per aangetekende pos. word geag, tensy die teendeel bewys word—

- (a) behoorlik gegee of bestel te gewees het indien dit deur die pos in 'n korrek-geadresseerde, aangetekende koevert versend is; en
- (b) gegee of bestel te gewees het op die tydstip waarop bedoelde koevert in gewone omstandighede na verwagting die betrokke adres sou bereik het.

130. (1) Die vergoedingsfonds se inkomste ingevolge die Vrystelling van sekere belastinge en regte. bepalinge van hierdie Wet is vry van enige vorm van belasting op inkomste.

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(2) Notwithstanding anything in any other law contained, any benefit or other amount paid to any person under this Act on the ground of a finding expressed by the certification committee or by any similar authority under the previous Act, shall be free from any form of taxation on income.

(3) Every document issued under this Act, and every affidavit or solemn or attested declaration which is intended for use under this Act, shall be free from stamp duty.

Benefits and service gratuity free from attachment.

131. (1) A right to a benefit to which any person is entitled under this Act, and a right to a gratuity under section 133, shall not be capable of being ceded by the holder thereof, and such a right or any money paid by the commissioner or the Bantu affairs authority as such a benefit or gratuity to or for the benefit of the person entitled thereto, or any money paid by the commissioner or the Bantu affairs authority to or for the benefit of any person as a special award or a special allowance under any provision of this Act, shall not be subject to attachment in execution of a judgment or order of a court of law, except at the instance of the commissioner or the Bantu affairs authority acting under section 104 or 113, and if the estate of the holder of such a right or of a person to whom or for whose benefit such money has been paid, is sequestrated as insolvent, the said right or money shall not form part of his insolvent estate.

(2) If a person to whom or for whose benefit such a benefit (other than a monthly pension or allowance) or such a gratuity has been paid, has purchased any immovable or movable property, and the purchase price or not less than one-quarter of the purchase price has been paid out of the benefit or gratuity, that property shall not be subject to attachment for a debt (or a novation thereof) which arose before the benefit or gratuity in question was paid to or for the benefit of the judgment debtor.

Increases in terms of Act disregarded for payment of social pensions.

132. (1) In this section "other Act" means the Children's Act, 1960 (Act No. 33 of 1960), the Aged Persons Act, 1967 (Act No. 81 of 1967), the Blind Persons Act, 1968 (Act No. 26 of 1968), the War Veterans' Pensions Act, 1968 (Act No. 25 of 1968), and the Disability Grants Act, 1968 (Act No. 27 of 1968).

(2) A person who immediately before the commencement of this Act was in receipt of a benefit or other amount under the previous Act as well as a pension or an allowance or a pension and an allowance under any other Act, shall continue to be entitled to such pension or allowance or pension and allowance notwithstanding the increase under this Act of the said benefit or other amount, which increase shall for the purposes of such other Act be deemed not to be means.

(3) Subject to the provisions of subsection (4), the provisions of subsection (2) shall not apply with reference to a White person.

(4) If a White person was on the thirtieth day of September, 1972, in receipt of a benefit or other amount under the previous Act as well as a pension or allowance under any other Act, and the pension or allowance is by virtue of the provisions of subsection (3) to be cancelled or decreased in accordance with any provision of the other Act or the regulations made thereunder, payment of that pension or allowance to him may be continued as if the said subsection did not apply with reference to him.

Service gratuity payable to certain persons.

133. (1) Any person—

(a) who from any date after 1st August, 1946, continuously remained in the full-time service of the bureau or the council or the State and who has not contributed to the Public Service Pension Fund referred to in section 2 (1) of the Government Service Pensions

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(2) Ondanks andersluidende wetsbepalings, is 'n voordeel of ander bedrag wat aan iemand ingevolge hierdie Wet betaal word op grond van 'n bevinding wat deur die sertifiseringskomitee of deur 'n soortgelyke gesag ingevolge die vorige Wet uitgespreek is, vry van enige vorm van belasting op inkomste.

(3) Elke dokument wat ingevolge hierdie Wet uitereik word en elke beëdigde verklaring of plegtige of geattesteerde verklaring wat vir gebruik in verband met hierdie Wet bestem is, is vry van seëlreg.

131. (1) 'n Reg op 'n voordeel wat ingevolge hierdie Wet aan iemand toekom, en 'n reg op 'n gratifikasie ingevolge artikel 133, kan nie deur die houer daarvan gesedeer word nie, en so 'n reg of geld wat by wyse van so 'n voordeel of gratifikasie deur die kommissaris of die Bantoesake-owerheid aan of ten bate van die persoon wat daarop geregtig is, betaal is, of geld wat deur die kommissaris of die Bantoesake-owerheid aan of ten bate van iemand betaal is by wyse van 'n spesiale toekenning of spesiale toelaag ingevolge 'n bepaling van hierdie Wet, is nie vir beslaglegging ter uitvoering van 'n vonnis of bevel van 'n gereghof vatbaar nie, behalwe in opdrag van die Kommissaris of die Bantoesake-owerheid handelende kragtens artikel 104 of 113, en indien die boedel van die houer van so 'n reg of van iemand aan of ten bate van wie geld aldus betaal is, as insolvent gesekwestreer word, maak bedoelde reg of geld nie deel van sy insolvente boedel uit nie.

Voordele en diensgratifikasie nie vir beslaglegging vatbaar nie.

(2) Indien iemand aan of ten bate van wie so 'n voordeel (behalwe 'n maandelikse pensioen of toelae) of so 'n gratifikasie betaal is, vaste of losgoed gekoop het, en die koopprys of minstens een-kwart van die koopprys uit die voordeel of gratifikasie betaal is, is daardie goed nie vatbaar vir beslaglegging vir skuld (of 'n vernuwing daarvan) wat ontstaan het voordat die betrokke voordeel of gratifikasie aan of ten bate van die vonniskuldenaar betaal is nie.

132. (1) In hierdie artikel beteken „ander Wet” die Kinderwet, 1960 (Wet 33 van 1960), die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), die Wet op Blinde Persone, 1968 (Wet 26 van 1968), die Wet op Oudstryderspensioene, 1968 (Wet 25 van 1968), of die Wet op Ongeskiktheidstoelaes, 1968 (Wet 27 van 1968).

Verhogings ingevolge Wet buite rekening ge laat by betaling van maatskaplike pensioene.

(2) 'n Persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet sowel 'n voordeel of ander bedrag ingevolge die vorige Wet as 'n pensioen of 'n toelae of 'n pensioen en 'n toelae ingevolge 'n ander Wet ontvang het, bly geregtig op sodanige pensioen of toelae of pensioen en toelae ondanks die verhoging kragtens hierdie Wet van die genoemde voordeel of ander bedrag, welke verhoging by die toepassing van bedoelde ander Wet geag word nie middele te wees nie.

(3) Behoudens die bepalinge van subartikel (4), is die bepalinge van subartikel (2) nie met betrekking tot 'n Blankepersoon van toepassing nie.

(4) Indien 'n Blankepersoon op die dertigste dag van September 1972 'n voordeel of ander bedrag ingevolge die vorige Wet en ook 'n pensioen of toelae kragtens 'n ander Wet ontvang het, en dié pensioen of toelae uit hoofde van die bepalinge van subartikel (3) ingetrek of verminder moet word ooreenkomstig 'n bepaling van die ander Wet of die regulasies daarkragtens uitgevaardig, kan betaling van daardie pensioen of toelae aan hom voortgesit word asof genoemde subartikel nie met betrekking tot hom van toepassing was nie.

133. (1) 'n Persoon—

(a) wat vanaf 'n datum na 1 Augustus 1946 ononderbroke in die veldtydse diens van die buro of die raad of die Staat gebly het en wat ten opsigte van bedoelde diens nie tot die Staatsdienspensioenfonds soos bedoel in

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Act, 1965 (Act No. 62 of 1965); in respect of such service; and

(b) who immediately before the commencement of this Act was eligible for a gratuity referred to in section 135 of the previous Act, but to whom such gratuity had not been awarded before such date,

shall be eligible, in lieu of such gratuity, for a service gratuity which shall be equal to one-eighth of the salary (other than any temporary or personal allowance) which he received for the twelve months immediately preceding the date of termination of his service, multiplied by the number of years, including any fraction of a year, of his service.

(2) Any person—

(a) who would have been eligible for a gratuity referred to in subsection (1) had he not at any date after 1st August, 1946, resigned from the service referred to in subsection (1); and

(b) who before he so resigned, had been in such service for a period of not less than ten years and had not contributed to the Public Service Pension Fund referred to in subsection (1); and

(c) who has returned to such service, shall be eligible for a service gratuity which shall be equal to one-eighth of the salary (other than any temporary or personal allowance) which he after his return received for the twelve months immediately preceding the date of termination of his service, multiplied by the number of years, including any fraction of a year, of service before he resigned as contemplated in paragraph (a).

(3) If the service of a person who is eligible for a service gratuity referred to in subsection (1) or (2), is terminated by death, such service gratuity shall, notwithstanding the provisions of subsection (4), be awarded—

(a) to his widow; or

(b) if there is no widow, to his dependent children; or

(c) if there are no dependent children, to any person for whose maintenance he was responsible immediately before his death; or

(d) if there is no such person, to his estate.

(4) If the service of a person who is eligible for a service gratuity referred to in subsection (1) or (2), is terminated before he has attained the age of sixty years, he shall not be awarded such service gratuity unless his service is terminated by retirement on account of permanent poor health or any permanent physical or mental defect, on the recommendation of two or more medical practitioners, and with the approval of the Minister.

(5) A service gratuity referred to in subsection (1) or (2) which has been awarded to any person whose service has been terminated by his retirement, may, in the discretion of the commissioner, be paid in a single payment or in instalments, and if paid in instalments the commissioner shall add to the balance of such service gratuity interest calculated at a rate determined by the commissioner and approved by the Minister.

(6) If any person to whom a service gratuity referred to in subsection (1) or (2) has been awarded and to whom it is being paid in instalments dies before such service gratuity has been paid in full, the commissioner shall pay the balance thereof—

(a) to his widow; or

(b) if he has no widow, to his dependent children; or

(c) if he has no dependent children, to any person for whose maintenance he was responsible immediately before his death; or

(d) if there is no such person, to his estate.

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artikel 2 (4) van die Regeringsdienspensionwet, 1965 (Wet No. 64 van 1965), bygedra het nie; en

- (b) wat onmiddellik voor die inwerkingtreding van hierdie Wet vir 'n in artikel 135 van die vorige Wet bedoelde gratifikasie in aanmerking kon gekom het, maar aan wie so 'n gratifikasie nie voor bedoelde datum toegeken is nie,

kom, in plaas van vir so 'n gratifikasie, in aanmerking vir 'n diensgratifikasie wat gelyk is aan een-agste van sy salaris (wat nie 'n tydelike of persoonlike toelae is nie) wat hy vir die twaalf maande wat die beëindiging van sy diens onmiddellik voorafgegaan het, ontvang het, vermenigvuldig met die getal jare, met inbegrip van 'n gedeelte van 'n jaar, wat sy diens beloop het.

(2) 'n Persoon—

- (a) wat in aanmerking vir 'n in subartikel (1) bedoelde gratifikasie sou gekom het indien hy nie op 'n datum na 1 Augustus 1946 uit die in subartikel (1) bedoelde diens bedank het nie; en

- (b) wat voordat hy aldus bedank het vir 'n tydperk van minstens tien jaar in bedoelde diens was en nie tot die in subartikel (1) bedoelde Staatsdienspensionfonds bygedra het nie; en

(c) wat na bedoelde diens teruggekeer het, kom in aanmerking vir 'n diensgratifikasie wat gelyk is aan een-agste van die salaris (wat nie 'n tydelike of persoonlike toelae is nie) wat hy na sy terugkeer ontvang het vir die twaalf maande wat die beëindiging van sy diens onmiddellik voorafgegaan het, vermenigvuldig met die aantal jare, met inbegrip van 'n gedeelte van 'n jaar, van diens voordat hy bedank het soos beoog in paragraaf (a).

(3) Indien die diens van 'n persoon wat vir 'n in subartikel (1) of (2) bedoelde diensgratifikasie in aanmerking kom, deur sy dood beëindig word, word so 'n diensgratifikasie, ondanks die bepalinge van subartikel (4), toegeken—

- (a) aan sy weduwee; of
 (b) indien daar nie 'n weduwee is nie, aan sy afhanklike kinders; of
 (c) indien daar nie afhanklike kinders is nie, aan 'n persoon vir wie se onderhoud hy onmiddellik voor sy dood verantwoordelik was; of
 (d) indien daar nie so 'n persoon is nie, aan sy boedel.

(4) Indien die diens van 'n persoon wat in aanmerking kom vir 'n in subartikel (1) of (2) bedoelde diensgratifikasie, beëindig word voordat hy die ouderdom van sestig jaar bereik het, word so 'n diensgratifikasie nie aan hom toegeken nie, tensy sy diens deur aftrede vanweë permanente swak gesondheid of 'n permanente liggaams- of geestesgebrek, op aanbeveling van twee of meer geneeshere en met goedkeuring van die Minister beëindig word.

(5) 'n In subartikel (1) of (2) bedoelde diensgratifikasie wat aan 'n persoon toegeken word wie se diens deur sy aftrede beëindig is, kan, indien die kommissaris dit goedvind, deur middel van 'n enkele betaling of paaiementsgewyse betaal word, en indien dit paaiementsgewyse betaal word, betaal die kommissaris rente op die saldo van so 'n diensgratifikasie teen 'n koers deur die kommissaris bepaal en deur die Minister goedgekeur.

(6) Indien 'n persoon aan wie 'n in subartikel (1) of (2) bedoelde diensgratifikasie toegeken is, en aan wie dit paaiementsgewyse betaal word, sterf voordat so 'n diensgratifikasie ten volle betaal is, betaal die kommissaris die saldo daarvan—

- (a) aan sy weduwee; of
 (b) indien daar nie 'n weduwee is nie, aan sy afhanklike kinders; of
 (c) indien daar nie sodanige kinders is nie, aan 'n persoon vir wie se onderhoud hy onmiddellik voor sy dood verantwoordelik was; of
 (d) indien daar nie so 'n persoon is nie, aan sy boedel.

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(7) Any service gratuity awarded in terms of this section shall be paid out of the compensation fund and any payment by way of such gratuity shall be debited in equal proportions to the State Account and the Mines Account.

(8) In subsection (1)—
 "bureau" includes the Miners' Medical Bureau within the meaning of the previous Act;
 "council" means the General Council for Pneumoconiosis Compensation within the meaning of the previous Act.

State to bear cost of administration of Act.

134. All expenditure incurred to give effect to any provision of this Act shall, except in so far as any such expenditure is in terms of this Act to be defrayed from another source, be defrayed by the Minister from moneys appropriated by Parliament for that purpose.

Application in South West Africa.

135. This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.

Repeal of laws.

136. (1) Subject to the provisions of subsection (2), the laws specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Any regulation, notice, prohibition, order, direction, approval or document made, given, imposed or issued and any other thing done in terms of a provision of any law repealed by subsection (1), shall, except in so far as may be otherwise required by this Act, be deemed to have been made, given, imposed, issued or done under the corresponding provision of this Act.

Short title and commencement.

137. This Act shall be called the Occupational Diseases in Mines and Works Act, 1973; and shall come into operation on the first day of October, 1973.

Schedule.

LAWS REPEALED.

No. and year of law.	Title.	Extent of repeal.
Act No. 64 of 1962	Pneumoconiosis Compensation Act, 1962	The whole.
Act No. 77 of 1962	Finance Act, 1962	Section 6.
Act No. 50 of 1964	Pneumoconiosis Compensation Amendment Act, 1964	The whole.
Act No. 92 of 1965	Pneumoconiosis Compensation Amendment Act, 1965	The whole.
Act No. 103 of 1967	Finance Act, 1967	Section 8.
Act No. 83 of 1968	Pneumoconiosis Compensation Amendment Act, 1968	The whole.
Act No. 8 of 1970	Pneumoconiosis Compensation Amendment Act, 1970	The whole.
Act No. 91 of 1971	Finance Act, 1971	Section 8.
Act No. 88 of 1972	Finance Act, 1972	Section 6.
Act No. 95 of 1972	Pneumoconiosis Compensation Laws Amendment Act, 1972	The whole.
Act No. 97 of 1972	Pension Laws Amendment Act, 1972	Section 11.

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(7) 'n Diensgratifikasie wat ingevolge hierdie artikel toegeken word, word uit die vergoedingsfonds betaal en 'n betaling by wyse van so 'n gratifikasie word in gelyke verhoudings teen die Staatsrekening en die Mynrekening gedebiteer.

(8) In subartikel (1) beteken—
 „buro” ook die Mediese Buro vir Mynwerkers in die vorige Wet bedoel;
 „raad” die Algemene Raad vir Pneumokoniosevergoeding in die vorige Wet bedoel.

134. Alle uitgawes aangegaan om aan 'n bepaling van hierdie Wet gevolg te gee, moet, behalwe vir sover daardie uitgawes ingevolge hierdie Wet uit 'n ander bron bestry moet word, deur die Minister betaal word uit gelde deur die Parlement vir dié doel bewillig. Staat dra koste van uitvoering van Wet.

135. Hierdie Wet en 'n wysiging daarvan is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing. Toepassing in Suidwes-Afrika.

136. (1) Behoudens die bepalings van subartikel (2) word die wette in die Bylae vermeld hierby herroep vir sover in dié derde kolom daarvan aangedui. Herroeping van wette.

(2) 'n Regulasie, kennisgewing, verbod, bevel, opdrag, goedkeuring of stuk wat ingevolge 'n by subartikel (1) herroep wetsbepaling uitgevaardig, gegee, opgelê, uitgereik of verleen is en enigiets anders kragtens so 'n wetsbepaling gedoen, word geag, behalwe vir sover anders deur hierdie Wet vereis word, ingevolge die ooreenstemmende bepaling van hierdie Wet uitgevaardig, gegee, opgelê, uitgereik, verleen of gedoen te wees.

137. Hierdie Wet heet die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, en tree in werking op die eerste dag van Oktober 1973. Kort titel en inwerkingtreding.

Bylae.

WETTE HERROEP.

No. en jaar van Wet.	Titel.	In hoeverre herroep.
Wet No. 64 van 1962	Pneumokoniosevergoedingswet, 1962	Die geheel.
Wet No. 77 van 1962	Finansiewet, 1962	Artikel 6.
Wet No. 50 van 1964	Wysigingswet op Pneumokoniosevergoeding, 1964	Die geheel.
Wet No. 92 van 1965	Wysigingswet op Pneumokoniosevergoeding, 1965	Die geheel.
Wet No. 103 van 1967	Finansiewet, 1967	Artikel 8.
Wet No. 83 van 1968	Wysigingswet op Pneumokoniosevergoeding, 1968	Die geheel.
Wet No. 8 van 1970	Wysigingswet op Pneumokoniosevergoeding, 1970	Die geheel.
Wet No. 91 van 1971	Finansiewet, 1971	Artikel 8.
Wet No. 88 van 1972	Finansiewet, 1972	Artikel 6.
Wet No. 95 van 1972	Wysigingswet op die Pneumokoniosevergoedingswette, 1972	Die geheel.
Wet No. 97 van 1972	Wysigingswet op die Pensioenwette, 1972	Artikel 11.