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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1435. 4 Julie 1979.

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

No. 94 van 1979: Wysigingswet op Nywerheidsversoening, 1979.

DEPARTMENT OF THE PRIME MINISTER

No. 1435. 4 July 1979.

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

No. 94 of 1979: Industrial Conciliation Amendment Act, 1979.

Act No. 94, 1979

INDUSTRIAL CONCILIATION AMENDMENT ACT, 1979.

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Industrial Conciliation Act, 1956, so as to define or further define certain expressions; to establish a National Manpower Commission and to define its functions; to establish a new industrial court and to define its functions; to further regulate the registration of trade unions and employers' organizations; to further regulate the admission of parties to industrial councils, the constitutions of industrial councils and the composition of conciliation boards; to further provide for the conditions of service of employees where certain disputes arise; to provide for the extension of the provisions of industrial council agreements; to further regulate exemptions from certain agreements; to repeal the safeguards against interracial competition; and to extend the registration of trade union federations; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 21 June 1979.)

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

Amendment of
section 1 of
Act 28 of 1956,
as amended
by section 1 of
Act 41 of 1959
and section 1 of
Act 104 of 1967.

1. Section 1 of the Industrial Conciliation Act, 1956 (hereinafter referred to as the principal Act), is hereby amended— 5

- (a) by the insertion in subsection (1) after the definition of "coloured person" of the following definition:
 "'commission' means the National Manpower Commission established by section 2A;";
- (b) by the substitution in subsection (1) for the definition of "determination" of the following definition:
 "'determination' means a determination made under section 46, 76 or 77, as the case may be;";
- (c) by the substitution in subsection (1) for the definition of "employee" of the following definition: 15
 "'employee' means—

(a) any person—

- (i) who is employed by or working for any employer and receiving or entitled to receive any remuneration, and any other person whatsoever who in any manner assists in the carrying on or conducting of the business of an employer; and

(ii) who may legally reside on land in the Republic of South Africa, 25

but excluding any person who resides on land as contemplated in section 21 (1) of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or on any land within a territory 30

ALGEMENE VERDUIDELIKENDE NOTA:

I **I** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Nywerheidsversoening, 1956, ten einde sekere uitdrukkings te omskryf of nader te omskryf; 'n Nasionale Mannekragkommissie in te stel en sy werksaamhede te omskryf; 'n nuwe nywerheidshof in te stel en sy werksaamhede te omskryf; die registrasie van vakverenigings en werkgewersorganisasies verder te reël; die toelating van partye tot nywerheidsrade, die konstitusies van nywerheidsrade en die samestelling van versoeningsrade verder te reël; verdere voorsiening te maak vir die diensvoorwaardes van werknemers waar sekere geskille ontstaan; voorsiening te maak vir die uitbreiding van die bepalings van nywerheidsraadooreenkomste; vrystellings van sekere ooreenkomste verder te reël; die voorsorgsmaatreëls teen interrassie-mededinging te herroep; en die registrasie van federasies van vakverenigings uit te brei; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1979.)

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

1. Artikel 1 van die Wet op Nywerheidsversoening, 1956
5 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur in subartikel (1) in die Engelse teks, na die omskrywing van „industrial council”, die volgende omskrywing in te voeg:
- 10 „industrial court’ means the industrial court established by section 17 or, in relation to any matter which has been referred to any division thereof in terms of this Act, the division of the industrial court to which the matter has been so referred.”;
- (b) deur in subartikel (1) die volgende omskrywing na die omskrywing van „inspekteur” in te voeg:
- 15 „kommissie’ die Nasionale Mannekragkommissie by artikel 2A ingestel.”;
- (c) deur in subartikel (1), paragraaf (a) van die omskrywing van „loonreëlende maatreël” deur die volgende paragraaf te vervang:
- 20 „(a) ’n ooreenkoms, kennisgewing, **[of]** toekenning of vasstelling wat ingevolge hierdie Wet bindend is of was.”;
- (d) deur in subartikel (1) die volgende omskrywing na die omskrywing van „nywerheidsraad” in te voeg:
- 25 „onbehoorlike arbeidspraktyk’ enige arbeidspraktyk wat volgens die oordeel van die nywerheidshof ’n onbehoorlike arbeidspraktyk is.”;

Wysiging van artikel 1 van Wet 28 van 1956, soos gewysig deur artikel 1 van Wet 41 van 1959 en artikel 1 van Wet 104 van 1967.

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- which in terms of any other law is a self-governing territory within the Republic of South Africa, as well as any person who enters the Republic for the purpose of carrying out a contract of service within the Republic, if upon the termination thereof the employer is required by law or by the contract of service or by any other agreement or undertaking, to repatriate that person, or that person is so required to leave the Republic;
- (b) a member of any other group or class of persons which complies with the requirements of subparagraph (i) of paragraph (a) of this definition and which the Minister has by notice in the *Gazette* declared to be employees, subject to such conditions as he may deem expedient: Provided that for the purposes of this paragraph 'group or class of persons' means such group or type of persons as may be specified or defined in the relevant notice, and in respect of such specification or definition the Minister may apply any method of differentiation on account of experience or length of service or any other method which he deems advisable: Provided further that no differentiation on the basis of race or colour shall be made;
- and 'employed' and 'employment' have corresponding meanings;";
- (d) by the insertion in subsection (1) after the definition of "industrial council" of the following definition:
"'industrial court' means the industrial court established by section 17 or, in relation to any matter which has been referred to any division thereof in terms of this Act, the division of the industrial court to which the matter has been so referred;";
- (e) by the deletion in subsection (1) of the definition of "tribunal";
- (f) by the insertion in subsection (1) after the definition of "undertaking, industry, trade or occupation" of the following definition:
"'unfair labour practice' means any labour practice which in the opinion of the industrial court is an unfair labour practice;"; and
- (g) by the substitution in subsection (1) for paragraph (a) of the definition of "wage regulating measure" of the following paragraph:
"(a) an agreement, notice, [or] award or determination which is or was binding in terms of this Act;";

Insertion of sections 2A, 2B, 2C and 2D in Act 28 of 1956.

2. The following sections are hereby inserted in the principal Act after section 2:

- 2A.** (1) There is hereby established a commission to be known as the National Manpower Commission, which shall, subject to the provisions of this section, consist of a chairman and as many other members as the Minister may deem necessary to represent the interests of the State, employers and employees.
- (2) The chairman of the commission shall be a full-time member appointed by the Minister on such conditions and for such period as the Minister may determine.
- (3) The other members shall be appointed by the Minister on such conditions and for such periods as he may determine, and in making any such appointment the Minister may consult such organizations representing employers or employees, or other bodies,

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- (e) deur in subartikel (1) in die Engelse teks die omskrywing van „tribunal” te skrap;
- (f) deur in subartikel (1) die omskrywing van „vasstelling” deur die volgende omskrywing te vervang:
- 5 „„vasstelling” ’n vasstelling kragtens artikel 46, 76 of 77, na gelang van die geval, gemaak;”;
- (g) deur in subartikel (1) die omskrywing van „werknemer” deur die volgende omskrywing te vervang:
- 10 „„werknemer”—
- (a) enige persoon—
- (i) wat in diens is by of werk verrig vir enige werkgewer en beloning ontvang of geregtig is om dit te ontvang, en enige ander persoon hoegenaamd wat op enige wyse
- 15 help om die besigheid van ’n werkgewer voort te sit of te drywe; en
- (ii) wat regtens op grond in die Republiek van Suid-Afrika mag woon, maar uitgesonderd enige persoon wat woon op
- 20 grond bedoel in artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), of op enige grond binne ’n gebied wat ingevolge die een of ander wet ’n selfregerende gebied binne die Republiek van
- 25 Suid-Afrika is, asook enige persoon wat die Republiek binnekom om ’n dienskontrak binne die Republiek uit te voer indien by die beëindiging van die kontrak die werkgewer daardie persoon volgens wet of volgens die dienskontrak of volgens enige ander ooreenkoms of onderneming moet repatrieer, of daardie persoon aldus die Republiek moet verlaat;
- 30 (b) ’n lid van enige ander groep of klas persone wat aan die vereistes van subparagraaf (i) van paragraaf (a) van hierdie omskrywing voldoen en wat die Minister by kennisgewing in die *Staatskoerant* tot werknemers verklaar, onderworpe aan die voorwaardes wat hy dienstig ag:
- 35 Met dien verstande dat by die toepassing van hierdie paragraaf „groep of klas persone” die groep of tipe persone beteken wat in die toepaslike kennisgewing vermeld of omskryf word, en met betrekking tot bedoelde vermelding of omskrywing die Minister enige metode
- 40 van differensiasie op grond van ervaring of lengte van dienstryd of enige ander metode wat hy raadsaam ag, kan toepas: Met dien verstande verder dat geen differensiasie op die grondslag van ras of kleur gemaak mag word
- 45 nie;
- 50 en het „in diens” en „diens” ooreenstemmende betekenis;”.

2. Die volgende artikels word hierby in die Hoofwet na artikel 2 ingevoeg:

- 55 „Instelling van Nasionale Mannekragkommissie.
- 2A. (1) Daar word hierby ’n kommissie ingestel wat die Nasionale Mannekragkommissie heet en wat, behoudens die bepalings van hierdie artikel, bestaan uit ’n voorsitter en soveel ander lede as wat die Minister nodig ag om die belange van die Staat, werkgewers en werknemers te verteenwoordig.
- 60 (2) Die voorsitter van die kommissie is ’n heeltydse lid deur die Minister aangestel op die voorwaardes en vir die tydperk wat die Minister bepaal.
- (3) Die ander lede word deur die Minister aangestel op die voorwaardes en vir die tydperke wat hy bepaal, en by die doen van so ’n aanstelling kan die Minister die organisasies verteenwoordigende werkgewers of werknemers, of ander liggame, raadpleeg wat hy
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Invoeging van artikels 2A, 2B, 2C en 2D in Wet 28 van 1956.

as he deems qualified to represent the interests concerned.

(4) If in his opinion there are good reasons for doing so, the Minister may at any time terminate the period of office of any member of the commission.

(5) A member of the commission shall on the expiry of his term of office by effluxion of time be eligible for reappointment.

(6) The Minister may, if he deems it expedient, appoint, on such conditions and for such period as he may determine, a person as an additional member of the commission for a particular purpose.

(7) Any casual vacancy that occurs on the commission shall be filled by the appointment by the Minister of another member, and any member so appointed shall hold office for the unexpired portion of the period of office of the member in whose place he is appointed.

(8) The Minister may designate a member of the commission as deputy chairman to exercise and perform the powers and duties of the chairman whenever the chairman is unable to do so or while the office of chairman is vacant.

(9) The commission may, subject to the provisions of this Act and to the approval of the Minister, make rules for the conduct of the proceedings of the commission, the manner in which representations may be submitted to it, the representation of parties whenever evidence or argument is heard and generally relating to all matters necessary or incidental to the exercise of its powers and the performance of its functions, and may with like approval repeal or alter any such rules.

(10) The Minister shall provide the commission with such secretarial and clerical assistance as he may deem necessary for the effective performance of the functions of the commission.

Committees of commission. 2B. (1) The commission may establish committees to assist it in the performance of its functions.

(2) Any such committee shall consist of such a number of members of the commission as the commission may determine: Provided that any such committee may with the consent of the commission co-opt one or more other persons as members of the committee for a particular purpose.

(3) The commission shall designate any member of the commission who is a member of any such committee, as chairman of the committee.

(4) The commission may, subject to such conditions as it may deem fit, either generally or in relation to any particular matter, assign to any such committee any power conferred or duty imposed upon it in terms of this Act.

(5) No member of any such committee who is not a member of the commission shall have access to the records of the commission except with the consent of the chairman of the commission.

Remuneration of members of commission and committees.

2C. (1) A member of the commission who is not in the full-time service of the State shall be appointed at such remuneration (including allowances, if any) as the Minister may from time to time with the concurrence of the Minister of Finance determine.

(2) A member of the commission appointed under section 2A (6) and a member (including a co-opted member) of any committee of the commission shall, if he is not in the full-time service of the State, be paid such remuneration or allowances as the Minister may from time to time with the concurrence of the Minister of Finance determine.

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bevoeg ag om die betrokke belange te verteenwoordig.

5 (4) Indien daar na sy oordeel gegronde redes daarvoor bestaan, kan die Minister te eniger tyd die ampstermyn van 'n lid van die kommissie beëindig.

(5) 'n Lid van die kommissie kan by die verstryking van sy ampstermyn deur tydsverloop weer aangestel word.

10 (6) Die Minister kan, indien hy dit dienstig ag, iemand vir 'n bepaalde doel as bykomende lid van die kommissie aanstel op die voorwaardes en vir die tydperk wat hy bepaal.

15 (7) 'n Toevallige vakature wat in die kommissie ontstaan, word aangevul deur die aanstelling deur die Minister van 'n ander lid, en 'n aldus aangestelde lid beklee sy amp vir die onverstreke gedeelte van die ampstermyn van die lid in wie se plek hy aangestel word.

20 (8) Die Minister kan 'n lid van die kommissie as adjunk-voorsitter aanwys om die bevoegdhede en pligte van die voorsitter uit te oefen en te verrig wanneer die voorsitter nie in staat is om dit te doen nie of terwyl die amp van voorsitter vakant is.

25 (9) Behoudens die bepalinge van hierdie Wet en onderworpe aan die goedkeuring van die Minister, kan die kommissie reëls maak vir die bestuur van die verrigtinge van die kommissie, die wyse waarop vertoë aan hom voorgelê kan word, die verteenwoordiging van partye wanneer getuienis of berekening aangehoor word en oor die algemeen met betrekking tot alle aangeleenthede wat nodig is vir die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede of wat daarmee in verband staan, en kan die kommissie met dergelike goedkeuring enige sodanige reëls herroep of verander.

35 (10) Die Minister voorsien die kommissie van die sekretariële en klerklike hulp wat hy nodig ag vir die doeltreffende verrigting van die werksaamhede van die kommissie.

40 Komitees van kommissie. **2B.** (1) Die kommissie kan komitees instel om hom by die verrigting van sy werksaamhede by te staan.

45 (2) So 'n komitee bestaan uit die getal lede van die kommissie wat die kommissie bepaal: Met dien verstande dat so 'n komitee met die toestemming van die kommissie een of meer ander persone vir 'n bepaalde doel as lede van die komitee kan koöpteer.

(3) Die kommissie wys 'n lid van die kommissie wat 'n lid van so 'n komitee is, aan as voorsitter van die komitee.

50 (4) Die kommissie kan, behoudens die voorwaardes wat hy goedvind, 'n bevoegdheid of plig ingevolge hierdie Wet aan hom verleen of hom opgelê, aan so 'n komitee in die algemeen of met betrekking tot 'n bepaalde aangeleentheid oordra.

55 (5) Geen lid van so 'n komitee wat nie 'n lid van die kommissie is nie, het toegang tot die stukke van die kommissie nie, behalwe met die toestemming van die voorsitter van die kommissie.

Besoldiging van lede van kommissie en komitees. **2C.** (1) 'n Lid van die kommissie wat nie in die heeltidse diens van die Staat is nie, word aangestel teen die besoldiging (met inbegrip van toelaes, as daar is) wat die Minister van tyd tot tyd met die instemming van die Minister van Finansies bepaal.

65 (2) 'n Lid van die kommissie kragtens artikel 2A (6) aangestel en 'n lid (met inbegrip van 'n gekoöpteerde lid) van 'n komitee van die kommissie word, indien hy nie in die heeltidse diens van die Staat is nie, die besoldiging of toelaes betaal wat die Minister van tyd tot tyd met die instemming van die Minister van Finansies bepaal.

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Functions of
commission.

2D. (1) Subject to the provisions of this Act, the functions of the commission shall be to make such investigations as it may consider necessary into, and submit recommendations to the Minister concerning—

- (a) all labour matters, including labour policy;
- (b) any administrative matter connected therewith which is referred to it by the Minister.

(2) For the purposes of subsection (1) the commission shall—

- (a) continually survey and analyse the total manpower situation, particularly in the Republic and, if necessary, in other areas also;
 - (b) keep abreast of developments and tendencies on the international labour front, particularly those that relate to the Republic;
 - (c) continually evaluate the application and effectiveness of labour legislation and practice in the light of prevailing and anticipated developments;
 - (d) conduct research in regard to the design, planning and adaptation of manpower programmes; and
 - (e) work in close collaboration with other Departments of State and statutory bodies in matters relating to manpower utilization, research, training and other aspects of labour.
- (3) (a) The commission shall as soon as possible after 31 December in each year furnish the Minister with a report in respect of its activities and the labour situation in the Republic during the year ending on that date.
- (b) Every such report which in the opinion of the Minister may be made known without detriment to the public interest, shall as soon as practicable be laid upon the Table of the Senate and of the House of Assembly.

(4) The provisions of section 67 shall *mutatis mutandis* apply in respect of any member of the commission and any member of any committee of the commission in so far as such provisions can be so applied.”

Amendment of
section 4 of
Act 28 of 1956,
as amended
by section 1 of
Act 18 of 1961.

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

- (a) by the substitution for subparagraph (iii) of paragraph (a) of subsection (5) of the following subparagraph:
“(iii) the union has not been formed for the purpose of evading the provisions of any law or is not affiliated to any political party within the meaning of section 8 (7).”; and
- (b) by the substitution for subsection (6) of the following subsection:
(6) After the commencement of this Act no trade union shall be registered under this section—
(a) in respect of **both white persons and coloured persons** employees of more than one population group; or
- (b) if membership of such union is open to **both white persons and coloured persons** employees of more than one population group:

Provided that the Minister may on the application of a union referred to in paragraph (b) and if he is satisfied that the number of **white or coloured persons eligible for membership thereof** employees of any of the population groups in respect of whom registration is desired, is too small to enable them to form an effective separate union, or that by reason of the ratio between the numbers of employees of the different population groups concerned it would be expedient to form a union in

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Werkzaamhede van kommissie. **2D.** (1) Behoudens die bepalings van hierdie Wet moet die kommissie die ondersoek instel wat hy nodig ag na, en by die Minister aanbevelings doen aangaande—

- 5 (a) alle arbeidsaangeleenthede, met inbegrip van arbeidsbeleid;
- (b) enige administratiewe aangeleentheid daarby betrokke wat deur die Minister na hom verwys word.
- 10 (2) By die toepassing van subartikel (1) moet die kommissie—
 - (a) die totale mannekragssituasie voortdurend ondersoek en ontleed, in die besonder in die Republiek, maar ook in ander gebiede indien nodig;
 - 15 (b) op die hoogte bly van ontwikkelings en neigings op die internasionale arbeidsfront, in die besonder dié wat met die Republiek verband hou;
 - (c) die toepassing en doeltreffendheid van arbeidswetgewing en arbeidspraktyk voortdurend evalueer in die lig van heersende en verwagte ontwikkelinge;
 - 20 (d) navorsing doen na die ontwerp, beplanning en aanpassing van mannekragprogramme; en
 - (e) nou saamwerk met ander Staatsdepartemente en statutêre liggame in verband met aangeleenthede wat verband hou met mannekragbenutting, navorsing, opleiding en ander aspekte van arbeid.
 - 25 (3) (a) Die kommissie moet so gou doenlik na 31 Desember in elke jaar aan die Minister 'n verslag verstrek ten opsigte van sy bedrywighede en die arbeidsituasie in die Republiek gedurende die jaar wat op daardie datum eindig.
 - 30 (b) Elke sodanige verslag wat volgens die oordeel van die Minister sonder benadeling van die openbare belang bekend gemaak kan word, moet so gou doenlik in die Senaat en in die Volksraad ter Tafel gelê word.
 - 35 (4) Die bepalings van artikel 67 is *mutatis mutandis* van toepassing ten opsigte van enige lid van die kommissie en enige lid van 'n komitee van die kommissie vir sover sodanige bepalings aldus toegepas kan word."
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3. Artikel 4 van die Hoofwet word hierby gewysig—

- 45 (a) deur subparagraaf (iii) van paragraaf (a) van subartikel (5) deur die volgende subparagraaf te vervang:

„(iii) die vereniging nie in die lewe geroep is met die doel om enige wetsbepalings te ontduik nie of nie met enige politieke party ooreenkomstig die bedoe-
ling van artikel 8 (7) geaffilieer is nie.”; en
- 50 (b) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Na die inwerkingtreding van hierdie Wet word geen vakvereniging kragtens hierdie artikel geregistreer nie—

 - 55 (a) ten opsigte van **[beide blankes en gekleurdes]** werknemers van meer as een bevolkingsgroep; of
 - (b) indien lidmaatskap van sodanige vereniging oop is vir **[beide blankes en gekleurdes]** werknemers van meer as een bevolkingsgroep;

60 Met dien verstande dat die Minister op aansoek van 'n in paragraaf (b) bedoelde vereniging en indien hy oortuig is dat die getal **[blankes of gekleurdes wat lede daarvan kan word]** werknemers van enige van die bevolkingsgroepe ten opsigte van wie registrasie verlang word te klein is om 'n effektiewe aparte vereniging te stig, of dat vanweë die verhouding tussen die getalle werknemers van die betrokke verskillende bevolkingsgroepe dit dienstig sou wees dat 'n vereniging ten
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Wysiging van artikel 4 van Wet 28 van 1956, soos gewysig deur artikel 1 van Wet 18 van 1961.

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respect of more than one such population group, authorize the registrar to register the said union in respect of **[both white persons and coloured persons]** employees of such population groups as the Minister may determine, subject to the other provisions of this section.” 5

Insertion of sections 4A and 4B in Act 28 of 1956.

4. The following sections are hereby inserted in the principal Act after section 4:

“Provisional registration of trade unions and employers’ organizations.

4A. (1) Notwithstanding the provisions of section 4, the registrar may register a trade union or employers’ organization provisionally in respect of such interests and area and for such period and on such conditions as he may determine, and the period so determined may at any time on the application of the union or organization concerned be extended by the registrar on such conditions as he may determine. 10 15

(2) The registrar may from time to time withdraw or amend any condition imposed under subsection (1).

(3) Notwithstanding any other provision of this Act, the registrar may at any time and without giving reasons therefor, withdraw the registration of a trade union or employers’ organization contemplated in this section if he is of opinion that such union or organization has not complied with any of the conditions imposed in terms of subsection (1) or any provision of this Act applicable to such union or organization. 20 25

(4) The provisions of this Act, except those contained in subsections (2) and (3) and the proviso to subsection (6) of section 4, and in sections 7, 16, 18, 19, 35 and 78 (1A), shall *mutatis mutandis* apply in respect of any union or organization contemplated in this section or any matter connected with such union or organization in so far as such provisions can be so applied. 30 35

Prohibition of admission to membership of registered trade unions of certain persons.

4B. (1) After the commencement of this section, no registered trade union shall admit as a member a person who is not an employee.

(2) Any registered trade union which contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction liable to a fine not exceeding five hundred rand in respect of each such person admitted to membership.” 40

Amendment of section 7 of Act 28 of 1956, as amended by section 2 of Act 41 of 1959.

5. Section 7 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection: 45

“(6) No variation such as is referred to in subsection (5) shall be made in respect of any trade union unless membership of such union in respect of interests and areas not covered by its certificate of registration **[at the date of commencement of this subsection]** is in terms of its constitution limited— 50

(a) in the case of a union which **[at the said date]** is registered in respect of **[both white persons and coloured persons]** employees of more than one population group, to **[either white persons or coloured persons]** employees of one such population group; 55
and

(b) in the case of a union which **[at the said date]** is registered in respect of **[white persons only]** employees of one population group, to **[white persons]** employees of that population group **[and** 60

(c) in the case of a union which at the said date is registered in respect of coloured persons only, to **[coloured persons]**;

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5 opsigte van meer as een sodanige bevolkingsgroep gestig word, die registrateur kan magtig om behoudens die ander bepalings van hierdie artikel, bedoelde vereniging te registreer ten opsigte van **beide blankes en gekleurdes** werknemers van die bevolkingsgroepe wat die Minister bepaal."

4. Die volgende artikels word hierby in die Hoofwet na artikel 4 ingevoeg:

Invoeging van artikels 4A en 4B in Wet 28 van 1956.

10 „Voorlopige registrasie van vakverenigings en werkgewersorganisasies. 4A. (1) Ondanks die bepalings van artikel 4 kan die registrateur 'n vakvereniging of 'n werkgewersorganisasie voorlopig registreer ten opsigte van die belange en gebied en vir die tydperk en op die voorwaardes wat hy bepaal, en die tydperk aldus bepaal, kan te eniger tyd op aansoek van die betrokke vereniging of organisasie deur die registrateur verleng word vir die tydperk en op die voorwaardes wat hy bepaal.

15 (2) Die registrateur kan 'n voorwaarde wat kragtens subartikel (1) opgelê is, intrek of van tyd tot tyd wysig.

20 (3) Ondanks enige ander bepaling van hierdie Wet, kan die registrateur te eniger tyd en sonder om redes daarvoor te verstrek, die registrasie van 'n vakvereniging of werkgewersorganisasie in hierdie artikel beoog, intrek indien hy van oordeel is dat sodanige vereniging of organisasie enige van die voorwaardes wat ingevolge subartikel (1) opgelê is of enige bepaling van hierdie Wet wat op die vereniging of organisasie van toepassing is, nie nagekom het nie.

25 (4) Die bepalings van hierdie Wet, behalwe dié vervat in subartikels (2) en (3) en die voorbehoudsbepaling by subartikel (6) van artikel 4, en in artikels 7, 16, 18, 19, 35 en 78 (1A), is *mutatis mutandis* ten opsigte van 'n in hierdie artikel beoogde vereniging of organisasie of 'n aangeleentheid in verband met sodanige vereniging of organisasie van toepassing vir sover sodanige bepalings aldus toegepas kan word.

30 4B. (1) Na die inwerkingtreding van hierdie artikel mag geen geregistreerde vakvereniging enige persoon wat nie 'n werknemer is nie, as lid toelaat nie.

35 (2) Enige geregistreerde vakvereniging wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand ten opsigte van elke sodanige persoon wat as lid toegelaat is."

5. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

Wysiging van artikel 7 van Wet 28 van 1956, soos gewysig deur artikel 2 van Wet 41 van 1959.

50 „(6) Geen verandering soos in subartikel (5) bedoel, word ten opsigte van 'n vakvereniging aangebring nie tensy lidmaatskap van sodanige vereniging ten opsigte van belange en gebiede wat **op die datum van inwerkingtreding van hierdie subartikel** nie deur sy registrasiesertifikaat gedek is nie, ingevolge sy konstitusie beperk is—

55 (a) in die geval van 'n vereniging wat **op bedoelde datum** ten opsigte van **beide blankes en gekleurdes** werknemers van meer as een bevolkingsgroep geregistreer is, tot **of blankes of gekleurdes** werknemers van een sodanige bevolkingsgroep; en

60 (b) in die geval van 'n vereniging wat **op bedoelde datum slegs** ten opsigte van **blankes** werknemers van een bevolkingsgroep geregistreer is, tot **blankes** werknemers van daardie bevolkingsgroep **en**

(c) in die geval van 'n vereniging wat **op bedoelde datum slegs ten opsigte van gekleurdes** geregistreer is, tot **gekleurdes**;

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Provided that the Minister may, on the application of any trade union and if he is satisfied that the number of **white persons or coloured persons eligible for membership thereof** employees of any particular population group in respect of whom a variation such as is referred to in subsection (5) is desired, is too small to enable them to form an effective separate union, or that by reason of the ratio between the numbers of employees of the different population groups concerned it would be expedient to form a union in respect of more than one such population group, authorize the registrar to make such a variation **as is referred to in subsection (5)**, in respect of employees of such population groups as the Minister may determine, subject to the other provisions of this section.”

Amendment of section 8 of Act 28 of 1956, as amended by section 3 of Act 41 of 1959.

6. Section 8 of the principal Act is hereby amended— 15

(a) by the addition of the following paragraph to subsection (3):

“(c) The provisions of paragraphs (a) and (b) of this subsection shall *mutatis mutandis* apply in respect of a trade union registered in terms of the proviso to section 4 (6) or a trade union in respect of which a variation such as is referred to in the proviso to section 7 (6) has been made.”; 20

(b) by the substitution for paragraph (d) of subsection (6) of the following paragraph: 25

“(d) no such union or organization shall grant financial assistance to or incur expenditure with the object of assisting any political party or any candidate for election to **Parliament or to any provincial council or local authority** any legislative body established by any law;”;

(c) by the deletion of paragraph (e) of subsection (6); and

(d) by the substitution for paragraph (i) of subsection (7) of the following paragraph:

“(i) the nomination of candidates for election to **Parliament or any provincial council or local authority** any legislative body established by any law; or”.

Amendment of section 11 of Act 28 of 1956.

7. Section 11 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph: 40

“(a) not later than the last day of March in each year forward to the registrar in the prescribed form, a statement, certified by the chairman and the secretary of the union or organization concerned to be in accordance with its records, showing as at the thirty-first day of December of the previous year, and in the case of a trade union in respect of **white persons and coloured persons** each population group separately, the total number of members, the number of members who are not in good standing according to the register of members and such other details as may be prescribed;”.

Substitution of section 17 of Act 28 of 1956, as amended by section 4 of Act 41 of 1959 and section 2 of Act 104 of 1967.

8. (1) The following section is hereby substituted for section 17 of the principal Act: 17

“Establishment and functions of industrial court.

17. (1) (a) There is hereby established a court to be known as the industrial court, which shall consist of a president and such other members as the Minister may appoint under the provisions of this section. 55

(b) The president of the industrial court shall be appointed by the Minister by reason of his knowledge of the law relating to labour. 60

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Met dien verstande dat die Minister, op aansoek van 'n vakvereniging en indien hy oortuig is dat die aantal **[blankes of gekleurdes wat lede daarvan kan word]** werknemers van enige bepaalde bevolkingsgroep ten opsigte van wie 'n verandering soos in subartikel (5) bedoel, verlang word te klein is om 'n effektiewe aparte vereniging te stig, of dat vanweë die verhouding tussen die getalle werknemers van die betrokke verskillende bevolkingsgroepe dit dienstig sou wees dat 'n vereniging ten opsigte van meer as een sodanige bevolkingsgroep gestig word, die registrateur kan magtig om, behoudens die ander bepalings van hierdie artikel, so 'n verandering **[soos in subartikel (5) bedoel]** ten opsigte van werknemers van die bevolkingsgroepe wat die Minister bepaal, aan te bring."

15 6. Artikel 8 van die Hoofwet word hierby gewysig—

(a) deur die volgende paragraaf by subartikel (3) te voeg:

„(c) Die bepalings van paragraawe (a) en (b) van hierdie

subartikel is *mutatis mutandis* van toepassing ten opsigte van 'n vakvereniging wat ingevolge die voorbehoudsbepaling by artikel 4 (6) geregistreer is of 'n vakvereniging ten opsigte waarvan 'n verandering soos in die voorbehoudsbepaling by artikel 7 (6) bedoel, gemaak is."

(b) deur paragraaf (d) van subartikel (6) deur die volgende paragraaf te vervang:

„(d) mag geen sodanige vereniging of organisasie geldelike steun verleen aan of enige uitgawes aangaan met die doel om hulp te verleen aan enige politieke party of enige kandidaat vir verkiesing tot **[die Parlement of enige provinsiale raad of plaaslike owerheid]** enige wetgewende liggaam deur die een of ander wet ingestel nie;"

(c) deur paragraaf (e) van subartikel (6) te skrap; en

(d) deur paragraaf (i) van subartikel (7) deur die volgende paragraaf te vervang:

„(i) die nominasie van kandidate vir verkiesing tot **[die Parlement of tot 'n provinsiale raad of plaaslike owerheid]** enige wetgewende liggaam deur die een of ander wet ingestel; of"

Wysiging van artikel 8 van Wet 28 van 1956, soos gewysig deur artikel 3 van Wet 41 van 1959.

40 7. Artikel 11 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) nie later nie as die laaste dag van Maart van elke jaar aan die registrateur in die voorgeskrewe vorm, 'n staat, deur die voorsitter en die sekretaris van die betrokke vereniging of organisasie gesertifiseer as synde in ooreenstemming met sy stukke, stuur wat op die een-en-dertigste dag van Desember van die vorige jaar en in die geval van 'n vakvereniging, ten opsigte van **[blankes en gekleurdes]** elke bevolkingsgroep afsonderlik, die totale getal lede, die getal lede wat volgens die lederegister nie volwaardig is nie, en sodanige ander besonderhede as wat voorgeskryf word, aantoon;"

Wysiging van artikel 11 van Wet 28 van 1956.

55 8. (1) Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

„Instelling en werksaamhede van nywerheidshof.

17. (1) (a) Hierby word 'n hof ingestel genoem die nywerheidshof, wat bestaan uit 'n president en die ander lede wat die Minister kragtens die bepalings van hierdie artikel mag aanstel.

60 (b) Die president van die nywerheidshof word deur die Minister aangestel op grond van sy kennis van die reg met betrekking tot arbeid.

Vervanging van artikel 17 van Wet 28 van 1956, soos gewysig deur artikel 4 van Wet 41 van 1959 en artikel 2 van Wet 104 van 1967.

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- (c) The said president shall be appointed on such conditions and for such period as the Minister may determine.
- (d) The registrar of the industrial court shall be a senior official appointed by the Minister by reason of his knowledge of the law relating to labour and of administration, and shall be in charge of the administrative functions of the industrial court. 5
- (2) (a) Pretoria shall be the seat of the industrial court. 10
- (b) The industrial court shall have jurisdiction in all the provinces of the Republic.
- (3) (a) The Minister may, if he deems it advisable to do so, establish local divisions of the industrial court with jurisdiction corresponding to that of a provincial division of the Supreme Court of South Africa of the province in which the local division concerned has been established. 15
- (b) The Minister shall appoint a chairman of any such local division by reason of his knowledge of the law relating to labour. 20
- (c) The said chairman shall be appointed on such conditions and for such period as the Minister may determine. 25
- (4) (a) If the Minister deems it advisable to do so, he may establish a special division of the industrial court, consisting of such number of members as the Minister may determine, to deal with any matters referred to the industrial court in terms of this Act. 30
- (b) The Minister shall appoint one member of the said special division who shall be acquainted with industrial matters and procedure, as chairman of that division. 35
- (c) The chairman and other members of the said division shall be appointed by the Minister on such conditions and for such periods as the Minister may determine in each case.
- (5) (a) Whenever any arbitration is to be conducted by the industrial court in terms of section 46 (4A), (6) or (8) or 49 (10) in connection with a dispute or matter concerning the remuneration of a departmental head, the president of that court shall at the request of any of the parties concerned and after consultation with the said parties, appoint two persons as assessors on the industrial court for the purposes of such arbitration. 40
- (b) The provisions of subsection (19) (a) (ii) shall *mutatis mutandis* apply in respect of any assessor appointed in terms of this subsection. 45
- (6) Any casual vacancy that occurs on the industrial court shall be filled by the appointment of another member in accordance with the provisions of subsection (1), and any person so appointed shall hold office for the unexpired portion of the period of office of the member in whose place he is appointed. 50
- (7) The Minister may from time to time appoint any member of the industrial court to be deputy president of the industrial court to act as president of the industrial court if the president is for any reason unable so to act, and may likewise appoint a deputy chairman of a local or special division of the industrial court to act as chairman of that local or special division of the industrial court if the chairman concerned is for any reason unable so to act. 55

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- (c) Genoemde president word aangestel op die voorwaardes en vir die tydperk wat die Minister bepaal.
- 5 (d) Die griffier van die nywerheidshof is 'n senior amptenaar wat deur die Minister aangestel word op grond van sy kennis van die reg met betrekking tot arbeid en van administrasie, en is in beheer van die administratiewe funksies van die nywerheidshof.
- 10 (2) (a) Die setel van die nywerheidshof is in Pretoria.
- (b) Die nywerheidshof besit regsbevoegdheid in al die provinsies van die Republiek.
- 15 (3) (a) Die Minister kan, indien hy dit raadsaam ag om dit te doen, plaaslike afdelings van die nywerheidshof instel met regsbevoegdheid wat ooreenstem met dié van 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika van die provinsie waarin die betrokke plaaslike afdeling ingestel is.
- 20 (b) Die Minister stel 'n voorsitter van so 'n plaaslike afdeling aan op grond van sy kennis van die reg met betrekking tot arbeid.
- 25 (c) Genoemde voorsitter word aangestel op die voorwaardes en vir die tydperk wat die Minister bepaal.
- (4) (a) Indien die Minister dit raadsaam ag om dit te doen, kan hy 'n spesiale afdeling van die nywerheidshof instel, bestaande uit die getal lede wat die Minister bepaal, om te handel met aangeleenthede wat ingevolge hierdie Wet na die nywerheidshof verwys word.
- 30 (b) Die Minister stel een lid van genoemde spesiale afdeling wat kennis dra van nywerheidsaangeleenthede en prosedure aan as voorsitter van dié afdeling.
- 35 (c) Die voorsitter en ander lede van genoemde afdeling word deur die Minister aangestel op die voorwaardes en vir die tydperke wat die Minister in elke geval bepaal.
- 40 (5) (a) Wanneer enige arbitrasie deur die nywerheidshof ingevolge artikel 46 (4A), (6) of (8) of 49 (10) onderneem moet word in verband met 'n geskil of aangeleentheid met betrekking tot die besoldiging van 'n departementshoof, stel die president van dié hof, op versoek van enige van die betrokke partye en na oorlegpleging met bedoelde partye, vir die doeleindes van sodanige arbitrasie twee persone as assessore in die nywerheidshof aan.
- 50 (b) Die bepalinge van subartikel (19) (a) (ii) is *mutatis mutandis* van toepassing ten opsigte van 'n assessor wat ingevolge hierdie subartikel aangestel word.
- 55 (6) 'n Toevallige vakature wat in die nywerheidshof ontstaan, word gevul deur die aanstelling van 'n ander lid ooreenkomstig die bepalinge van subartikel (1), en 'n aldus aangestelde persoon beklee sy amp vir die onverstreke gedeelte van die ampstermyn van die lid in wie se plek hy aangestel word.
- 60 (7) Die Minister kan van tyd tot tyd 'n lid van die nywerheidshof as adjunk-president van die nywerheidshof aanstel om as president van die nywerheidshof op te tree as die president om die een of ander rede nie in staat is om aldus op te tree nie, en kan insgelyks 'n adjunk-voorsitter van 'n plaaslike of spesiale afdeling van die nywerheidshof aanstel om as voorsitter van dié plaaslike of spesiale afdeling van die nywerheidshof op te tree as die betrokke voorsitter om die een of ander rede nie in staat is om aldus op te tree nie.
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(8) Every appointment, or establishment of a division of the industrial court, under subsection (1), (3), (4), (6) or (7), shall be notified in the *Gazette*.

(9) There shall be payable to a member of the industrial court (including the president and deputy president thereof and the chairman and deputy chairman of a local division and the chairman and deputy chairman of a special division thereof) such remuneration and allowances in respect of his services as the Minister may, with the concurrence of the Minister of Finance, from time to time determine.

(10) The functions of the industrial court may be performed—

- (a) by the industrial court; or
- (b) by a local division established under subsection (3) (a); or
- (c) by a special division established under subsection (4) (a).

(11) The functions of the industrial court shall be—

- (a) to perform all the functions, excluding the adjudication of alleged offences, which a court of law may perform in regard to a dispute or matter arising out of the application of the provisions of the laws administered by the Department of Labour; and
- (b) to perform the functions assigned in terms of subsection (12) to a special division of the industrial court.

(12) The functions of a special division of the industrial court shall be—

- (a) to hear any appeal made to the industrial court under the provisions of section 16 or 21A;
- (b) to undertake arbitrations assigned to the industrial court in terms of section 45, 46 or 49;
- (c) to advise the Minister on behalf of the industrial court on any matter referred to in section 46 (7) (c);
- (d) to determine any matter referred to the industrial court in terms of section 76;
- (e) to make determinations in terms of section 46 on behalf of the industrial court;
- (f) to deal with any other matter involving this Act which it or the industrial court is required or permitted to deal with under this Act;
- (g) to investigate and report upon any matter referred to it or the industrial court by the Minister in connection with the objects of this Act; and
- (h) generally to deal with all matters necessary or incidental to the performance of its functions or those of the industrial court under this Act.

(13) No proceedings of the industrial court shall be invalid by reason only of the fact that a vacancy existed in its membership or that the appointment of the deputy president or any deputy chairman, member or assessor was defective for any reason, or that the deputy president or any deputy chairman, member or assessor was not present during the whole or any part of the proceedings.

(14) The industrial court may decide that any investigation which it is required or permitted under this Act to make or which it deems necessary in connection with any matter which is being considered by the industrial court, shall be carried out on its behalf by any member or members thereof.

(15) Any matter which falls to be dealt with by the industrial court in terms of this Act may be dealt with

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(8) Elke aanstelling, of instelling van 'n afdeling van die nywerheidshof, kragtens subartikel (1), (3), (4), (6) of (7) word in die *Staatskoerant* bekend gemaak.

(9) Aan 'n lid van die nywerheidshof (met inbegrip van die president en adjunk-president daarvan en die voorsitter en adjunk-voorsitter van 'n plaaslike afdeling en die voorsitter en adjunk-voorsitter van 'n spesiale afdeling daarvan) word die besoldiging en toelaes ten opsigte van sy dienste betaal wat die Minister met die instemming van die Minister van Finansies van tyd tot tyd bepaal.

(10) Die werksaamhede van die nywerheidshof kan verrig word—

- (a) deur die nywerheidshof; of
- (b) deur 'n plaaslike afdeling ingestel kragtens subartikel (3) (a); of
- (c) deur 'n spesiale afdeling ingestel kragtens subartikel (4) (a).

(11) Die werksaamhede van die nywerheidshof is—

- (a) om alle werksaamhede, uitgesonderd die beregting van beweerde misdrywe, te verrig wat 'n geregshof in 'n geskil of aangeleentheid wat voortspruit uit die toepassing van die bepalings van die wette wat deur die Departement van Arbeid uitgevoer word, verrig; en
- (b) om die werksaamhede wat ingevolge subartikel (12) aan 'n spesiale afdeling van die nywerheidshof opgedra word, te verrig.

(12) Die werksaamhede van 'n spesiale afdeling van die nywerheidshof is—

- (a) om enige appèl na die nywerheidshof kragtens die bepalings van artikel 16 of 21A gemaak, te verhoor;
- (b) om arbitrasies ingevolge artikel 45, 46 of 49 aan die nywerheidshof toegewys, te onderneem;
- (c) om namens die nywerheidshof die Minister van raad oor enige in artikel 46 (7) (c) bedoelde aangeleentheid te dien;
- (d) om enige aangeleentheid wat ingevolge artikel 76 na die nywerheidshof verwys is, vas te stel;
- (e) om namens die nywerheidshof ingevolge artikel 46 vasstellings te maak;
- (f) om met enige ander aangeleentheid waarby hierdie Wet betrokke is, te handel waarmee hy of die nywerheidshof kragtens hierdie Wet moet of kan handel;
- (g) om ondersoek in te stel na en verslag te doen oor enige aangeleentheid wat die Minister na hom of die nywerheidshof verwys in verband met die oogmerke van hierdie Wet; en
- (h) om oor die algemeen met alle aangeleenthede te handel wat noodsaaklik is vir die verrigting van sy werksaamhede of dié van die nywerheidshof kragtens hierdie Wet of wat daarmee in verband staan.

(13) Geen verrigtinge van die nywerheidshof is ongeldig nie bloot omrede van die feit dat 'n vakature in sy ledetal bestaan het of dat die aanstelling van die adjunk-president of enige adjunk-voorsitter, lid of assessor om een of ander rede gebrekkig was of dat die adjunk-president of enige adjunk-voorsitter, lid of assessor nie gedurende die geheel of enige gedeelte van die verrigtinge teenwoordig was nie.

(14) Die nywerheidshof kan besluit dat enige ondersoek wat hy kragtens hierdie Wet kan of moet onderneem of wat hy nodig ag in verband met enige aangeleentheid wat deur die nywerheidshof oorweeg word, namens hom deur enige lid of lede daarvan uitgevoer word.

(15) Met enige aangeleentheid waarmee die nywerheidshof ingevolge hierdie Wet kan of moet handel,

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by a local or special division of the industrial court to which such matter is referred by the president.

(16) The decision of the president or the chairman concerned, as the case may be, of the industrial court shall for the purposes of this Act be deemed to be the decision of the industrial court. 5

(17) (a) The industrial court or any member carrying out any investigation in terms of subsection (14) shall, in the performance of its or his functions, have all the powers conferred upon the registrar by subsections (4), (5) and (7) of section 12, and the provisions of subsections (6), (7), (9) and (15) of that section shall *mutatis mutandis* apply to the exercise of those powers by the industrial court or member, as the case may be. 10 15

(b) A subpoena issued in the exercise of the said powers shall be signed by the president or chairman concerned or by an officer authorized by the president or chairman to do so, or by a member of the industrial court. 20

(c) Whenever a witness appears before the industrial court, or before any member carrying out any investigation in terms of subsection (14), the oath may be administered to him or an affirmation may be accepted from him by the president or chairman concerned or by that member, as the case may be. 25

(d) The president or chairman concerned and any member who is present at a meeting at which any witness appears may put any question to the witness, and any assessor who is present at such meeting may through such president or chairman put any question to the witness: Provided that the president or chairman may in his discretion disallow any question which in his opinion is not relevant to the enquiry which is being made by the industrial court. 30 35

(18) (a) The industrial court may in writing, under the hand of the president or chairman concerned or of an officer authorized by the president or chairman, require any person who in its opinion may be able to give any material information which it desires to obtain for the purposes of or in connection with any investigation which it is required or permitted under this Act to make, and which such person could have been compelled to give if he had appeared before the industrial court on a subpoena issued under subsection (17), to furnish it with such information within such period and in such form as it may specify. 40 45 50

(b) Any person who fails to comply with any such requirement or who wilfully furnishes the industrial court with any false information shall be guilty of an offence. 55

(19) (a) (i) Subject to the provisions of section 45 (5), the president of the industrial court may, if he deems it expedient to do so, and after consultation with the parties who in his opinion are principally concerned in any matter which is being considered by the industrial court, appoint such number of assessors to represent the interests of employers and employees, respectively, as he considers desirable to assist the industrial 60 65

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kan 'n plaaslike of spesiale afdeling van die nywerheidshof waarna sodanige aangeleentheid deur die president verwys word, handel.

5 (16) Die beslissing van die president of die betrokke voorsitter, na gelang van die geval, van die nywerheidshof word by die toepassing van hierdie Wet geag die beslissing van die nywerheidshof te wees.

10 (17) (a) Die nywerheidshof, of enige lid wat ingevolge subartikel (14) enige ondersoek uitvoer, besit by die verrigting van sy werksaamhede al die bevoegdhede deur subartikels (4), (5) en (7) van artikel 12 aan die registrateur verleen, en die bepalings van subartikels (6), (7), (9) en 15 (15) van daardie artikel is *mutatis mutandis* van toepassing op die uitoefening van daardie bevoegdhede deur die nywerheidshof of lid, na gelang van die geval.

20 (b) 'n Subpoena wat by die uitoefening van bedoelde bevoegdhede uitgereik word, moet deur die president of betrokke voorsitter of deur 'n amptenaar wat deur die president of voorsitter daartoe gemagtig is of deur 'n lid van die nywerheidshof onderteken word.

25 (c) Wanneer 'n getuie voor die nywerheidshof, of voor enige lid wat enige ondersoek ingevolge subartikel (14) uitvoer, verskyn, kan die eed hom opgelê word of 'n bevestiging van hom aangeneem word deur die president of betrokke voorsitter of deur daardie lid, na gelang van die 30 geval.

(d) Die president of betrokke voorsitter en enige lid wat op 'n vergadering waarop 'n getuie verskyn 35 teenwoordig is, kan enige vraag aan die getuie stel, en enige assessor wat by sodanige vergadering teenwoordig is, kan deur die president of voorsitter enige vraag aan die getuie stel: Met dien verstande dat die president of voorsitter na goeëdunke enige vraag kan afwys wat na sy 40 mening nie ter sake is by die ondersoek wat deur die nywerheidshof ingestel word nie.

(18) (a) Die nywerheidshof kan skriftelik, onder die handtekening van die president of betrokke voorsitter of van 'n amptenaar wat deur die president of voorsitter gemagtig is, enige persoon 45 wat na sy mening moontlik in staat is om enige inligting van wesenlike belang te verstrek wat hy verlang om te verkry vir die doeleindes van of in verband met enige ondersoek wat hy ingevolge hierdie Wet moet doen of toegelaat is om te doen 50 en wat sodanige persoon verplig kon geword het om te verstrek as hy voor die nywerheidshof verskyn het ingevolge 'n subpoena uitgereik kragtens subartikel (17), gelas om sodanige inligting aan hom te verstrek binne die tydperk 55 en in die vorm wat hy bepaal.

(b) Enigiemand wat versuim om aan so 'n lasgewing te voldoen of wat opsetlik enige valse inligting 60 aan die nywerheidshof verstrek, is aan 'n misdryf skuldig.

65 (19) (a) (i) Behoudens die bepalings van artikel 45 (5) kan die president van die nywerheidshof, as hy dit dienstig ag om dit te doen en na raadpleging met die partye wat na sy mening hoofsaaklik by enige aangeleentheid wat deur die nywerheidshof oorweeg word, betrokke is, die getal assessore om die belange van onderskeidelik werkgewers en werknemers te verteenwoordig wat hy wenslik ag, aanstel om die nywerheidshof in 'n raadgewende hoedanigheid behulpsaam

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court in an advisory capacity in respect of the matter for which they are appointed.

- (ii) Any assessor appointed in terms of this subsection shall be either an employer or an employee concerned in the matter, and for the purposes of this subparagraph—

(aa) any member, office-bearer or employee of a registered trade union which is concerned in the said matter shall, if appointed to represent the interests of employees, be deemed to be an employee;

(bb) any member, office-bearer or employee of a registered employers' organization which is concerned in the said matter, or any director of a company which is so concerned, or any person employed as a manager or in any other supervisory capacity by an employer who is so concerned, shall, if appointed to represent the interests of employers, be deemed to be an employer; and

(cc) any member of a local authority which is concerned in the said matter shall, if appointed to represent the interests of employers, be deemed to be an employer.

- (b) Assessors appointed in terms of paragraph (a) shall be entitled to such allowances as may be prescribed.

(20) In connection with the performance of any of its functions or duties under this Act, the industrial court may consult, and may take into consideration any relevant information furnished by, the Board of Trade and Industries, the Wage Board, any Department of State or any similar authority.

(21) (a) The industrial court may, of its own motion, or at the request of any party to any appeal or other proceedings before the industrial court reserve for the decision of the Appellate Division of the Supreme Court of South Africa any question of law which arises in any such appeal or proceedings, and shall state such question in the form of a special case.

(b) The question so stated may be argued before that Appellate Division, and that Division shall give such decision and may make such order as to costs as it thinks just.

(c) If any such special case is stated at the request of any party other than the registrar, he shall lodge with the registrar of that Appellate Division such security for any costs that he may be ordered to pay as the said registrar may determine.

(d) Pending the decision of that Appellate Division on any question of law reserved in terms of paragraph (a), the industrial court shall defer its decision in the matter in connection with which the special case was stated.

(22) The industrial court may, subject to the provisions of this Act and to the approval of the Minister, make rules for the conduct of the proceedings of the industrial court, the manner in which representations may be submitted to it, the representation of parties whenever evidence or argument is

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te wees ten opsigte van die aangeleentheid
waarvoor hulle aangestel word.

(ii) 'n Assessor wat ingevolge hierdie subartikel
aangestel word, moet of 'n werkgewer of
'n werknemer wees wat by die aangeleent-
heid betrokke is, en by die toepassing van
hierdie subparagraaf—

(aa) word 'n lid, ampsdraer of werknemer
van 'n geregistreerde vakvereniging
wat by bedoelde aangeleentheid
betrokke is, indien aangestel om die
belange van werknemers te verteen-
woordig, geag 'n werknemer te wees;

(bb) word 'n lid, ampsdraer of werknemer
van 'n geregistreerde werkgewers-
organisasie wat by bedoelde aange-
leentheid betrokke is, of enige direk-
teur van 'n maatskappy wat aldus
betrokke is, of enige persoon wat as
bestuurder of in enige ander toesig-
houdende hoedanigheid in diens is by
'n werkgewer wat aldus betrokke is,
indien aangestel om die belange van
werkgewers te verteenwoordig, geag 'n
werkgewer te wees; en

(cc) word 'n lid van 'n plaaslike owerheid
wat by bedoelde aangeleentheid
betrokke is, indien aangestel om die
belange van werkgewers te verteen-
woordig, geag 'n werkgewer te wees.

(b) Assessore ingevolge paragraaf (a) aangestel, is
geregtig op die toelaes wat voorgeskryf word.

(20) In verband met die verrigting van enigeen van
sy werksaamhede ingevolge hierdie Wet kan die
nywerheidshof oorleg pleeg met, en enige ter sake
dienende inligting in oorweging neem wat verstrekk-
word deur, die Raad van Handel en Nywerheid, die
Loonraad, enige Staatsdepartement of enige soortge-
lyke owerheid.

(21) (a) Die nywerheidshof kan uit eie beweging of
op versoek van enige party by enige appèl of
ander verrigtinge voor die nywerheidshof enige
regsvraag wat by enige sodanige appèl of
verrigtinge ontstaan vir die beslissing van die
Appèlafdeling van die Hooggeregshof van Suid-
Afrika voorbehou en moet sodanige vraag in
die vorm van 'n spesiale saak stel.

(b) Die vraag aldus gestel, kan voor dié Appèlaf-
deling beredeneer word, en dié Afdeling gee die
beslissing, en reik die bevel uit wat koste betref,
wat hy regverdig ag.

(c) Indien so 'n spesiale saak op versoek van 'n
ander party as die registrateur gestel word, moet
hy vir enige koste wat hy beveel mag word om te
betaal, by die griffier van dié Appèlafdeling
die sekerheid stel wat bedoelde griffier bepaal.

(d) In afwagting van die beslissing van dié
Appèlafdeling oor enige regsvraag ingevolge
paragraaf (a) voorbehou, moet die nywerheids-
hof sy beslissing van die aangeleentheid in
verband waarmee die spesiale saak gestel is,
uitsel.

(22) Behoudens die bepalings van hierdie Wet en
onderworpe aan die goedkeuring van die Minister kan
die nywerheidshof reëls maak vir die bestuur van die
verrigtinge van die nywerheidshof, die wyse waarop
vertoë aan hom voorgelê kan word, die verteen-
woordiging van partye wanneer getuienis of berede-
nering aangehoor word en oor die algemeen met
betrekking tot alle aangeleenthede wat nodig is vir die

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heard and generally relating to all matters necessary or incidental to the exercise of its powers and the performance of its functions, and may with like approval repeal or alter any such rules.”.

(2) Anything done by the industrial tribunal as it existed immediately before the commencement of section 8 of this Act shall be deemed to have been done by the industrial court established by section 17 of the principal Act as substituted by the said section 8.

Amendment of section 21 of Act 28 of 1956, as amended by section 5 of Act 41 of 1959.

9. Section 21 of the principal Act is hereby amended— 10

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

“(f) subject to the provisions of section 46 (9), the procedure for dealing with all disputes in the undertaking, industry, trade or occupation concerned within the area in respect of which the council is registered, as varied from time to time;”;

and
(b) by the deletion of subsection (5).

Insertion of section 21A in Act 28 of 1956.

10. The following section is hereby inserted in the principal Act after section 21:

“Admission of parties to industrial councils.

21A. After the commencement of this section no additional employers (if the registrar approves) or registered employers’ organizations or registered trade unions shall be admitted as parties to an industrial council unless all the parties to the council have agreed thereto in writing: Provided that any employer or registered employers’ organization or registered trade union who or which feels aggrieved by the refusal of his or its application for admission as a party to the industrial council, may within 30 days of the date on which the industrial council decided the application, appeal to the industrial court.”.

Amendment of section 27 of Act 28 of 1956.

11. Section 27 of the principal Act is hereby amended—

(a) by the substitution for subsection (7) of the following subsection:

“(7) A decision in favour of which not less than two-thirds of the representatives present at the meeting at which the decision is taken, and who are entitled to vote in terms of this section, have voted, shall be the decision of the council: Provided that in the case of a dispute concerning an alleged unfair labour practice which has been referred to the council in terms of section 43, a decision in favour of which all the representatives of all the parties to the council have voted or have given their concurrence in writing, shall be the decision of the council.”; and

(b) by the substitution for subsection (10) of the following subsection:

“(10) The provisions of subsections (2), (3), (4) and (7) (excluding the proviso) shall not apply if the constitution of the council otherwise provides in respect of the matters referred to in those subsections.”.

Amendment of section 37 of Act 28 of 1956, as amended by section 6 of Act 41 of 1959.

12. Section 37 of the principal Act is hereby amended by the deletion of paragraph (e) of subsection (4).

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uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede of wat daarmee in verband staan, en kan die nywerheidshof met dergelike goedkeuring enige sodanige reëls herroep of verander.”.

- 5 (2) Enigiets deur die nywerheidshof gedoen soos dit bestaan het onmiddellik voor die inwerkingtreding van artikel 8 van hierdie Wet, word geag gedoen te wees deur die nywerheidshof ingestel deur artikel 17 van die Hoofwet soos genoemde artikel 8 vervang.

- 10 9. Artikel 21 van die Hoofwet word hierby gewysig—

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

„(f) behoudens die bepalings van artikel 46 (9), die prosedure vir die behandeling van alle geskille in die betrokke onderneming, nywerheid, bedryf of beroep in die gebied ten opsigte waarvan die raad geregistreer is, soos van tyd tot tyd verander;” en

- 15 (b) deur subartikel (5) te skrap.

Wysiging van artikel 21 van Wet 28 van 1956, soos gewysig deur artikel 5 van Wet 41 van 1959.

- 20 10. Die volgende artikel word hierby in die Hoofwet na artikel 21 ingevoeg:

„Toelating van partye tot nywerheidsrade.

21A. Na die inwerkingtreding van hierdie artikel

word geen bykomende werkgewers (indien die registrator dit goedkeur) of geregistreerde werkgewersorganisasies of geregistreerde vakverenigings toegelaat as partye by 'n nywerheidsraad nie tensy al die partye by die raad skriftelik daartoe ingestem het: Met dien verstande dat enige werkgewer of geregistreerde werkgewersorganisasie of geregistreerde vakvereniging wat veronreg voel deur die weiering van sy aansoek om toelating as 'n party by die nywerheidsraad, na die nywerheidshof kan appelleer binne 30 dae vanaf die datum waarop die nywerheidsraad oor die aansoek om toelating beslis het.”.

Invoeging van artikel 21A in Wet 28 van 1956.

- 35 11. Artikel 27 van die Hoofwet word hierby gewysig—

(a) deur subartikel (7) deur die volgende subartikel te vervang:

„(7) 'n Besluit ten gunste waarvan minstens tweederdes van die verteenwoordigers wat aanwesig is op die vergadering waarop die besluit geneem word en wat ingevolge hierdie artikel geregtig is om te stem, gestem het, is die besluit van die raad: Met dien verstande dat in die geval van 'n geskil betreffende 'n beweerde onbehoorlike arbeidspraktyk wat ingevolge artikel 43 na die raad verwys is, 'n besluit ten gunste waarvan al die verteenwoordigers van al die partye by die raad gestem het of hul skriftelike instemming verstrek het, die besluit van die raad is;” en

- 40 (b) deur subartikel (10) deur die volgende subartikel te vervang:

„(10) Die bepalings van subartikels (2), (3), (4) en (7) (uitgesonderd die voorbehoudsbepaling) is nie van toepassing nie indien die konstitusie van die raad ten opsigte van die in daardie subartikels bedoelde aangeleenthede anders bepaal.”.

Wysiging van artikel 27 van Wet 28 van 1956.

- 55 12. Artikel 37 van die Hoofwet word hierby gewysig deur paragraaf (e) van subartikel (4) te skrap.

Wysiging van artikel 37 van Wet 28 van 1956, soos gewysig deur artikel 6 van Wet 41 van 1959.

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Amendment of
section 43 of
Act 28 of 1956,
as amended
by section 7 of
Act 41 of 1959.

13. Section 43 of the principal Act is hereby amended—

- (a) by the insertion of the word “or” at the end of paragraph (b) of subsection (1);
- (b) by the addition of the following paragraph to subsection (1):
“(c) an alleged unfair labour practice.”;
- (c) by the substitution for paragraph (a) of subsection (4) of the following paragraph:
“(a) No order may be made under this subsection if the relevant application under subsection (2) was not made within thirty days of the date on which notice was given of the proposed suspension, termination or change or alleged unfair labour practice, or if no such notice was given, of the date on which the suspension, termination or change took place or the alleged unfair labour practice was introduced: Provided that this paragraph shall not apply if the employer concerned is a local authority.”;
- (d) by the insertion of the word “or” at the end of subparagraph (ii) of paragraph (b) of subsection (4);
- (e) by the addition of the following subparagraph to paragraph (b) of subsection (4):
“(iii) in a case referred to in paragraph (c) of subsection (1), not to introduce the alleged unfair labour practice, or if the practice has been introduced, to restore the labour practices which existed prior to such introduction.”; and
- (f) by the substitution for subsection (5) of the following subsection:
“(5) When making an order under subsection (4) the Minister shall fix the date from which the order shall operate and may make it retrospective to a date not earlier than that on which the employment of the employee or employees was suspended or terminated or on which the terms or conditions of employment were changed or on which the alleged unfair labour practice was introduced.”.

Amendment of
section 46 of
Act 28 of 1956,
as amended
by section 9 of
Act 41 of 1959
and section 3 of
Act 104 of 1967.

14. Section 46 of the principal Act is hereby amended by the addition of the following subsection:

- “(9) (a) If any industrial council or conciliation board which has had under consideration a dispute such as is referred to in section 43 (1) (c), has failed to settle such dispute within a period of thirty days reckoned from the date on which the dispute was referred to the industrial council or the date on which the Minister approved of the establishment of a conciliation board, as the case may be, or within such further period or periods as the Minister may from time to time fix, the dispute shall be referred to the industrial court for determination.
- (b) The Minister may, in his discretion, from time to time, by writing under his hand delegate his powers in regard to the fixing of such further period or periods to any officer and may at any time withdraw any such delegation.
- (c) The industrial court shall determine the dispute as soon as possible and the provisions of section 49 shall *mutatis mutandis* apply in respect of any determination made in terms of this subsection in so far as such provisions can be so applied.”.

Amendment of
section 48 of
Act 28 of 1956,
as amended by
section 2 of
Act 21 of 1970.

15. Section 48 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (3) of the following paragraph:
“(a) If the Minister is of opinion that any object of an agreement which has been or is the subject of a

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13. Artikel 43 van die Hoofwet word hierby gewysig—

- (a) deur die woord „of” aan die einde van paragraaf (b) van subartikel (1) in te voeg;
- (b) deur die volgende paragraaf by subartikel (1) te voeg:
- 5 „(c) ’n beweerde onbehoorlike arbeidspraktyk.”;
- (c) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:
- 10 „(a) Geen bevel word kragtens hierdie subartikel uitgevaardig nie indien die betrokke aansoek kragtens subartikel (2) nie gedoen is nie binne dertig dae vanaf die datum waarop kennis van die voorgestelde skorsing, beëindiging of verandering of
- 15 beweerde onbehoorlike arbeidspraktyk gegee is, of indien geen sodanige kennis gegee is nie, vanaf die datum waarop die skorsing, beëindiging of verandering plaasgevind het of die beweerde onbehoorlike arbeidspraktyk ingevoer is: Met dien verstande dat hierdie paragraaf nie van toepassing is nie as die betrokke werkgewer ’n plaaslike owerheid is.”;
- 20 (d) deur die woord „of” aan die einde van subparagraaf (ii) van paragraaf (b) van subartikel (4) in te voeg;
- (e) deur die volgende subparagraaf by paragraaf (b) van subartikel (4) te voeg:
- 25 „(iii) om in ’n in paragraaf (c) van subartikel (1) bedoelde geval, nie die beweerde onbehoorlike arbeidspraktyk in te voer nie of indien die praktyk ingevoer is, die arbeidspraktyke wat voor sodanige invoering bestaan het, te herstel.”; en
- (f) deur subartikel (5) deur die volgende subartikel te vervang:
- 30 „(5) Wanneer hy ’n bevel kragtens subartikel (4) uitvaardig, stel die Minister ’n datum vas van wanneer af die bevel van krag word en kan hy dit terugwerkend maak na ’n datum nie vroeër nie as dié waarop die diens van die werknemer of werknemers geskors of beëindig is of waarop die bedinge of voorwaardes van diens verander is of waarop die beweerde onbehoorlike
- 35 arbeidspraktyk ingevoer is.”

Wysiging van artikel 43 van Wet 28 van 1956, soos gewysig deur artikel 7 van Wet 41 van 1959.

14. Artikel 46 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

- 40 „(9) (a) Indien enige nywerheidsraad of versoeningsraad wat ’n geskil soos bedoel in artikel 43 (1) (c) onder oorweging gehad het, nie daarin geslaag het om sodanige geskil binne ’n tydperk van dertig dae bereken vanaf die datum waarop die geskil na die nywerheidsraad verwys is of die datum waarop die Minister die instelling van die versoeningsraad goedgekeur het, na gelang van die geval, of binne die verdere tydperk of tydperke wat die Minister van tyd tot tyd bepaal, te besleg nie, moet die geskil na die nywerheidshof vir vasstelling verwys word.
- 45 (b) Die Minister kan, na goeddunke, van tyd tot tyd skriftelik onder sy handtekening sy bevoegdhede met betrekking tot die bepaling van sodanige verdere tydperk of tydperke aan enige amptenaar delegeer en kan te eniger tyd so ’n delegasie intrek.
- 50 (c) Die nywerheidshof moet die geskil so spoedig moontlik vasstel en die bepalings van artikel 49 is *mutatis mutandis* van toepassing ten opsigte van enige vasstelling wat ingevolge hierdie subartikel gemaak word vir sover sodanige bepalings aldus toegepas kan word.”
- 60

Wysiging van artikel 46 van Wet 28 van 1956, soos gewysig deur artikel 9 van Wet 41 van 1959 en artikel 3 van Wet 104 van 1967.

15. Artikel 48 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:
- 65 „(a) Indien die Minister van mening is dat enige oogmerk van ’n ooreenkoms wat die onderwerp

Wysiging van artikel 48 van Wet 28 van 1956, soos gewysig deur artikel 2 van Wet 21 van 1970.

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request for a declaration under subsection (1), is being or may be defeated in any area by the employment of **[Bantu]** persons who are not employees in the undertaking, industry, trade or occupation concerned at rates of remuneration or under terms or conditions of employment other than those specified in the agreement, he may, after consultation with the industrial council concerned, if he deems it expedient to do so, in any notice published under subsection (1), or by notice in the *Gazette* at any time thereafter and from time to time, declare that in an area and from a date and for a period fixed by him in that notice all the provisions of the agreement or such provisions thereof as he may specify in the notice shall *mutatis mutandis* be binding upon all **[Bantu]** such persons employed in the said undertaking, industry, trade or occupation, or in any section or portion thereof specified in the notice, by the employers upon whom any such provisions are binding in respect of employees, and upon those employers in respect of **[Bantu]** such persons in their employ.”; and

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

“(c) In sections 34 (2), 51 to 59, 61, 62, 66 (excluding paragraph (c) of subsection (1)), 71, 72 and 74 any reference, express or implied, to an employee shall be construed so as to include any **[Bantu]** person who is not an employee in respect of whom any provisions of an agreement have been applied under this subsection or under subsection (4), and any reference to an agreement shall be construed so as to include any provisions so applied.”.

Amendment of section 51 of Act 28 of 1956, as amended by section 10 of Act 41 of 1959.

16. Section 51 of the principal Act is hereby amended by the substitution for the proviso to subsection (3) of the following proviso:

“Provided that no such council or committee shall **[without the approval of the Minister]** grant exemption from any provision relating to a matter referred to in section 24 (1) (d), as applied **[to Bantu]** under section 48 to persons who are not employees, to enable an employer to make deductions from the remuneration payable to **[a Bantu]** any such person in respect of contributions to any association of persons or body which is not a registered trade union.”.

Repeal of section 77 of Act 28 of 1956, as amended by section 14 of Act 41 of 1959.

17. (1) Section 77 of the principal Act is hereby repealed.

(2) Any determination made under the said section 77 before the repeal thereof by subsection (1) of this section, and which was in force immediately prior to that repeal of that section, shall remain in force until cancelled in terms of that section as if that section had not been so repealed.

Amendment of section 80 of Act 28 of 1956.

18. Section 80 of the principal Act is hereby amended by the deletion of subsection (6).

Substitution of “tribunal”, and references elsewhere to “industrial tribunal”.

19. (1) The principal Act is hereby amended by the substitution for the word “tribunal” wherever it occurs of the words “industrial court”.

(2) Any reference in any law or elsewhere to “industrial tribunal” shall be deemed to be a reference to “industrial court” as defined in the principal Act as amended by this Act.

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- van 'n versoek om 'n verklaring kragtens subartikel (1) was of is, in enige gebied verydel word of kan word deur die indiensneming van **[Bantoes]** persone wat nie werknemers is nie in die betrokke onderneming, nywerheid, bedryf of beroep teen ander skale van beloning of onder ander bedinge of voorwaardes van diens as dié wat in die ooreenkoms vermeld word, kan hy na oorlegpleging met die betrokke nywerheidsraad, indien hy dit raadzaam ag om dit te doen, in enige kennisgewing gepubliseer kragtens subartikel (1), of by kennisgewing in die *Staatskoerant* te eniger tyd daarna, en van tyd tot tyd, verklaar dat in 'n gebied en vanaf 'n datum en vir 'n tydperk deur hom in daardie kennisgewing vasgestel, al die bepalings van die ooreenkoms of sodanige bepalings daarvan as wat hy in die kennisgewing vermeld, *mutatis mutandis* bindend is op alle **[Bantoes]** sodanige persone in diens in bedoelde onderneming, nywerheid, bedryf of beroep of in enige afdeling of gedeelte daarvan in die kennisgewing vermeld by dié werkgewers op wie enige sodanige bepalings ten opsigte van werknemers bindend is en op daardie werkgewers ten opsigte van **[Bantoes]** sodanige persone in hul diens.”; en
- (b) deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:
- „(c) In artikels 34 (2), 51 tot 59, 61, 62, 66 (behalwe paragraaf (c) van subartikel (1)), 71, 72 en 74 word enige verwysing, uitdruklik of stilswyend, na 'n werknemer so uitgelê dat 'n **[Bantoe]** persoon wat nie 'n werknemer is nie ten opsigte van wie enige bepalings van 'n ooreenkoms kragtens hierdie subartikel of kragtens subartikel (4) van toepassing gemaak is, ingesluit word, en enige verwysing na 'n ooreenkoms word so uitgelê dat enige bepaling aldus toegepas, ingesluit word.”.

16. Artikel 51 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (3) deur die volgende voorbe-

Wysiging van artikel 51 van Wet 28 van 1956, soos gewysig deur artikel 10 van Wet 41 van 1959.

- houdsbepaling te vervang:
- „Met dien verstande dat geen sodanige raad of komitee **[sonder die toestemming van die Minister]** vrystelling mag verleen nie van enige bepaling met betrekking tot 'n in artikel 24 (1) (d) bedoelde aangeleentheid, soos **[op Bantoes]** van toepassing gemaak kragtens artikel 48 op persone wat nie werknemers is nie, om 'n werkgewer in staat te stel om aftrekkings van die beloning wat aan **['n Bantoe]** so 'n persoon betaalbaar is, te maak ten opsigte van bydraes tot enige genootskap van persone of liggaam wat nie 'n geregistreerde vakvereniging is nie.”.

17. (1) Artikel 77 van die Hoofwet word hierby herroep.
- (2) Enige vasstelling wat kragtens genoemde artikel 77 gemaak is voor die herroeping daarvan deur subartikel (1) van hierdie artikel, en wat onmiddellik voor dié herroeping van daardie artikel van krag was, bly van krag totdat dit ingetrek word ingevolge daardie artikel asof daardie artikel nie aldus herroep is nie.

Herroeping van artikel 77 van Wet 28 van 1956, soos gewysig deur artikel 14 van Wet 41 van 1959.

18. Artikel 80 van die Hoofwet word hierby gewysig deur subartikel (6) te skrap.

Wysiging van artikel 80 van Wet 28 van 1956.

19. (1) Die Hoofwet word hierby gewysig deur in die Engelse teks die woord „tribunal”, oral waar dit voorkom, deur die woorde „industrial court” te vervang.

Vervanging van „tribunal” in Engelse teks, en verwysings elders na „industrial tribunal”.

- (2) 'n Verwysing in 'n wet of elders na „industrial tribunal” word geag 'n verwysing te wees na „industrial court” soos omskryf in die Engelse teks in die Hoofwet soos gewysig deur hierdie Wet.

Act No. 94, 1979

INDUSTRIAL CONCILIATION AMENDMENT ACT, 1979.

Substitution of
long title of
Act 28 of 1956.

20. The following long title is hereby substituted for the long title of the principal Act:

“ACT

to consolidate and amend the law relating to the registration and regulation of trade unions and employers' organizations, the prevention and settlement of disputes between employers and employees, the regulation of terms and conditions of employment by agreement and arbitration and the control of private registry offices; to provide for the establishment of a National Manpower Commission and to define its functions; to provide for the establishment of an industrial **tribunal** court and to define its functions; **[to provide safeguards against inter-racial competition;]** and to provide for other incidental matters.

Short title
and commencement.

21. (1) This Act shall be called the Industrial Conciliation Amendment Act, 1979, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may under subsection (1) be fixed in respect of different provisions of this Act.

WYSIGINGSWET OP NYWERHEIDSVERSOENING, 1979.

Wet No. 94, 1979

20. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

Vervanging van
lang titel van
Wet 28 van 1956.

„WET

- 5 Tot samevatting en wysiging van die wet met betrekking tot die registrasie en reëling van vakverenigings en werkgewers-organisasies, die voorkoming en beslegting van geskille tussen werkgewers en werknemers, die reëling van bedinge en voorwaardes van diens deur ooreenkoms en arbitrasie en die beheer van private registrasiekantore; om voorsiening te
- 10 maak vir die instelling van 'n Nasionale Mannekragkommissie en om sy werksaamhede te omskryf; om voorsiening te maak vir die instelling van 'n nywerheidshof en om sy werksaamhede te omskryf; **[om voorsiening te maak vir voorsorgsmaatreëls teen inter-rasse-mededinging;]** en
- 15 om voorsiening te maak vir ander bykomstige aangeleenthede.”.

21. (1) Hierdie Wet heet die Wysigingswet op Nywerheidsversoening, 1979, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en
inwerkingtreding.

- 20 (2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

