



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1523. 1 Augustus 1980.

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

No. 95 van 1980: Wysigingswet op Nywerheidsversoening, 1980.

No. 1523. 1 August 1980.

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

No. 95 of 1980: Industrial Conciliation Amendment Act, 1980.

Wet No. 95, 1980

WYSIGINGSWET OP NYWERHEIDSVERSOENING, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

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

WET

Tot wysiging van die Wet op Nywerheidsversoening, 1956, ten einde die uitdrukking „nywerheidshof” nader te omskryf, die omskrywing van „onbehoorlike arbeidspraktyk” te skrap en die uitdrukking „onbillike arbeidspraktyk” te omskryf; verdere voorsiening te maak aangaande die samestelling en werksaamhede van die Nasionale Mannekragkommissie en die nywerheidshof, die instelling van versoeningsrade, die beslegting van geskille en die toepassing van afbakeningsvasstellings tussen ondernemings, nywerhede, bedrywe en beroepe; sekere teksveranderings aan te bring; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan; en om sekere wette te herroep.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Julie 1980.)

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

Wysiging van artikel 1 van Wet 28 van 1956, soos gewysig deur artikel 1 van Wet 41 van 1959, artikel 1 van Wet 104 van 1967 en artikel 1 van Wet 94 van 1979.

1. Artikel 1 van die Wet op Nywerheidsversoening, 1956 (hieronder die Hoofwet genoem), word hierby gewysig— 5

(a) deur in subartikel (1) die omskrywing van „nywerheidshof” deur die volgende omskrywing te vervang:
„nywerheidshof” die nywerheidshof **[deur]** bedoel in artikel 17 (1) (a) **[ingestel of met betrekking tot enige aangeleentheid wat ingevolge hierdie Wet 10 na 'n afdeling daarvan verwys is, die afdeling van die nywerheidshof waarna die aangeleentheid aldus verwys is];**”;

(b) deur in subartikel (1) die omskrywing van „onbehoorlike arbeidspraktyk” te skrap; en 15

(c) deur in subartikel (1) die volgende omskrywing voor die omskrywing van „onderneming, nywerheid, bedryf of beroep” in te voeg:
„onbillike arbeidspraktyk” —

(a) enige arbeidspraktyk of enige verandering in enige arbeidspraktyk, uitgesonderd 'n staking of 'n uitsluiting of enige optrede soos bedoel in artikel 66 (1), wat die uitwerking het of kan hê dat—

(i) enige werknemer of klas werknemers 25
onregverdig daardeur geraak word of kan word of dat sy of hul werkgeleenthede, werksekerheid of fisiese, ekonomiese, morele of sosiale welsyn daardeur benadeel of in gevaar gestel word of kan word; 30

(ii) die besigheid van enige werkgever of klas werkgevers onregverdig daardeur geraak of ontwig word of kan word;

(iii) arbeidsonrus daardeur geskep of bevorder 35
word of kan word;

(iv) die verhouding tussen werkgever en werknemer nadelig daardeur geraak word of kan word; of

(b) enige ander arbeidspraktyk of enige ander 40
verandering in enige arbeidspraktyk wat 'n uitwerking het of kan hê wat soortgelyk of verwant is aan 'n uitwerking in paragraaf (a) genoem;”.

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GENERAL EXPLANATORY NOTE:

I 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 delete the definition of "onbehoorlike arbeidspraktyk" in the Afrikaans text and to further define the expressions "industrial court" and "unfair labour practice"; to make further provision regarding the composition and functions of the National Manpower Commission and the industrial court, the establishment of conciliation boards, the settlement of disputes and the application of demarcation determinations between undertakings, industries, trades and occupations; to effect certain textual alterations; and to provide for matters connected therewith; and to repeal certain laws.

(Afrikaans text signed by the State President.)
(Assented to 1 July 1980.)

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

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

Amendment of section 1 of Act 28 of 1956, as amended by section 1 of Act 41 of 1959, section 1 of Act 104 of 1967 and section 1 of Act 94 of 1979.

(a) by the substitution in subsection (1) for the definition of "industrial court" of the following definition:

"'industrial court' means the industrial court **established by** referred to in section 17 (1) (a) **for, 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) by the deletion in subsection (1) in the Afrikaans text of the definition of "onbehoorlike arbeidspraktyk"; and

(c) by the substitution in subsection (1) for the definition of "unfair labour practice" of the following definition:

"'unfair labour practice' means—

(a) any labour practice **which in the opinion of the industrial court is an unfair labour practice** or any change in any labour practice, other than a strike or a lockout or any action contemplated in section 66 (1), which has or may have the effect that—

(i) any employee or class of employees is or may be unfairly affected or that his or their employment opportunities, work security or physical, economic, moral or social welfare is or may be prejudiced or jeopardized thereby;

(ii) the business of any employer or class of employers is or may be unfairly affected or disrupted thereby;

(iii) labour unrest is or may be created or promoted thereby;

(iv) the relationship between employer and employee is or may be detrimentally affected thereby; or

(b) any other labour practice or any other change in any labour practice which has or may have an effect which is similar or related to any effect mentioned in paragraph (a);".

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Wysiging van
artikel 2A van
Wet 28 van 1956,
soos ingevoeg deur
artikel 2 van
Wet 94 van 1979.

2. Artikel 2A van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) na die woord „voorsitter” die woorde „’n adjunk-voorsitter” in te voeg;
- (b) deur subartikels (2) en (3) deur onderskeidelik die volgende subartikels te vervang:

„(2) Die voorsitter en die adjunk-voorsitter **[van die kommissie]** is **[’n]** heeltydse **[lid deur die Minister aangestel op die voorwaardes en vir die tydperk wat die Minister bepaal]** lede van die kommissie.

(3) Die voorsitter, adjunk-voorsitter en ander lede 10 word deur die Minister aangestel **[op die voorwaardes en]** vir die tydperke wat hy bepaal en op die voorwaardes wat hy met die instemming van die Minister van Finansies bepaal, en by die **[doen van so ’n]** aanstelling van daardie ander lede kan die Minister 15 die organisasies verteenwoordigende werkgewers of werknemers, of ander liggame, raadpleeg wat hy bevoeg ag om die betrokke belange te verteenwoordig.”; en

- (c) deur subartikel (8) te skrap.

Wysiging van
artikel 2B van
Wet 28 van 1956,
soos ingevoeg
deur artikel 2 van
Wet 94 van 1979.

3. Artikel 2B van die Hoofwet word hierby gewysig— 20

- (a) deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

„(1) Die kommissie kan komitees, met inbegrip van ’n uitvoerende komitee, instel om hom by die verrigting van sy werksaamhede by te staan. 25

(2) So ’n komitee bestaan geheel en al uit die getal lede van die kommissie wat die kommissie bepaal: Met dien verstande dat so ’n komitee, maar uitgesonderd die uitvoerende komitee, met die toestemming van die voorsitter van die kommissie een of meer ander persone 30 vir ’n bepaalde tydperk of ’n bepaalde doel as ’n lid of lede van die komitee kan koöpteer.”;

- (b) deur die volgende voorbehoudsbepaling by subartikel (4) te voeg:

„Met dien verstande dat die kommissie ’n beslissing 35 sing deur so ’n komitee geneem by die uitoefening van ’n bevoegdheid of die uitvoering van ’n plig wat aldus oorgedra is, te eniger tyd kan verander of tersyde stel.”; en

- (c) deur subartikel (5) deur die volgende subartikel te 40 vervang:

„(5) Geen lid van so ’n komitee wat nie ’n lid van die kommissie is nie, is geregtig om te stem nie, en geen sodanige lid het toegang tot die stukke van die kommissie **[nie]** behalwe met die toestemming van 45 die voorsitter van die kommissie nie.”;

4. Artikel 2D van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg:

„(5) (a) Behoudens die bepalings van hierdie subartikel besit die kommissie by die verrigting van sy werksaamhede al die bevoegdhede deur subartikels (4) (a) en (b), 50 (5) en (7) van artikel 12 aan die registrateur verleen, en is die bepalings van subartikels (6), (7), (9) en (15) van daardie artikel *mutatis mutandis* van toepassing op die uitoefening van daardie bevoegdhede deur die kommissie. 55

- (b) Die kommissie kan by die verrigting van sy werksaamhede te eniger tyd enige plek binnegaan met die doel om ’n inspeksie ter plaatse daarop of daarin uit te voer en die eienaar of okkupeerder van enige sodanige plek, en 60 elke persoon deur hom in diens geneem, moet te alle tye die fasiliteite verskaf wat die kommissie vir die binnegaan van sodanige plek en die uitvoering van sodanige inspeksie nodig mag hê.

Wysiging van
artikel 2D van
Wet 28 van 1956,
soos ingevoeg
deur artikel 2 van
Wet 94 van 1979.

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

Amendment of
section 2A of
Act 28 of 1956,
as inserted by
section 2 of
Act 94 of 1979.

- (a) by the insertion in subsection (1) after the word "chairman" of the words "a deputy chairman";
- (b) by the substitution for subsections (2) and (3) of the following subsections, respectively:

"(2) The chairman and the deputy 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]** members of the commission.

(3) The chairman, deputy chairman and other members shall be appointed by the Minister **[on such conditions and]** for such periods as he may determine and on such conditions as he may with the concurrence of the Minister of Finance determine, and in **[making any such appointment]** appointing such other members the Minister may consult such organizations representing employers or employees, or other bodies, as he deems qualified to represent the interests concerned."; and

- (c) by the deletion of subsection (8).

3. Section 2B of the principal Act is hereby amended—

Amendment of
section 2B of
Act 28 of 1956,
as inserted
by section 2 of
Act 94 of 1979.

- (a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

"(1) The commission may establish committees, including an executive committee, to assist it in the performance of its functions.

(2) Any such committee shall consist wholly of such **[a]** number of members of the commission as the commission may determine: Provided that any such committee, but excluding the executive committee, may with the consent of the chairman of the commission co-opt one or more other persons as a member or members of the committee for a specific period or a particular purpose.";

- (b) by the addition to subsection (4) of the following proviso:

"Provided that the commission may at any time vary or set aside any decision made by such a committee in the exercise of any power or the carrying out of any duty so assigned."; and

- (c) by the substitution for subsection (5) of the following subsection:

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

4. Section 2D of the principal Act is hereby amended by the addition of the following subsections:

Amendment of
section 2D of
Act 28 of 1956,
as inserted
by section 2 of
Act 94 of 1979.

"(5) (a) Subject to the provisions of this subsection, the commission shall, in the performance of its functions, have all the powers conferred upon the registrar by subsections (4) (a) and (b), (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 commission.

- (b) The commission may in the performance of its functions at any time enter any premises whatsoever for the purpose of making an inspection *in loco* thereon or therein and the owner or occupier of any such premises, and every person employed by him, shall at all times furnish such facilities as the commission may require for entering such premises and for making such inspection.

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- (c) 'n Subpoena wat by die uitoefening van genoemde bevoegdhede uitgereik word, moet onderteken word deur die voorsitter of die adjunk-voorsitter of deur 'n amptenaar deur die voorsitter daartoe gemagtig.
- (d) Wanneer die kommissie by die uitoefening van genoemde bevoegdhede 'n by sy verrigtinge aanwesige persoon wat as getuie gedagvaar is of kon geword het, oproep—
- (i) kan die eed aan daardie persoon opgelê word of 'n bevestiging van hom aangeneem word deur die voorsitter of die adjunk-voorsitter of deur 'n amptenaar wat deur die voorsitter daartoe gemagtig is; en
- (ii) kan die voorsitter, adjunk-voorsitter en enige lid wat teenwoordig is by die verrigtinge waarby daardie persoon opgeroep is, daarna enige vraag aan genoemde persoon stel: Met dien verstande dat die voorsitter of, in sy afwesigheid, die adjunk-voorsitter, na goeie denke enige vraag kan afwys wat na sy mening nie ter sake is by die ondersoek wat deur die kommissie ingestel word nie.
- (6) (a) Die kommissie kan skriftelik, onder die handtekening van die voorsitter of die adjunk-voorsitter of van 'n amptenaar wat deur die voorsitter daartoe gemagtig is, enige persoon wat na sy mening moontlik in staat is om enige inligting van wesenlike belang te verstrek wat die kommissie verlang om te verkry vir die doeleindes van of in verband met enige ondersoek wat hy kragtens hierdie Wet doen, en wat sodanige persoon verplig kon geword het om te verstrek as hy voor die kommissie verskyn het ingevolge 'n subpoena uitgereik uit hoofde van subartikel (5), gelas om sodanige inligting aan hom te verstrek binne die tydperk en in die vorm wat hy bepaal.
- (b) Enige persoon wat versuim om aan so 'n lasgewing te voldoen of wat opsetlik enige valse inligting aan die kommissie verstrek, is aan 'n misdryf skuldig.”

Wysiging van artikel 17 van Wet 28 van 1956, soos vervang deur artikel 8 van Wet 94 van 1979.

5. Artikel 17 van die Hoofwet word hierby gewysig—

- (a) deur paragrawe (a), (b) en (c) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:
- „(a) **[Hierby word 'n hof ingestel genoem die nywerheidshof, wat]** Die hof ingestel by hierdie paragraaf voor die vervanging daarvan deur artikel 5 (a) van die Wysigingswet op Nywerheidsversoening, 1980, en met die naam die nywerheidshof, bly voortbestaan en bestaan uit 'n president, 'n adjunk-president en **[die]** soveel ander lede, as daar is, as wat die Minister **[kragtens die bepalings van hierdie artikel mag aanstel]** van tyd tot tyd bepaal.
- (b) Die president, adjunk-president en ander lede van die nywerheidshof word deur die Minister aangestel op grond van **[sy]** hul kennis van die reg **[met betrekking tot arbeid]**.
- (c) **[Genoemde]** Die president, adjunk-president en ander lede word deur die Minister aangestel **[op die voorwaardes en]** vir die **[tydperk]** tydperke wat **[die Minister]** hy bepaal en op die voorwaardes wat hy met die instemming van die Minister van Finansies bepaal.”;
- (b) deur in subartikel (1) die volgende paragraaf na paragraaf (c) in te voeg:
- „(cA) Die adjunk-president van die nywerheidshof tree op as president van die nywerheidshof wanneer die president om die een of ander rede nie in staat is om aldus op te tree nie.”;

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- (c) A subpoena issued in the exercise of the said powers shall be signed by the chairman or the deputy chairman or by an officer authorized thereto by the chairman.
- (d) Whenever the commission in the exercise of the said powers calls any person present at its proceedings who was or might have been subpoenaed—
- (i) the oath may be administered to that person or an affirmation may be accepted from him by the chairman or the deputy chairman or by an officer authorized thereto by the chairman; and
 - (ii) the chairman, deputy chairman and any member who is present at the proceedings at which that person has been called, may thereafter put any question to the said person: Provided that the chairman, or, in his absence, the deputy chairman, may in his discretion disallow any question which in his opinion is not relevant to the investigation which is being made by the commission.
- (6) (a) The commission may in writing, under the hand of the chairman or the deputy chairman or of an officer authorized thereto by the chairman, require any person who in its opinion may be able to give any material information which the commission desires to obtain for the purposes of or in connection with any investigation made by it under this Act, and which such person could have been compelled to give if he had appeared before the commission on a subpoena issued by virtue of subsection (5), to furnish it with such information within such period and in such form as it may specify.
- (b) Any person who fails to comply with any such requirement or who wilfully furnishes the commission with any false information shall be guilty of an offence.”.

5. Section 17 of the principal Act is hereby amended—

- (a) by the substitution for paragraphs (a), (b) and (c) of subsection (1) of the following paragraphs, respectively:

Amendment of section 17 of Act 28 of 1956, as substituted by section 8 of Act 94 of 1979.

- “(a) **There is hereby established a court to be known as the industrial court, which** The court established by this paragraph prior to the substitution thereof by section 5 (a) of the Industrial Conciliation Amendment Act, 1980, and known as the industrial court, shall continue to exist and shall consist of a president, a deputy president and such number of other members, if any, as the Minister may **appoint under the provisions of this section** from time to time determine.
- (b) The president, deputy president and other members of the industrial court shall be appointed by the Minister by reason of **his** their knowledge of the law **relating to labour**.
- (c) The **said** president, deputy president and other members shall be appointed by the Minister **on such conditions and** for such **period** periods as **the Minister** he may determine and on such conditions as he may with the concurrence of the Minister of Finance determine.”;
- (b) by the insertion in subsection (1) of the following paragraph after paragraph (c):
- “(cA) The deputy president of the industrial court shall act as president of the industrial court whenever the president is for any reason unable so to act.”;

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- (c) deur subartikels (3), (4), (5) en (7) te skrap;
- (d) deur subartikel (8) deur die volgende subartikel te vervang:
 „(8) Elke aanstelling **[of instelling van 'n afdeling van die nywerheidshof]** kragtens subartikel (1) **[(3), (4)]** of (6) **[of (7)]** word in die *Staatskoerant* bekend gemaak.”;
- (e) deur subartikel (9) te skrap;
- (f) deur subartikel (10) deur die volgende subartikel te vervang: 10
 „(10) Die werksaamhede van die nywerheidshof kan verrig word
[(a)] deur die nywerheidshof of deur enige lid of lede van die nywerheidshof na wie 'n aangeleentheid deur die president verwys word 15
- [(b)]** deur 'n plaaslike afdeling ingestel kragtens subartikel (3) (a); of
- (c) deur 'n spesiale afdeling ingestel kragtens subartikel (4) (a) .”;
- (g) deur subartikel (11) deur die volgende subartikel te 20
 vervang:
 „(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]** Mannekragbenutting uitgevoer word, verrig; **[en]**
- (b) **[om die werksaamhede wat ingevolge subartikel (12) aan 'n spesiale afdeling van die nywerheidshof opgedra word, te verrig]** om enige appèl wat ingevolge artikel 16 of 21A by hom ingedien is, te beslis; 30
- (c) om arbitrasies ingevolge artikel 45, 46 of 49 na hom verwys, te onderneem; 35
- (d) om die Minister van raad te dien oor enige aangeleentheid beoog in artikel 46 (7) (c);
- (e) om enige vraag wat ingevolge artikel 76 na hom verwys is, vas te stel;
- (f) om vasstellings ingevolge artikel 46 te maak; 40
- (g) om met enige ander aangeleentheid te handel waarmee hy kragtens hierdie Wet moet of kan handel; en
- (h) oor die algemeen om met alle aangeleenthede te handel wat noodsaaklik is vir of in verband staan met die verrigting van sy werksaamhede kragtens hierdie Wet.”; 45
- (h) deur subartikel (12) te skrap;
- (i) deur subartikel (13) deur die volgende subartikel te vervang: 50
 „(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]** enige lid of assessor of die aanwysing deur die president ingevolge subartikel (14) (b) van 'n lid om as voorsitter op te tree om die een of ander rede gebrekkig was, of dat **[die adjunk-president of enige adjunk-voorsitter]** enige lid of assessor nie gedurende die geheel of enige gedeelte van die verrigtinge teenwoordig was nie.”; 55
- (j) deur subartikel (14) deur die volgende subartikel te vervang:
 „(14) (a) Die nywerheidshof kan besluit dat enige **[ondersoek wat]** aangeleentheid waarmee hy kragtens hierdie Wet kan of moet **[onderneem]** handel of enige ondersoek wat hy nodig ag in 60

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- (c) by the deletion of subsections (3), (4), (5) and (7);
- (d) by the substitution for subsection (8) of the following subsection:
 5 “(8) Every appointment **for establishment of a division of the industrial court** under subsection (1) **[(3), (4)] or (6) [or (7)]** shall be notified in the *Gazette*.”;
- (e) by the deletion of subsection (9);
- (f) by the substitution for subsection (10) of the following subsection:
 10 “(10) The functions of the industrial court may be performed
 [(a)] by the industrial court or by any member or members of the industrial court to whom any matter
 15 is referred by the president
 [(b)] by a local division established under subsection (3) (a); or
 (c) by a special division established under subsection (4) (a)].”;
- 20 (g) by the substitution for subsection (11) of the following subsection:
 “(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]** Manpower Utilization; [and]
 25 **(b) [to perform the functions assigned in terms of subsection (12) to a special division of the industrial court]** to decide any appeal lodged with it in terms of section 16 or 21A;
 (c) to conduct arbitrations referred to it in terms of section 45, 46 or 49;
 30 (d) to advise the Minister on any matter contemplated in section 46 (7) (c);
 (e) to determine any question referred to it in terms of section 76;
 (f) to make determinations in terms of section 46;
 35 (g) to deal with any other matter which it is required or permitted to deal with under this Act; and
 (h) generally to deal with all matters necessary or incidental to the performance of its functions under this Act.”;
- 40 (h) by the deletion of subsection (12);
- 45 (i) by the substitution for subsection (13) of the following subsection:
 “(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]** any member or assessor or the designation by the president in terms of subsection (14) (b) of a member to act as chairman was defective for any reason, or that
 50 **[the deputy president or any deputy chairman]** any member or assessor was not present during the whole or any part of the proceedings.”;
- 55 (j) by the substitution for subsection (14) of the following subsection:
 60 “(14) (a) The industrial court may decide that any **[investigation]** matter which falls to be dealt with by it [is required or permitted] under this Act **[to make]** or any investigation which it

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verband met enige aangeleentheid wat deur die nywerheidshof oorweeg word, namens hom deur enige lid of lede daarvan deur die president aangewys, mee gehandel of uitgevoer word.

- (b) Wanneer die president meer as een lid van die nywerheidshof aanwys om enige werksaamheid van die nywerheidshof te verrig, wys hy een van daardie lede aan om as voorsitter op te tree.
- (c) Die beslissing van die meerderheid van die lede van die nywerheidshof word by die toepassing van hierdie Wet geag die beslissing van die nywerheidshof te wees: Met dien verstande dat waar 'n werksaamheid van die nywerheidshof deur 'n enkele lid verrig word, die beslissing van daardie lid die beslissing van die nywerheidshof is: Met dien verstande voorts dat die president of die lid wat deur hom ingevolge paragraaf (b) aangewys is om as voorsitter op te tree, by staking van stemme benewens sy beraadslagende stem 'n beslissende stem het.”;
- (k) deur subartikels (15) en (16) te skrap;
- (l) deur subartikel (17) deur die volgende subartikel te vervang:
- „(17) (a) Behoudens die bepalings van hierdie subartikel besit die nywerheidshof, of enige lid of lede wat ingevolge subartikel (14) (a) met enige aangeleentheid handel of enige ondersoek uitvoer, **[besit]** by die verrigting van sy of hulle werksaamhede al die bevoegdhede deur subartikels (4), (5) en (7) van artikel 12 aan die registrateur verleen, en is die bepalings van subartikels (6), (7), (9) en (15) van daardie artikel **[is]** *mutatis mutandis* van toepassing op die uitoefening van daardie bevoegdhede deur die nywerheidshof of lid of lede, na gelang van die geval.
- (b) 'n Subpoena wat by die uitoefening van **[bedoelde]** genoemde bevoegdhede uitgereik word, moet deur die president **[of betrokke voorsitter]** of enige ander lid van die nywerheidshof of deur 'n amptenaar wat deur die president **[of voorsitter]** daartoe gemagtig is **[of deur 'n lid van die nywerheidshof]**, onderteken word.
- (c) Wanneer **[’n getuie voor]** die nywerheidshof, of **[voor]** enige lid of lede wat **[enige ondersoek]** ingevolge subartikel (14) (a) met enige aangeleentheid handel of enige ondersoek uitvoer, **[verskyn]** by die uitoefening van genoemde bevoegdhede 'n by die verrigtinge aanwesige persoon wat as getuie gedagvaar is of kon geword het, oproep—
- (i) kan die eed **[hom]** aan daardie persoon opgelê word of 'n bevestiging van hom aangeneem word deur die president **[of betrokke voorsitter]** of deur daardie lid of, waar die aangeleentheid mee gehandel word of die ondersoek uitgevoer word deur meer as een lid, deur die lid wat deur die president ingevolge subartikel (14) (b) aangewys is om as voorsitter op te tree, na gelang van die geval; en
- (d) (ii) kan die president of **[betrokke voorsitter en]** enige lid wat **[op ’n vergadering waarop ’n getuie verskyn]** teenwoordig is by die verrigtinge waarby daardie persoon opgeroep is, **[kan]** daarna enige vraag aan **[die**

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- (c) by the deletion of subsections (3), (4), (5) and (7);
- (d) by the substitution for subsection (8) of the following subsection:
 5 “(8) Every appointment **for establishment of a division of the industrial court** under subsection (1) **[(3), (4)] or (6) [or (7)]** shall be notified in the *Gazette*.”;
- (e) by the deletion of subsection (9);
- (f) by the substitution for subsection (10) of the following subsection:
 10 “(10) The functions of the industrial court may be performed
 [(a)] by the industrial court or by any member or members of the industrial court to whom any matter
 is referred by the president
 [(b)] by a local division established under subsection (3) (a); or
 (c) by a special division established under subsection (4) (a)].”;
- 15 (g) by the substitution for subsection (11) of the following subsection:
 “(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]** **Manpower Utilization; [and]**
 25 **(b) [to perform the functions assigned in terms of subsection (12) to a special division of the industrial court]** to decide any appeal lodged with it in terms of section 16 or 21A;
 (c) to conduct arbitrations referred to it in terms of section 45, 46 or 49;
 30 (d) to advise the Minister on any matter contemplated in section 46 (7) (c);
 35 (e) to determine any question referred to it in terms of section 76;
 40 (f) to make determinations in terms of section 46;
 (g) to deal with any other matter which it is required or permitted to deal with under this Act; and
 45 (h) generally to deal with all matters necessary or incidental to the performance of its functions under this Act.”;
- (h) by the deletion of subsection (12);
- (i) by the substitution for subsection (13) of the following subsection:
 “(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]** any member or assessor or the designation by the president in terms of subsection (14) (b) of a member to act as chairman was defective for any reason, or that **[the deputy president or any deputy chairman]** any member or assessor was not present during the whole or any part of the proceedings.”;
- (j) by the substitution for subsection (14) of the following subsection:
 “(14) (a) The industrial court may decide that any **[investigation]** matter which falls to be dealt with by it [is required or permitted] under this Act **[to make]** or any investigation which it
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verband met enige aangeleentheid wat deur die nywerheidshof oorweeg word, namens hom deur enige lid of lede daarvan deur die president aangewys, mee gehandel of uitgevoer word.

(b) Wanneer die president meer as een lid van die nywerheidshof aanwys om enige werksaamheid van die nywerheidshof te verrig, wys hy een van daardie lede aan om as voorsitter op te tree.

(c) Die beslissing van die meerderheid van die lede van die nywerheidshof word by die toepassing van hierdie Wet geag die beslissing van die nywerheidshof te wees: Met dien verstande dat waar 'n werksaamheid van die nywerheidshof deur 'n enkele lid verrig word, die beslissing van daardie lid die beslissing van die nywerheidshof is: Met dien verstande voorts dat die president of die lid wat deur hom ingevolge paragraaf (b) aangewys is om as voorsitter op te tree, by staking van stemme benewens sy beraadslagende stem 'n beslissende stem het.'';

(k) deur subartikels (15) en (16) te skrap;

(l) deur subartikel (17) deur die volgende subartikel te vervang:

„(17) (a) Behoudens die bepalinge van hierdie subartikel besit die nywerheidshof, of enige lid of lede wat ingevolge subartikel (14) (a) met enige aangeleentheid handel of enige ondersoek uitvoer, **[besit]** by die verrigting van sy of hulle werksaamhede al die bevoegdhede deur subartikels (4), (5) en (7) van artikel 12 aan die registrateur verleen, en is die bepalinge van subartikels (6), (7), (9) en (15) van daardie artikel **[is]** *mutatis mutandis* van toepassing op die uitoefening van daardie bevoegdhede deur die nywerheidshof of lid of lede, na gelang van die geval.

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

(c) Wanneer **[’n getuie voor]** die nywerheidshof, of **[voor]** enige lid of lede wat **[enige ondersoek]** ingevolge subartikel (14) (a) met enige aangeleentheid handel of enige ondersoek uitvoer, **[verskyn]** by die uitoefening van genoemde bevoegdhede 'n by die verrigtinge aanwesige persoon wat as getuie gedagvaar is of kon geword het, oproep—

(i) kan die eed **[hom]** aan daardie persoon opgelê word of 'n bevestiging van hom aangeneem word deur die president **[of betrokke voorsitter]** of deur daardie lid of, waar die aangeleentheid mee gehandel word of die ondersoek uitgevoer word deur meer as een lid, deur die lid wat deur die president ingevolge subartikel (14) (b) aangewys is om as voorsitter op te tree, na gelang van die geval; en

(d) (ii) kan die president of **[betrokke voorsitter en]** enige lid wat **[op ’n vergadering waarop ’n getuie verskyn]** teenwoordig is by die verrigtinge waarby daardie persoon opgeroep is, **[kan]** daarna enige vraag aan **[die**

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deems necessary in connection with any matter which is being considered by the industrial court, shall be dealt with or carried out on its behalf by any member or members thereof designated by the president.

(b) Whenever the president designates more than one member of the industrial court to perform any function of the industrial court, he shall designate one of those members to act as chairman.

(c) The decision of a majority of the members of the industrial court shall for the purposes of this Act be deemed to be the decision of the industrial court: Provided that where a function of the industrial court is performed by a single member, the decision of that member shall be the decision of the industrial court: Provided further that the president or the member designated by him in terms of paragraph (b) to act as chairman, shall, in the event of an equality of votes, have a casting vote in addition to his deliberative vote.”;

(k) by the deletion of subsections (15) and (16);

(l) by the substitution for subsection (17) of the following subsection:

“(17) (a) Subject to the provisions of this subsection, the industrial court or any member or members dealing with any matter or carrying out any investigation in terms of subsection (14) (a) shall, in the performance of its or his or their 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 or members, as the case may be.

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

(c) Whenever **【a witness appears before】** the industrial court or **【before】** any member or members dealing with any matter or carrying out any investigation in terms of subsection (14) (a), in the exercise of the said powers calls or call any person present at the proceedings who was or might have been subpoenaed—

(i) the oath may be administered to **【him】** that person or an affirmation may be accepted from him by the president **【or chairman concerned】** or by that member or, where the matter is dealt with or the investigation is carried out by more than one member, by the member designated by the president in terms of subsection (14) (b) to act as chairman, as the case may be; and

【(d)】 (ii) the president or **【chairman concerned and】** any member who is present at **【a meeting at which any witness appears】** the proceedings at which that person has been called, may thereafter put any question to **【the witness】**

- getuie** genoemde persoon stel, en kan enige assessor wat by sodanige **vergadering** verrigtinge teenwoordig is, **[kan]** deur die president of **[voorsitter]** die lid wat met die aangeleentheid handel of die ondersoek uitvoer of deur die lid wat deur die president ingevolge subartikel (14) (b) aangewys is om as voorsitter op te tree, enige vraag aan **[die getuie]** genoemde persoon stel: Met dien verstande dat die president of daardie lid of voorsitter aldus aangewys na goeë dunks enige vraag kan afwys wat na sy mening nie ter sake is by die aangeleentheid of ondersoek **[wat deur]** waarmee die nywerheidshof handel of wat deur daardie hof ingestel word nie.”; 15
- (m) deur paragraaf (a) van subartikel (18) deur die volgende paragraaf te vervang:
- „(a) Die nywerheidshof kan skriftelik, onder die handtekening van die president **[of betrokke voorsitter]** of van ’n amptenaar wat deur die president **[of voorsitter]** daartoe gemagtig is, enige persoon 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]** aangeleentheid waarmee hy ingevolge hierdie Wet kan of moet **[doen of toegelaat is om te doen]** handel en wat sodanige persoon verplig kon geword het om te verstrek as hy voor die nywerheidshof verskyn het ingevolge ’n subpoena uitgereik **[kragtens]** uit hoofde van subartikel (17), gelas om sodanige inligting aan hom te verstrek binne die tydperk en in die vorm wat hy bepaal.”; en 20
- (n) deur subparagraaf (i) van paragraaf (a) van subartikel (19) deur die volgende subparagraaf te vervang: 35
- „(i) Behoudens die bepalinge van artikel 45 (5) en daardie artikel soos toegepas deur artikel 46 (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 ooreweeg 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 te wees ten opsigte van die aangeleentheid waarvoor hulle aangestel word.”. 40 45

Wysiging van artikel 35 van Wet 28 van 1956, soos gewysig deur artikel 4 van Wet 18 van 1961.

6. Artikel 35 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang: 50
- „(a) dat, behalwe in die geval van ’n beweerde onbillike arbeidspraktyk, ’n geskil met betrekking tot enige aangeleentheid betreffende die verhouding tussen werkgewer en werknemer bestaan; en”;
- (b) deur aan die end van subparagraaf (ii) van paragraaf (c) van subartikel (4) die woord „en” te skrap en die volgende voorbehoudbepaling by genoemde paragraaf (c) te voeg: 55
- „Met dien verstande dat die bepalinge van hierdie paragraaf nie van toepassing is ten opsigte van ’n geskil met betrekking tot ’n beweerde onbillike arbeidspraktyk nie; en”;
- (c) deur aan die end van subparagraaf (iii) van paragraaf (a) van subartikel (5) die woord „en” te skrap en die volgende voorbehoudbepaling by genoemde paragraaf (a) te voeg: 60 65

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that person, and any assessor who is present at such **[meeting]** proceedings may through **[such]** the president or **[chairman]** member who deals with the matter or carries out the investigation or through the member who has been designated by the president in terms of subsection (14) (b) to act as chairman, put any question to the **[witness]** said person: Provided that the president or that member or chairman so designated may in his discretion disallow any question which in his opinion is not relevant to the **[enquiry]** matter or investigation which is being dealt with or made by the industrial court.”;

(m) by the substitution for paragraph (a) of subsection (18) of the following paragraph:

“(a) The industrial court may in writing, under the hand of the president **[or chairman concerned]** or of an officer authorized thereto 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]** matter which falls to be dealt with by it 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]** by virtue of subsection (17), to furnish it with such information within such period and in such form as it may specify.”; and

(n) by the substitution for subparagraph (i) of paragraph (a) of subsection (19) of the following subparagraph:

“(i) Subject to the provisions of section 45 (5) and that section as applied by section 46 (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 court in an advisory capacity in respect of the matter for which they are appointed.”.

45 6. Section 35 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) that, except in the case of an alleged unfair labour practice, a dispute exists in regard to any matter concerning the relationship between employer and employee; and”;

(b) by the deletion at the end of subparagraph (ii) of paragraph (c) of subsection (4) of the word “and”, and the addition to the said paragraph (c) of the following proviso:

“Provided that the provisions of this paragraph shall not apply in respect of a dispute concerning an alleged unfair labour practice; and”;

(c) by the deletion at the end of subparagraph (iii) of paragraph (a) of subsection (5) of the word “and”, and the addition to the said paragraph (a) of the following proviso:

Amendment of section 35 of Act 28 of 1956, as amended by section 4 of Act 18 of 1961.

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„Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is ten opsigte van 'n geskil met betrekking tot 'n beweerde onbillike arbeidspraktyk nie; en”.

Wysiging van artikel 43 van Wet 28 van 1956, soos gewysig deur artikel 7 van Wet 41 van 1959 en artikel 13 van Wet 94 van 1979.

7. Artikel 43 van die Hoofwet word hierby gewysig— 5
- (a) deur die volgende paragraaf by subartikel (3) te voeg:
- „(c) Die Minister kan na goedgekeurde van tyd tot tyd skriftelik onder sy handtekening sy bevoegdheid met betrekking tot die vasstelling van sodanige verdere tydperk of tydperke aan enige amptenaar delegeer en kan te eniger tyd so 'n delegasie intrek.”; 10
- (b) deur in paragraaf (b) van subartikel (4) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang: 15
- „Na oorweging van die aansoek en enige verhoë aan hom voorgelê binne die in paragraaf (b) van subartikel (3) bedoelde tydperk en enige ander aangeleenthede wat hy ter sake ag, kan die Minister, as hy dit raadsaam ag om dit te doen, en 20 indien, in die geval van 'n geskil wat die onderwerp van 'n aansoek om 'n versoeningsraad uitgemaak het, hy besluit het om die instelling van dié raad goed te keur, 'n bevel uitvaardig waarin die betrokke werkgewer of werkgewers of werk- 25 gewersorganisasie of werknemer of werknemers of vakvereniging, na gelang van die geval, gelas word—”; en
- (c) deur paragraaf (a) van subartikel (6) deur die volgende paragraaf te vervang: 30
- „(a) totdat die geskilpunt deur die nywerheidsraad of die versoeningsraad, of as dit na arbitrasie of na die nywerheidshof vir vasstelling verwys word, deur 'n toekenning of vasstelling, na gelang van die geval, besleg is; of” 35

Wysiging van artikel 46 van Wet 28 van 1956, soos gewysig deur artikel 9 van Wet 41 van 1959, artikel 3 van Wet 104 van 1967 en artikel 14 van Wet 94 van 1979.

8. Artikel 46 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (c) van subartikel (9) deur die volgende paragraaf te vervang:
- „(c) Die nywerheidshof moet die geskil so spoedig moontlik vasstel en die bepalings van **[artikel]** 40 artikels 49 tot 59, 62, 69 en 71 is *mutatis mutandis* van toepassing ten opsigte van enige vasstelling wat ingevolge hierdie subartikel gemaak word vir sover sodanige bepalings aldus toegepas kan word.”; en 45
- (b) deur die volgende paragraaf by subartikel (9) te voeg:
- „(d) Ondanks die bepalings van paragraaf (a) kan 'n nywerheidsraad of, wanneer daar geen nywerheidsraad is wat regsbevoegdheid ten opsigte van die geskil besit nie, die partye by die geskil 50 ooreenkom om aan die Minister verslag te doen dat hy of hulle oortuig is dat hy of hulle nie in staat sal wees om die geskil te besleg nie, en by die ontvangs van so 'n verslag moet die geskil onverwyld na die nywerheidshof vir vasstelling 55 verwys word.”.

Wysiging van artikel 76 van Wet 28 van 1956, soos gewysig deur artikel 13 van Wet 41 van 1959 en artikel 8 van Wet 18 van 1961.

9. Artikel 76 van die Hoofwet word hierby gewysig deur subartikel (11) deur die volgende subartikel te vervang:
- „(11) By die toepassing van hierdie artikel **[sluit]** word die uitdrukking „werknemer” **[’n Swarte in]** uitgelê met 60 verontagsaming van die woorde in paragraaf (a) wat volg op subparagraaf (ii) van genoemde paragraaf (a) van die omskrywing van „werknemer” in artikel 1 (1).”.

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"Provided that the provisions of this paragraph shall not apply in respect of a dispute concerning an alleged unfair labour practice; and".

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

Amendment of section 43 of Act 28 of 1956, as amended by section 7 of Act 41 of 1959 and section 13 of Act 94 of 1979.

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

"(c) 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.";

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- (b) by the substitution in paragraph (b) of subsection (4) for the words preceding subparagraph (i) of the following words:

15

"After considering the application and any representations submitted to him within the period referred to in paragraph (b) of subsection (3), and any other matters which he considers relevant, the Minister may, if he deems it expedient to do so, and if, in the case of a dispute which has formed the subject of an application for the establishment of a conciliation board, he has decided to approve of the establishment of such board, make an order requiring the employer or employers or employers' organization or employee or employees or trade union, as the case may be, concerned—"; and

20

25

- (c) by the substitution for paragraph (a) of subsection (6) of the following paragraph:

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"(a) until the matter in dispute has been settled by the industrial council or the conciliation board, or, if it is referred to arbitration or to the industrial court for determination, by an award or determination, as the case may be; or".

8. Section 46 of the principal Act is hereby amended—

Amendment of section 46 of Act 28 of 1956, as amended by section 9 of Act 41 of 1959, section 3 of Act 104 of 1967 and section 14 of Act 94 of 1979.

- 35 (a) by the substitution for paragraph (c) of subsection (9) of the following paragraph:

"(c) The industrial court shall determine the dispute as soon as possible and the provisions of **[section]** sections 49 to 59, 62, 69 and 71 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."; and

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- (b) by the addition to subsection (9) of the following paragraph:

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"(d) Notwithstanding the provisions of paragraph (a), an industrial council or, whenever there is no industrial council having jurisdiction in respect of the dispute, the parties to the dispute may agree to report to the Minister that it is or they are satisfied that it or they will not be able to settle the dispute, and upon receipt of such a report, the dispute shall forthwith be referred to the industrial court for determination.".

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9. Section 76 of the principal Act is hereby amended by the substitution for subsection (11) of the following subsection:

Amendment of section 76 of Act 28 of 1956, as amended by section 13 of Act 41 of 1959 and section 8 of Act 18 of 1961.

"(11) For the purposes of this section the term 'employee'

[includes a Black] shall be interpreted disregarding the words in paragraph (a) following upon subparagraph (ii) of the said paragraph (a) of the definition of 'employee' in section 1 (1)."

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WYSIGINGSWET OP NYWERHEIDSVERSOENING, 1980

Vervanging van
sekere uit-
drukking in
Wet 28 van 1956.

10. Die Hoofwet word hierby gewysig deur die uitdrukking „onbehoorlike arbeidspraktyk” oral waar dit voorkom deur die uitdrukking „onbillike arbeidspraktyk” te vervang.

Herroeping van
wette, en
voorbehoude.

11. (1) Behoudens die bepalings van subartikel (2), word die Wet op Swart Bouwerkers, 1951 (Wet No. 27 van 1951), die Wysigingswet op Swart Bouwerkers, 1953 (Wet No. 38 van 1953), die Wysigingswet op Swart Bouwerkers, 1955 (Wet No. 60 van 1955), en die Wysigingswet op Swart Bouwerkers, 1959 (Wet No. 56 van 1959), hierby herroep.

(2) Die bepalings van genoemde Wette bly van krag ten opsigte 10 van—

- (a) enige leerling wat kragtens artikel 11 van die Wet op Swart Bouwerkers, 1951, as leerling geregistreer was en wat onmiddellik voor die herroeping van daardie Wet opleiding kragtens artikel 10 van daardie Wet ondergaan 15 het, totdat sodanige leerling se voorgeskrewe tydperk van opleiding ingevolge daardie Wet verstryk het of totdat hy in 'n bedryfstoets soos beoog in artikel 11 (2) van daardie Wet geslaag het; en
- (b) die vasstelling wat by Goewermentskennisgewing 20 R.1743 van 10 Augustus 1979 gepubliseer is, tot 19 Augustus 1982,

asof genoemde Wette nie deur subartikel (1) herroep is nie.

Kort titel.

12. Hierdie Wet heet die Wysigingswet op Nywerheidsversoening, 1980.

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10. The principal Act is hereby amended by the substitution in the Afrikaans text for the expression "onbehoorlike arbeidspraktik" wherever it occurs of the expression "onbillike arbeidspraktik".

Substitution of certain expression in Afrikaans text of Act 28 of 1956.

5 11. (1) Subject to the provisions of subsection (2), the Black Building Workers Act, 1951 (Act No. 27 of 1951), the Black Building Workers Amendment Act, 1953 (Act No. 38 of 1953), the Black Building Workers Amendment Act, 1955 (Act No. 60 of 1955), and the Black Building Workers Amendment Act, 1959
10 (Act No. 56 of 1959), are hereby repealed.

Repeal of laws, and savings.

(2) The provisions of the said Acts shall remain in force in respect of—

15 (a) any learner who was registered as a learner in terms of section 11 of the Black Building Workers Act, 1951, and who immediately prior to the repeal of that Act underwent training in terms of section 10 of that Act, until such time as the prescribed period of training of such learner in terms of that Act has expired or until he has passed a trade test as contemplated in section 11 (2)
20 of that Act; and

(b) the determination published under Government Notice R.1743 of 10 August 1979, until 19 August 1982, as if the said Acts had not been repealed by subsection (1).

12. This Act shall be called the Industrial Conciliation
25 Amendment Act, 1980. Short title.

