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ALGEMENE KENNISGEWING

KENNISGEWING 235 VAN 1981

DEPARTEMENT VAN MANNEKRAGBENUTTING

WYSIGINGSWETSONTWERP OP
NYWERHEIDSVERSOENING

Die volgende konsepwetsontwerp om die Wet op Nywerheidsversoening, 1956, te wysig word hiërby vir algemene inligting en kommentaar gepubliseer.

Enige kommentaar of versoë daaromtrent moet binne 30 dae vanaf die datum van publikasie van hierdie kennisgewing skriftelik en in duplikaat by die Direkteur-generaal: Mannekragebenutting, Privaatsak X117, Pretoria, 0001, ingedien word.

Algemene verduidelikende nota

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

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

KONSEPWETSONTWERP

Tot wysiging van die Wet op Nywerheidsversoening, 1956, ten einde die onskrywings van sekere uitdrukkings te skrap en sekere uitdrukkings te omskryf of nader te omskryf; die werksaamhede van die Nasionale Mannekragekommissie uit te brei; die funksionering en registrasie van vakverenigings, werkgewersorganisasies, federasies van werkgewersorganisasies of vakverenigings, en nywerheidsrade verder te reël; vir die samestelling en werksaamhede van die nywerheidshof verdere voorsiening te maak; voorsiening te maak vir die uitsluiting van sekere gebiede

GENERAL NOTICE

NOTICE 235 OF 1981

DEPARTMENT OF MANPOWER UTILISATION
INDUSTRIAL CONCILIATION AMENDMENT BILL

The following Draft Bill to amend the Industrial Conciliation Act, 1956, is hereby published for general information and comment.

Any comments or representations thereon should be lodged in writing and in duplicate with the Director-General: Manpower Utilisation, Private Bag X117, Pretoria, 0001, within 30 days of the date of publication of this notice.

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.

DRAFT BILL

To amend the Industrial Conciliation Act, 1956, so as to delete the definitions of certain expressions and to define or further define certain expressions; to extend the functions of the National Manpower Commission; to further regulate the functioning and registration of trade unions, employers' organizations, federations of employers' organizations or trade unions, and industrial councils; to make further provision for the composition and functions of the industrial court; to make provision for the exclusion of certain areas from the

van die toepassing van sekere ooreenkomste of toekennings; die bepalinge met betrekking tot kennisgewings wat deur werkgewers aangeplak moet word, die registrasie van werkgewers en die registrasie en reëling van private registrasiekantore te herroep; die aanstelling en bevoegdhede van inspekteurs en die aanstelling van aangewese agente van nywerheidsrade verder te reël; voorsiening te maak vir die hou van stemmings per stembriefie ten opsigte van stakings en uitsluitings; die geheimhoudingsbepalinge uit te brei; nuwe voorsiening te maak vir die verpligte aftrekking van die besoldiging van sekere werknemers van ledegelde aan sekere vakverenigings betaalbaar; sekere verdere misdrywe te skep; sekere boetes te verhoog; en sekere teksveranderinge aan te bring; en om sekere wette te herroep; en om voorsiening te maak vir aanleentehede wat daarmee in verband staan.

Ingedien deur die Minister van Mannekragbenutting

Daar word bepaal deur die Staatspresident 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, artikel 1 van Wet 94 van 1979 en artikel 1 van Wet 95 van 1980

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

(a) deur in subartikel (1) die omskrywing van “ampsdraer” deur die volgende omskrywing te vervang:

“ ‘ampsdraer’ ’n ander persoon as ’n beamppte wat enige amp in ’n [geregistreerde] vakvereniging, [of] geregistreerde werkgewersorganisasie, federasie of nywerheidsraad beklee, en ook ’n ander lid as ’n lid *ex officio* van ’n komitee van so ’n vereniging, [of] organisasie, federasie of nywerheidsraad;”;

(b) deur in subartikel (1) die omskrywing van “arbiter” deur die volgende omskrywing te vervang:

“ ‘arbiter’ ’n arbiter wat aangestel is of geag word aangestel te gewees het kragtens artikel 45, [of] 46 of 49;”;

(c) deur in subartikel (1) die omskrywing van “beamppte” deur die volgende omskrywing te vervang:

“ ‘beamppte’ [’n werknemer van] met betrekking tot ’n [geregistreerde] vakvereniging, [of] geregistreerde werkgewersorganisasie of federasie, ’n werknemer van sodanige vereniging, organisasie of federasie in diens as sekretaris, assistent-sekretaris of organiseerde van sodanige vereniging [of], organisasie of federasie of in enige ander voorgeskrewe hoedanigheid, hetsy sodanige werknemer in ’n voltydse hoedanigheid in diens is al dan nie, en met betrekking tot ’n nywerheidsraad, ’n werknemer van ’n raad in diens as sekretaris, assistent-sekretaris, aangewese agent of agent van die raad of in enige ander voorgeskrewe hoedanigheid, hetsy sodanige werknemer in ’n voltydse hoedanigheid in diens is al dan nie;”;

operation of certain agreements or awards; to repeal the provisions relating to notices to be posted by employers, the registration of employers and the registration and regulation of private registry offices; to further regulate the appointment and powers of inspectors and the appointment of designated agents of industrial councils; to provide for the taking of ballots in respect of strikes or lock-outs; to extend the secrecy provisions; to make new provision for the compulsory deduction from the remuneration of certain employees of membership fees due to certain trade unions; to create certain additional offences; to increase certain fines; and to effect certain textual alterations; and to repeal certain laws; and to provide for matters connected therewith

Introduced by the Minister of Manpower Utilization

Be it enacted by the State President 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, section 1 of Act 104 of 1967, section 1 of Act 94 of 1979 and section 1 of Act 95 of 1980

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

(a) by the substitution in subsection (1) for the definition of “arbitrator” of the following definition:

“ ‘arbitrator’ means an arbitrator appointed or deemed to have been appointed under section 45, [or] 46 or 49;”;

(b) by the deletion in subsection (1) of the definitions of “Black” and “Black area”;

(c) by the substitution in subsection (1) for the definition of “chairman” of the following definition:

“ ‘chairman’, in relation to a trade union, employers’ organisation, federation, industrial council or a committee thereof, [or] conciliation board, [or the industrial court] or the National Manpower Commission or a committee thereof, includes any person who is responsible for the performance of any of the duties ordinarily performed by a chairman;”;

(d) by the deletion in subsection (1) of the definition of “coloured person”;

(e) by the deletion in subsection (1) of the expression “17 (1A) (a)” in the definition of “departmental head”;

(f) by the substitution in subsection (1) for the definition of “employee” of the following definition:

‘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]

(d) deur in subartikel (1) die omskrywing van "blanke" te skrap;

(e) deur in subartikel (1) die uitdrukking "17 (1A) (a)" in die omskrywing van "departementshoof" te skrap;

(f) deur in subartikel (1) na die omskrywing van "departementshoof" die volgende omskrywing in te voeg:

" 'federasie' 'n federasie bedoel in artikel 80 (1);";

(g) deur in subartikel (1) die omskrywing van "gekleurde" te skrap;

(h) deur in subartikel (1) paragrawe (b) en (c) van die omskrywing van "loonreëlende maatregel" deur onderskeidelik die volgende paragrawe te vervang:

"(b) 'n vasstelling wat gemaak is of geag word gemaak te gewees het kragtens die Loonwet, [1937 (Wet No. 44 van 1937)] 1957 (Wet No. 5 van 1957);

(c) ['n] die vastelling kragtens die Wet op Swart Bouwerkers, 1951 (Wet No. 27 van 1951), gemaak, wat by Goewermentskennisgewing R. 1743 van 10 Augustus 1979 gepubliseer is en ingevolge artikel 11 (2) (b) van die Wysigingswet op Nywerhiedsversoening, 1980 (Wet No. 95 van 1980), van krag bly tot 19 Augustus 1982; of ";

(i) deur in subartikel (1) die omskrywing van "Minister" deur die volgende omskrywing te vervang:

" 'Minister' die Minister van [Arbeid] Mannekragbenutting;";

(j) deur in subartikel (1) die omskrywing van "plaaslike owerheid" deur die volgende omskrywing te vervang:

" 'plaaslike owerheid' 'n instelling of liggaam wat in paragraaf (f) van subartikel (1) van artikel 84 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961) beoog word;";

(k) deur in subartikel (1) die omskrywing van "private registrasiekantoor" te skrap;

(l) deur in subartikel (1) die omskrywing van "sekretaris" deur die volgende omskrywing te vervang:

" 'sekretaris' met betrekking tot 'n vakvereniging of werkgewersorganisasie of federasie of nywerheidsraad of versoeningsraad, of enige persoon wat verantwoordelik is vir die verrigting van enigeen van die pligte wat gewoonlik deur 'n sekretaris verrig word;";

(m) deur in subartikel (1) die omskrywings van "Swart gebied" en "Swart" te skrap;

(n) deur in subartikel (1) die omskrywing van "vakvereniging" deur die volgende omskrywing te vervang:

" 'vakvereniging' enige aantal werknemers in 'n bepaalde onderneming, nywerheid, bedryf of beroep wat verenig is [hoofsaaklik] met die doel, hetsy alleen of saam met ander doelstellings, om verhoudings tussen hulle of party van hulle en hul werkgewers of party van hul werkgewers in daardie onderneming, nywerheid, bedryf of beroep te reël;";

(o) deur in subartikel (1) die omskrywing van "voorsitter" deur die volgende omskrywing te vervang:

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

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 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 sub-paragraph (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;";

(g) by the substitution in subsection (1) for the definition of "employers' organisation" of the following definition:

" 'employers' organisation' means any number of employers in any particular undertaking, industry, trade or occupation associated together [primarily] for the purpose, alone or with other purposes, of regulating relations in that undertaking, industry, trade or occupation between themselves or some of them and their employees or some of their employees;";

(h) by the insertion in subsection (1) after the definition of "employers' organisation" of the following definition:

" 'federation' means a federation referred to in section 80 (1);";

(i) by the substitution in subsection (1) for the definition of "local authority" of the following definition:

" 'local authority' means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961);";

(j) by the substitution in subsection (1) for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of [Labour] Manpower Utilization;";

“ ‘voorsitter’ met betrekking tot ’n vakvereniging, werkgewersorganisasie, federasie, nywerheidsraad of ’n komitee daarvan, [of] versoeningsraad, [of die nywerheidshof] of die Nasionale Mannekragskommissie of ’n komitee daarvan, ook enige persoon wat verantwoordelik is vir die verrigting van enigeen van die pligte wat gewoonlik deur ’n voorsitter verrig word;”;

(p) deur in subartikel (1) die omskrywing van “werkgewersorganisasie” deur die volgende omskrywing te vervang:

“ ‘werkgewersorganisasie’ enige aantal werkgewers in ’n bepaalde onderneming, nywerheid, bedryf of beroep wat verenig is [hoofsaaklik] met die doel, hetsy alleen of saam met ander doelstellings, om verhoudings tussen hulle of party van hulle en hul werknemers of party van hul werknemers in daardie onderneming, nywerheid, bedryf of beroep te reël;”;

(q) deur in subartikel (1) die omskrywing van “werknemer” deur die volgende omskrywing te vervang:

‘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 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 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 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;

(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: 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 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 nie;] en het ‘in diens’ en ‘diens’ ooreenstemmende betekenisse;”.

(k) by the substitution in subsection (1) for the definition of “office-bearer” of the following definition:

“ ‘office-bearer’ means a person, other than an official, who holds any office in a [registered] trade union, [or] registered employer’s organization, federation or an industrial council and includes a member, other than a member *ex officio*, of a committee of such a union, [or] organization, federation or industrial council;”;

(l) by the substitution in subsection (1) for the definition of “official” of the following definition:

“ ‘official,’ [means, an employee of] in relation to a [registered] trade union, [or] registered employers’ organization or federation, means an employee of such union, organization or federation employed as secretary, assistant secretary or organiser of such union [or], organization or federation or in any other prescribed capacity, whether or not such employee is employed in a full-time capacity, and in relation to an industrial council, an employee of a council employed as secretary, assistant secretary, designated agent or agent of the council or in any other prescribed capacity, whether or not such employee is employed in a full-time capacity;”;

(m) by the deletion in subsection (1) of the definition of “private registry office”;

(n) by the substitution in subsection (1) for the definition of “secretary” of the following definition:

“ ‘secretary’, in relation to a trade union or an employers’ organization or a federation or an industrial council or a conciliation board, includes any person who is responsible for the performance of any of the duties ordinarily performed by a secretary;”;

(o) by the substitution in subsection (1) for the definition of “trade union” of the following definition:

“ ‘trade union’ means any number of employees in any particular undertaking, industry, trade or occupation associated together [primarily] for the purpose, alone or with other purposes, of regulating relations in that undertaking, industry, trade or occupation between themselves or some of them and their employers or some of their employers;”;

(p) by the substitution in subsection (1) for paragraphs (b) and (c) of the definition of “wage regulation measure” of the following paragraphs, respectively:

“(b) a determination made or deemed to have been made under the Wage Act, [1937 (Act No. 44 of 1937)] 1957 (Act No. 5 of 1957);

(c) [a] the determination made under the Black Building Workers Act, 1951 (Act No. 27 of 1951) which was published by Government Notice R. 1743 of 10 August 1979 and remains in force in terms of section 11(2) (b) of the Industrial Conciliation Amendment Act, 1980 (Act No. 95 of 1980), until 19 August 1982; or; and

(q) by the deletion in subsection (1) of the definition of “white person”.

Wysiging van artikel 2 van Wet 28 van 1956

2. Artikel 2 van die Hoofwet word hierby gewysig—
- (a) deur in subartikel (2) die uitdrukking “(behalwe artikel 63)” te skrap; en
- (b) deur in subartikel (4) die uitdrukking “(3)” te skrap.

Wysiging van artikel 2D van Wet 28 van 1956, soos ingevoeg by artikel 2 van Wet 94 van 1979 en gewysig by artikel 4 van Wet 95 van 1980.

3. Artikel 2D van die Hoofwet word hierby gewysig deur na subartikel (2) die volgende subartikel in te voeg:

“(2A) Die kommissie kan, vir die doeleindes van die verrigting van enige van sy werksaamhede, met die goedkeuring van die Minister gegee met die instemming van die Minister van Finansies, ’n kontrak vir die verrigting van ’n besondere handeling of besondere werk of die lewering van besondere dienste aangaan met enigiemand wat na die oordeel van die kommissie geskik is om sodanige handeling of werk te verrig of sodanige dienste te lewer.”.

Wysiging van artikel 4 van Wet 28 van 1956, soos gewysig deur artikel 1 van Wet 18 van 1961 en artikel 3 van Wet 94 van 1979

4. Artikel 4 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) ’n Vereniging wat om registrasie aansoek doen, moet aan die registrateur enige nadere inligting wat hy vereis, binne die deur hom vasgestelde tydperk verstrek, by ontstentenis waarvan die aansoek om registrasie deur die registrateur geweier moet word.”;

(b) deur in paragraaf (b) van subartikel (3) die woorde “Behoudens die bepalinge van paragraaf (c)” te skrap;

(c) deur paragraaf (c) en (d) van subartikel (3) te skrap;

(d) deur die volgende paragraaf by subartikel (4) te voeg:

“(c) moet die registrateur alleen die lede van die vereniging wat beswaar maak in aanmerking neem wat toelaatbaar is vir lidmaatskap van die vereniging wat aansoek doen.”;

(e) 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 wetsbepalinge te ontduik nie of nie met enige politieke party of politieke organisasie ooreenkomstig die bedoeling van artikel 8 (7) geaffilieer is nie.”;

(f) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) (a) ’n Vereniging bestaande uit enige getal lede van ’n geregistreerde vakvereniging wat voor die inwerkingtreding van hierdie subartikel bestaan het, kan, in die

Amendment of section 2 of Act 28 of 1956

2. Section 2 of the principal Act is hereby amended—
- (a) by the deletion in subsection (2) of the expression “(except section 63)”;
- (b) by the deletion in subsection (4) of the expression “(3)”.

Amendment of section 2D of Act 28 of 1956, as inserted by section 2 of Act 94 of 1979 and amended by section 4 of Act 95 of 1980.

3. Section 2D of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

“(2A) The commission may, for the purposes of the performance of any of its functions, with the approval of the Minister granted with the concurrence of the Minister of Finance, enter into any contract for the performance of any particular act or particular work or the rendering of particular services, with any person who is in the opinion of the commission fit to perform such act or work or to render such services.”.

Amendment of section 4 of Act 28 of 1956, as amended by section 1 of Act 18 of 1961 and section 3 of Act 94 of 1979.

4. Section 4 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (d) of subsection (1) of the following, paragraph:

“(d) Any union applying for registration shall furnish the registrar with any further information he may require, within the period fixed by him, failing which the application for registration shall be refused by the registrar.”;

(b) by the deletion in paragraph (b) of subsection (3) of the words “Subject to the provisions of paragraph (c)”;

(c) by the deletion of paragraphs (c) and (d) of subsection (3);

(d) by the addition to subsection (4) of the following paragraph:

“(c) shall have regard only to the members of the objecting union who are eligible for membership of the applicant union.”;

(e) 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 or political organization within the meaning of section 8 (7).”;

(f) by the substitution for subsection (6) of the following subsection:

“(6) (a) A union consisting of any number of members of a registered trade union which existed prior to the commencement of this subsection may, in the event of a

geval van 'n verandering van die vereistes vir lidmaatskap van daardie vereniging, by die Minister aansoek doen om toestemming om as 'n afsonderlike vereniging geregistreer te word.

(b) Indien die Minister die aansoek toestaan, moet die registrateur die vereniging wat daarom aansoek doen as 'n afsonderlike vereniging kragtens hierdie artikel registreer ten opsigte van die belange en die gebied wat die Minister bepaal.

(c) Die bepalings van hierdie Wet, uitgesonderd subartikels (1) (a), (2), (3) en (4) van hierdie artikel, is *mutatis mutandis* van toepassing ten opsigte van daardie afsonderlike vereniging of enige aangeleentheid wat met dié vereniging verband hou, vir sover genoemde bepalings aldus toegepas kan word.”; en

(g) deur subartikel (8) deur die volgende subartikel te vervang:

“(8) die bepalings van hierdie artikel, [uitgesonderd die bepalings van paragrawe (c) en (d) van subartikel (3) en subartikel (6)] is *mutatis mutandis* op die registrasie van werkgewersorganisasies van toepassing.”.

Vervanging van artikel 4A van Wet 28 van 1956, soos ingevoeg deur artikel 4 van Wet 94 van 1979

5. (1) Artikel 4A van die Hoofwet word hierby deur die volgende artikel vervang:

“*Vakverenigings wat nie aansoek om registrasie doen nie*

4A (1) Enige vakvereniging in artikel 4 (1) (a) bedoel wat nie binne drie maande na die datum waarvan hy ingevolge genoemde artikel aansoek om registrasie kragtens artikel 4 kan doen, sodanige aansoek doen nie, moet by verstryking van genoemde drie maande 'n afskrif van sy konstitusie aan die registrateur voorlê en hom voorsien van die vakvereniging se hoofkantooradres en die name van sy ampsdraers en beamptes.

(2) Enige vakvereniging wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200.”.

(2) Met 'n registrasie kragtens artikel 4A van die Hoofwet wat onmiddellik voor die inwerkingtreding van hierdie artikel van krag is, word gehandel asof daardie artikel nie deur hierdie artikel vervang is nie.

Herroeping van artikel 4B van Wet 28 van 1956, soos ingevoeg deur artikel 4 van Wet 94 van 1979.

6. Artikel 4B van die Hoofwet word hierby herroep.

Wysiging van artikel 6 van Wet 28 van 1956.

7. Artikel 6 van die Hoofwet word hierby gewysig—

(a) deur paragrawe (a) en (b) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:

“(a) In hierdie artikel beteken “nuwe vereniging” 'n vakvereniging wat om registrasie op of na die inwerkingtreding van artikel 8 (a) van die Wysingswet op Arbeidsverhoudinge, 1981, aansoek doen of wat voor

change in the qualifications for membership of such union, apply to the Minister for his consent to be registered as a separate union.

(b) If the Minister grants the application, the registrar shall register the union applying therefor as a separate union under this section in respect of such interests and such area as the Minister may determine.

(c) The provisions of this Act, except subsections (1) (a), (2), (3) and (4), shall *mutatis mutandis* apply in respect of such separate union or any matter connected with that union in so far as the said provisions can be so applied.”; and

(g) by the substitution for subsection (8) of the following subsection:

“(8) The provisions of this section [other than the provisions of paragraphs (c) and (d) of subsection (3) and subsection (6)] shall *mutatis mutandis* apply to the registration of employers' organizations.”.

Substitution of section 4 A of Act 28 of 1956, as inserted by section 4 of Act 94 of 1979.

5. (1) The following section is hereby substituted for section 4 A of the principal Act:

“*Trade unions which do not apply for registration*

4 A. (1) Any trade union referred to in section 4 (1) (a) which does not apply for registration under section 4 within three months after the date as from which it may apply for such registration in terms of the said section 4 (1) (a), shall at the expiry of the said three months submit to the registrar a copy of its constitution and furnish him with its head office address and the names of its office-bearers and officials.

(2) Any trade union which contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction liable to a fine not exceeding R200.”.

(2) Any registration under section 4 A of the principal Act in force immediately prior to the commencement of this section shall be dealt with as if that section had not been substituted by this section.

Repeal of section 4 B of Act 28 of 1956, as inserted by section 4 of Act 94 of 1979.

6. Section 4 B of the principal Act is hereby repealed.

Amendment of section 6 of Act 28 of 1956.

7. Section 6 of the principal Act is hereby amended—

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

“(a) In this section “new union” means a trade union which applies for registration on or after the commencement of section 8 (a) of the Labour Relations Amendment Act, 1981, or which has applied for registration before

daardie inwerkingtreding om registrasie aansoek gedoen het maar welke aansoek nie by daardie inwerkingtreding afgehandel is nie, en waarvan die volwaardige lede persone insluit wat lede van 'n geregistreerde vakvereniging (hieronder in hierdie artikel 'n "oorspronklike vereniging" genoem) is of was.

(b) Die bepalings van hierdie artikel is van toepassing wanneer op die datum waarop 'n nuwe vereniging kragtens subartikel (1) van artikel 4 aldus aansoek doen of gedoen het om registrasie—

[(i) sy lede persone ingesluit het wat in diens is in 'n onderneming, nywerheid, bedryf of beroep en wat terwyl hulle aldus in diens was te eniger tyd gedurende die tydperk van vyf jaar wat die inwerkingtreding van hierdie Wet onmiddellik voorafgegaan het, lede was van 'n oorspronklike vereniging op die lede waarvan 'n in paragraaf (x) van subartikel (1) van artikel vier-en-twintig bedoelde bepaling te eniger tyd gedurende bedoelde tydperk terwyl hulle aldus in diens was, bindend was ingevolge 'n ooreenkoms of toekenning kragtens die Nywerheidsversoeningswet, 1937 (Wet 36 van 1937); en

(ii)] die getal van sy volwaardige lede in diens in die onderneming, nywerheid, bedryf of beroep en in die gebied ten opsigte waarvan die oorspronklike vereniging geregistreer is, meer is of was as die helfte van die totale getal [blankes] persone [indien die lidmaatskap van die nuwe vereniging beperk is tot blankes, of van die totale getal gekleurdes, indien sy lidmaatskap beperk is tot gekleurdes,] wat op daardie datum in diens is of was in die hele onderneming, nywerheid, bedryf of beroep en gebied ten opsigte waarvan die oorspronklike vereniging geregistreer is en wat tot lidmaatskap van die nuwe vereniging toelaatbaar was en [By] by die toepassing van hierdie paragraaf word 'n persoon wat na die mening van die registrateur normaalweg in 'n bepaalde onderneming, nywerheid, bedryf of beroep in diens is, geag te alle ter sake dienende tye aldus in diens te wees of te gewees het, sonder te let op die feit dat hy te eniger tyd tydelik werkloos is of was.”;

(b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) Na oorweging van 'n aansoek kragtens paragraaf (e) van subartikel (1) gedoen, enige vertoë aan hom voorgelê en inligting verstrek binne 'n tydperk kragtens paragraaf (g) of (h) van daardie subartikel vasgestel en enige ander aangeleenthede wat hy ter sake ag, kan die registrateur 'n bevel uitvaardig aangaande watter van die bates, indien enige, van die oorspronklike vereniging tussen die oorspronklike vereniging en die nuwe vereniging verdeel moet word en aangaande die basis waarop die verdeling gemaak moet word, en [Vir] vir sover die getal lede ter sake mag wees, moet die registrateur in aanmerking neem die getal volwaardige lede van die nuwe vereniging twaalf maande na die datum van registrasie van die nuwe vereniging wat [te eniger tyd gedurende die tydperk van vyf jaar die inwerkingtreding van hierdie Wet onmiddellik voorafgegaan het] lede

that commencement but which application has not been disposed of at that commencement, and whose members in good standing include persons who are or were members of a registered trade union (hereinafter in this section referred to as an “original union”).

(b) The provisions of this section shall apply whenever, on the date on which a new union so applies or has so applied for registration under subsection (1) of section 4

[(i) its members included persons employed in an undertaking, industry, trade or occupation who, while so employed at any time during the period of five years immediately preceding the commencement of this Act, were members of an original union, on the members of which a provision such as is referred to in paragraph (x) of subsection (1) of section twenty-four was, at any time during the said period when they were so employed, binding in terms of an agreement or award under the Industrial Conciliation Act, 1937 (Act No. 36 of 1937); and

(ii)] the number of its members in good standing employed in the undertaking, industry, trade or occupation and in the area in respect of which the original union is registered exceeds or exceeded one half of the total number of [white] persons [if the membership of the new union is limited to white persons; or of the total number of coloured persons, if its membership is limited to coloured persons] who at that date are or were employed in the whole of the undertaking, industry, trade or occupation and area in respect of which the original union is registered and who were eligible for membership of the new union and [For] for the purposes of this paragraph a person who in the opinion of the registrar is normally employed in a particular undertaking, industry, trade or occupation, shall be deemed to be or to have been so employed at all relevant times, irrespective of the fact that he may at any time be or have been temporarily unemployed.”;

(b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) After considering an application made under paragraph (e) of subsection (1), any representations submitted and information furnished to him within any period fixed under paragraph (g) or (h) of that subsection and any other matters which he deems relevant, the registrar may make an order as to which, if any, of the assets of the original union shall be divided between the original union and the new union, and as to the basis on which the division shall be made, and [In] in so far as the number of members may be relevant the registrar shall have regard to the number of members of the new union in good standing twelve months after the date of registration of the new union, who [at any time during the period of five years immediately preceding the commencement

van die oorspronklike vereniging was [terwyl 'n in paragraaf (b) van subartikel (1) bedoelde bepaling op die lede van daardie vereniging bindend was].”;

(c) deur in paragraaf (a) van subartikel (3) die woord “Unie” deur die woord “Republiek” te vervang; en

(d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) (a) Die bates van enige vereniging wat voor die inwerkingtreding van artikel 4 (6) bestaan het en in daardie artikel bedoel word, kan verdeel word tussen hom en alleen die betrokke afsonderlike vereniging in daardie artikel bedoel.

(b) Die bepalings van subartikels (1) (c), (d), (e), (f), (g) en (h), en (2) en (3) van hierdie artikel is *mutatis mutandis* van toepassing op bedoelde verdeling van bates asof genoemde vereniging wat aldus bestaan het en afsonderlike vereniging onderskeidelik 'n oorspronklike vereniging en 'n nuwe vereniging vermeld in genoemde bepalings was.”

Wysiging van artikel 7 van Wet 29 van 1956, soos gewysig deur artikel 2 van Wet 41 van 1959 en artikel 5 van Wet 94 van 1979.

8. Artikel 7 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) te skrap;

(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die bepalings van [subartikel (2)] subartikel (3) (a) en (b) en artikel 4 (4) is *mutatis mutandis* van toepassing ten opsigte van enige verandering voorgestel om kragtens hierdie artikel aangebring te word, waarvan die uitwerking sal wees om die gebied of die belange van die vakvereniging of werkgewersorganisasie te vergroot of uit te brei, en [Vir] vir die doeleindes van die toepassing van artikel 4 (4), indien die registrateur uit eie beweging handel, word die datum waarop die registrateur besluit om aldus te handel, geag die datum te wees waarop die aansoek binne die bedoeling van daardie subartikel ingedien is.”; en

(c) deur subartikel (6) te skrap.

Wysiging van artikel 8 van Wet 28 van 1956, soos gewysig deur artikel 3 van Wet 41 van 1959 en artikel 6 van Wet 94 van 1979

9. Artikel 8 van die Hoofwet word hierby gewysig—

(a) deur subartikel (3) te skrap;

(b) deur in subartikel (4) die woorde wat subparagraaf (i) van paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Benewens die in subartikels (1) en (2) [en (3)] bedoelde aangeleenthede en onderworpe aan die bepalings van hierdie artikel, kan die konstitusie van 'n geregistreerde vakvereniging of werkgewersorganisasie vir enige een of meer van die volgende aangeleenthede voorsiening maak—”;

(c) deur paragrafe (c) en (d) van subartikel (6) deur onderskeidelik die volgende paragrafe te vervang:

of this Act] were members of the original union [while a provision such as is referred to in paragraph (b) of subsection (1) was binding upon the members of such unions].”;

(c) by the substitution in paragraph (a) of (3) for the word “Union” of the word “Republic”; and

(d) by the substitution for subsection (4) of the following subsection:

“(4) (a) The assets of any union existing prior to the commencement of section 4 (6) and referred to in that section, may be divided between it and only the separate union concerned, referred to in that section.

(b) The provisions of subsections 1 (c), (d), (e), (f), (g) and (h), and (2) and (3) of this section apply *mutatis mutandis* to such division of assets as if the said unions so existing and separate union were an original union and a new union, respectively, mentioned in the said provisions.”.

Amendment of section 7 of Act 28 of 1956, as amended by section 2 of Act 41 of 1959 and section 5 of Act 94 of 1979.

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

(a) by the deletion of subsection (2);

(b) by the substitution for subsection (5) of the following subsection:

“(5) The provisions of [subsection (2)] subsection (3) (a) and (b) and section 4 (4) shall *mutatis mutandis* apply in respect of any variation which it is proposed to make in terms of this section, the effect of which would be to increase the area or widen the interests of the trade union or employers' organisation, and [For] for the purposes of the application of the provisions of section 4 (4), if the registrar acts of his own motion, the date upon which he decides so to act shall be deemed to be the date on which the application was lodged within the meaning of that subsection.”;

(c) by the deletion of subsection (6).

Amendment of section 8 of Act 28, of 1956, as amended by section 3 of Act 41 of 1959 and section 6 of Act 94 of 1979.

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

(a) by the deletion of subsection (3);

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

“In addition to the matters referred to in subsections (1) and (2) [and (3)] and subject to the provisions of this section, the constitution of a registered trade union or employers' organization may provide for any one or more of the following matters—”;

(c) by the substitution for paragraphs (c) and (d) of subsection (6) of the following paragraphs, respectively;

“(c) mag geen sodanige vereniging of organisasie met enige politieke party of politieke organisasie affilieer nie of indien aldus geaffilieer by die datum van inwerking-treding van [hierdie Wet] artikel 9 (c) van die Wysigingswet op Arbeidsverhoudinge, 1981, aldus geaffilieer bly nie vir ’n tydperk van meer as [ses maande] een maand vanaf die datum van daardie inwerking-treding;

(d) mag geen sodanige vereniging of organisasie geldelike of ander steun verleen aan of enige uitgawes aangaan of enige bedrywighede voortsit of sy lede beïnvloed of probeer beïnvloed met die doel om hulp te verleen aan—

(i) enige politieke party of enige kandidaat vir verkiesing tot enige amp of ander betrekking in ’n politieke party of tot enige wetgewende liggaam deur die een of ander wet ingestel nie;

(ii) enige politieke organisasie of enige kandidaat vir verkiesing tot enige amp of ander betrekking in ’n politieke organisasie nie.”;

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

“(7) By die toepassing van paragrawe (c) en (d) van subartikel (6) beteken—

(a) “politieke organisasie” enige persoon, liggaam of groep persone wat as sy oogmerk het of as een van sy oogmerke het, hetsy uitgedruk of andersins, die bevordering van sy politieke belange of die politieke belange van sy lede of sekere van sy lede;

(b) “politieke party” enige persoon, liggaam of groep persone wat as sy oogmerk het of as een van sy oogmerke het, hetsy uitgedruk of andersins—

(i) die nominasie van kandidate vir verkiesing tot enige wetgewende liggaam deur die een of ander wet ingestel; of

(ii) die beïnvloeding van die openbare mening om so ’n persoon, liggaam of groep te ondersteun of teen te staan.”; en

(e) deur die volgende subartikel by te voeg:

“(8) Die bepalings van subartikels (5), (6) en (7) is vanaf die datum van inwerkingtreding van hierdie subartikel *mutatis mutandis* van toepassing op enige vakvereniging en werkgewersorganisasie wat nie kragtens hierdie Wet geregistreer is of geag word geregistreer te wees nie.”.

Wysiging van artikel 9 van Wet 28 van 1956.

10. Artikel 9 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

“(6) ’n Vakvereniging wat nie kragtens hierdie Wet geregistreer is of geag word geregistreer te wees nie moet die registrateur van enige verandering van sy konstitusie in kennis stel binne 30 dae nadat dit aangebring is.”.

“(c) no such union or organization shall affiliate with any political party or political organization or if so affiliated at the date of commencement of [this Act] section 9 (c) of the Labour Relations Amendment Act, 1981, shall continue to be so affiliated for a period exceeding [six months] one month from the date of such commencement;

(d) no such union or organization shall grant financial or other assistance to or incur expenditure or carry on any activities or influence or endeavour to influence its members with the object of assisting—

(i) any political party or any candidate for election to any office or other position in a political party or to any legislative body established by any law;

(ii) any political organization or any candidate for election to any office or other position in a political organization.”;

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

“(7) For the purposes of paragraphs (c) and (d) of subsection (6)—

(a) “political organization” means any person, association or group of persons who or which has as his or its object, or as one of his or its objects, whether expressed or otherwise, the promotion of his or its political interests or the political interests of its members or some of its members;

(b) “political party” means any person, association or group of persons who or which has as his or its object, or as one of his or its objects, whether expressed or otherwise—

(i) the nomination of candidates for election to any legislative body established by any law; or

(ii) the influencing of public opinion to support or to oppose any such person, association or group.”; and

(e) by the addition of the following subsection:

“(8) The provisions of subsections (5), (6) and (7) shall as from the date of commencement of this subsection *mutatis mutandis* apply to any trade union and employers’ organization which is not registered or deemed to be registered under this Act.”.

Amendment of section 9 of Act 28 of 1956.

10. Section 9 of the principal Act is hereby amended by the addition of the following subsection:

“(6) A trade union which is not registered or deemed to be registered under this Act shall notify the registrar of any alteration made to its constitution within 30 days after it has been made.”.

Wysiging van artikel 11 van Wet 28 van 1956, soos gewysig deur artikel 7 van Wet 94 van 1979.

11. Artikel 11 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die sekretaris van elke geregistreerde vakvereniging of werkgewersorganisasie moet—

(a) vir 'n tydperk van drie jaar bereken vanaf die jongste datum waarop hulle betrekking het—

(i) alle rekeningboeke, state van inkomste en uitgawes, balansstate en ouditeursverslae;

(ii) alle lederegisters en aantekeninge van gelde (indien enige) deur elke lid betaal; en

(iii) alle notule van vergaderings, of, in die plek daarvan, 'n mikrofilm- of ander mikroformreproduksie daarvan; en

(b) alle stawende bewysstukke, korrespondensie en ander stukke wat betrekking het op die sake van die vereniging of organisasie, of, in die plek daarvan, 'n mikrofilm- of ander mikroformreproduksie daarvan, vir 'n tydperk van drie jaar vanaf die datum van ontstaan van elke sodanige stuk, behou.

(b) 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 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 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;”;

(c) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) (a) Die hoofkantoor van elke geregistreerde vakvereniging of werkgewersorganisasie moet geleë wees in die Republiek, met uitsluiting van 'n gebied wat ingevolge 'n wet 'n selfregerende gebied binne die Republiek is.

(b) Wanneer enige verandering van adres van die hoofkantoor van 'n geregistreerde vakvereniging of werkgewersorganisasie plaasvind, moet die sekretaris van die betrokke vereniging of organisasie die registrateur binne 30 dae na die verandering plaasgevind het van die nuwe adres in kennis stel.”; en

(d) deur die volgende subartikel na subartikel (5) in te voeg:

“(6) Die bepalinge van hierdie artikel is vanaf die datum van inwerkingtreding van hierdie subartikel *mutatis mutandis* van toepassing op enige vakvereniging en werkgewersorganisasie wat nie kragtens hierdie Wet geregistreer is of geag word geregistreer te wees nie.”.

Amendment of section 11 of Act 28 of 1956, as amended by section 7 of Act 94 of 1979.

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

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

“(1) The secretary of every registered trade union or employers' organization shall retain—

(a) for a period of three years reckoned from the latest date to which they relate—

(i) all books of account, statements of income and expenditure, balance sheets and auditor's reports;

(ii) all registers of members and records of moneys (if any) paid by each member; and

(iii) all minutes of meetings, or in lieu thereof a microfilm or other microform reproduction thereof; and

(b) all substantiating vouchers, correspondence and other documents relating to the affairs of the union or organization or in lieu thereof a microfilm or other microform reproduction thereof for a period of three years from the date of origin of each such document.”;

(b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(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 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;”;

(c) by the substitution for subsection (4) of the following subsection:

“(4) (a) The head office of every registered trade union or employers' organization shall be situated in the Republic, exclusive of any territory which is a self-governing territory within the Republic in terms of any law.

(b) Whenever any change in the address of the head office of a registered trade union or employers' organization takes place, the secretary of the union or organization concerned shall notify the new address to the registrar within 30 days after the change took place.”; and

(d) by the insertion of the following subsection after subsection (5):

“(6) The provisions of this section shall as from the date of commencement of this subsection *mutatis mutandis* apply to any trade union and employers' organization which is not registered or deemed to be registered under this Act.”.

Wysiging van artikel 12 van Wet 28 van 1956.

12. Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur subartikels (1), (2) en (3) deur onderskeidelik die volgende subartikels te vervang:

“(1) As die registrateur te eniger tyd rede het om te vermoed dat ’n bepaling van die konstitusie van ’n geregistreerde vakvereniging, [of] werkgewersorganisasie of federasie nie nagekom is nie, en dat as gevolg van sodanige nie-nakoming die vereniging, [of] organisasie of federasie nie in staat is om ooreenkomstig sy konstitusie te funksioneer nie, te wyte, óf geheel en al of gedeeltelik aan—

(a) die nie-bestaan van sy uitvoerende liggaam;

(b) die versuim om ’n vakature ooreenkomstig die voorskrifte van die konstitusie te vul; of

(c) enige ander omstandigheid wat uit die nie-nakoming van die voorskrifte van die konstitusie voortspruit, kan die registrateur, as na sy mening ’n aansienlike aantal van die lede verlang dat sodanige vereniging, [of] organisasie of federasie moet bly funksioneer, sodanige opdragte uitreik as wat hy nodig ag ten einde die vereniging, [of] organisasie of federasie so na moontlik in dieselfde posisie te plaas asof die nie-nakoming van die voorskrifte van die konstitusie nie plaasgevind het nie, en [By] by die uitreiking van enige sodanige opdragte moet die registrateur ’n prosedure voorskryf wat so na doenlik met die in die konstitusie van die vereniging, [of] organisasie of federasie voorgeskrewe prosedure ooreenkom, en [Die] die registrateur kan kragtens hierdie subartikel optree, of die konstitusie van die betrokke vereniging, [of] organisasie of federasie bepalings bevat wat soortge-lyke bevoegdhede aan hom verleen al dan nie.

(2) Enige vereniging, [of] organisasie of federasie waaraan die registrateur ’n opdrag ingevolge subartikel (1) uitgereik het, word, sodra hy daardie opdrag uitgevoer het, vir die doeleindes van hierdie Wet en sy konstitusie, geag die bepalings van sy konstitusie aangaande die aangeleentheid waarop sodanige opdrag betrekking het, na te gekom het.

(3) As die registrateur te eniger tyd rede het om te vermoed dat—

(a) ’n onreëlmatigheid van wesenlike belang in verband met ’n verkiesing gehou ingevolge die konstitusie van ’n geregistreerde vakvereniging, [of] werkgewersorganisasie, federasie of nywerheidsraad geskied het; [of]

(b) enige geregistreerde vakvereniging, werkgewersorganisasie of federasie of ’n beampete, ampsdraer, komitee of ander liggaam van sodanige [’n geregistreerde vakvereniging] vereniging [of werkgewersorganisasie] organisasie of federasie versuim het om ’n bepaling van die konstitusie van [sodanige] die vereniging, [of] organisasie of federasie na te kom, of onwettiglik opgetree het, of op ’n wyse gehandel het wat onredelik teenoor die lede is en wat ernstige ontevredenheid onder ’n aansienlike aantal van die volwaardige lede veroorsaak het; of

Amendment of section 12 of Act 28 of 1956.

12. Section 12 of the principal Act is hereby amended—

(a) by the substitution for subsections (1), (2) and (3) of the following subsections, respectively:

“(1) If at any time the registrar has reason to believe that any provision of the constitution of a registered trade union, [or] employers’ organization or federation has not been observed, and that as a result of such non-observance the union, [or] organization or federation is unable to function in accordance with its constitution due, either wholly or in part, to—

(a) the non-existence of its executive body;

(b) the failure to full a vacancy in accordance with the requirements of the constitution; or

(c) any other circumstances arising from the non-observance of the requirements of the constitution,

the registrar may, if in his opinion a substantial number of the members desire that such union, [or] organization or federation should continue to function, issue such instructions as he may deem necessary in order to place the union, [or] organization or federation in the same position, as nearly as may be, as if the non-observance of the requirements of the constitution had not taken place, and [In] in issuing any such instructions the registrar shall prescribe a procedure which as nearly as practicable conforms to that prescribed in the constitution of the union, [or] organization or federation, and [The] the registrar may act under this subsection whether or not the constitution of the union, [or] organization or federation concerned contains provisions which confer similar powers on him.

(2) Any union, [or] organization or federation to which the registrar has, in terms of subsection (1), issued an instruction, shall, on giving effect to that instruction, be deemed for the purposes of this Act and its constitution, to have complied with the provisions of its constitution in regard to the matter to which such instruction relates.

(3) If at any time the registrar has reason to believe that—

(a) any material irregularity has occurred in connection with any election held in terms of the constitution of a registered trade union, [or] employers’ organization, federation or registered industrial council; [or]

(b) any registered trade union, employers’ organisation or federation or any official, office-bearer, committee or other body [a] such [registered trade] union, [or employers’] organization or federation has failed to observe any provision of the constitution of [such] the union, [or] organization or federation, or has acted unlawfully, or has acted in a manner which is unreasonable in relation to the members and which has caused serious dissatisfaction amongst a substantial number of the members in good standing; or

(c) enige nywerheidsraad of enige beampte, ampsdraer, komitee of ander liggaam van 'n nywerheidsraad versuim het om 'n bepaling van die konstitusie van die raad na te kom, of onwettiglik opgetree het,

kan hy, sonder afbreuk te doen aan enige regs middel wat enige belanghebbende persoon mag hê, 'n ondersoek aangaande daardie aangeleentheid instel.”;

(b) deur subartikels (11) en (12) deur onderskeidelik die volgende subartikels te vervang:

“(11) Indien die registrateur nadat 'n ondersoek kragtens hierdie artikel ingestel is, oortuig is dat—

(a) 'n onreëlmatigheid van wesenlike belang in verband met 'n verkiesing gehou ingevolge die konstitusie van die betrokke vereniging, [of] organisasie, federasie of nywerheidsraad geskied het; [of]

(b) die betrokke vereniging, organisasie of federasie of 'n [verkose] beampte, ampsdraer, komitee of ander liggaam van [die betrokke] dié vereniging, [of] organisasie of federasie versuim het om 'n bepaling van die konstitusie na te kom, of onwettiglik opgetree het, of op 'n wyse gehandel het wat onredelik teenoor lede is en wat ernstige ontevredenheid onder 'n aansienlike aantal van die volwaardige lede veroorsaak het; of

(c) die betrokke nywerheidsraad of die betrokke beampte, ampsdraer, komitee of ander liggaam van 'n nywerheidsraad versuim het om enige bepaling van die konstitusie van die betrokke raad na te kom, of onwettiglik opgetree het,

kan hy, in sy verslag aan die Minister ingevolge subartikel (10), óf as sy enigste aanbeveling óf benewens enige ander aanbeveling wat hy raadsaam ag om te maak, die hou van 'n verdere verkiesing of verkiesings ten opsigte van die betrokke pos, amp, komitee of liggaam op sodanige tye en plekke en onder sodanige voorwaardes as wat nodig ag (met inbegrip van voorwaardes met betrekking tot toesig oor enige verkiesing en alle aangeleenthede wat met sodanige verkiesing in verband staan of daarmee saamhang), of, ondanks enige ander bepaling van hierdie Wet, dat die registrasie van die betrokke vakvereniging, werkgewersorganisasie of federasie ingetrek word, aanbeveel.

(12) By ontvangs van 'n verslag ingevolge subartikel (10), kan die Minister die verslag of enige gedeelte daarvan of sodanige uittreksels daaruit as wat hy goedgevind, aan die [uitvoerende liggaam van die] betrokke vereniging, [of] organisasie, federasie of nywerheidsraad laat stuur vir die doel om [sodanige liggaam] hom uit te nooi om binne 'n tydperk, wat nie minder as dertig dae moet wees nie, deur hom vasgestel, enige vertoë wat [daardie liggaam] hy verlang om te maak aangaande die raadsaamheid om uitvoering te gee aan enige aanbevelings in die verslag vervat aan hom voor te lê: Met dien verstande dat indien die verslag of enige gedeelte daarvan bestaan uit 'n aanbeveling dat die registrasie van genoemde vereniging, organisasie of federasie ingetrek word, moet die Minister daardie verslag of gedeelte daarvan aldus laat

(c) any industrial council or any official, office-bearer, committee or other body of an industrial council, has failed to observe any provision of the constitution of the council, or has acted unlawfully,

he may, without prejudice to any legal remedy any interested person may have, conduct an enquiry into such matter.”;

(b) by the substitution for subsections (14) and (12) of the following subsections, respectively:

(11) If after an enquiry has been conducted under this section the registrar is satisfied that—

(a) any material irregularity has occurred in connection with any election held in terms of the constitution of the union, [or] organization, federation or industrial council concerned; [or]

(b) the union, organization or federation concerned or any [elected] official, office-bearer, committee or other body of [the] such union, [or] organization or federation [concerned] has failed to observe any provision of the constitution, or has acted unlawfully, or has acted in a manner which is unreasonable in relation to the members and which has caused serious dissatisfaction amongst a substantial number of the members in good standing; or

(c) the industrial council concerned or the official, office-bearer, committee or other body concerned of an industrial council has failed to observe any provision of the constitution of the council concerned, or has acted unlawfully,

he may, in his report to the Minister in terms of subsection (10), either as his only recommendation or in addition to any other recommendation he may deem it expedient to make, recommend the holding of a further election or elections in respect of the post, office, committee or body concerned at such times and places and under such conditions as he may consider necessary (including conditions relating to the supervision of any election and all matters connected with or incidental to such election), or, notwithstanding any other provision of this Act, that the registration of the trade union, employers' organization or federation concerned be cancelled.

(12) On the receipt of a report in terms of subsection (10) the Minister may cause the report or any portion thereof or such extracts therefrom as he deems fit, to be submitted to the [executive body of the] union, [or] organization, federation or industrial council concerned for the purpose of inviting [such body] it to submit to him in writing within a period fixed by him not being less than 30 days, any representations [that body] it desires to make as to the advisability of giving effect to any recommendations contained in the report: Provided that if the report or any portion thereof consists of a recommendation that the registration of the said union, organization or federation be cancelled, the Minister shall cause that

stuur vir die doel om die vereniging, organisasie of federasie uit te nooi om enige vertoë wat hy verlang om te maak aangaande die raadsaamheid om uitvoering te gee aan daardie aanbeveling, aldus voor te lê.”.

(c) deur subartikel (14) deur die volgende subartikel te vervang:

“(14) Enige verdere verkiesing gehou ooreenkomstig enige lasgewing ingevolge subartikel (13) gegee, word geag ’n verkiesing ingevolge die konstitusie van die betrokke vereniging, [of] organisasie, federasie of nywerheidsraad te wees; en vanaf die datum waarop die uitslag van die verdere verkiesing bekend is, is die verkiesing van die beamppte, ampsdraer, komitee of ander liggaam wie se verkiesing, versuim of handeling die onderwerp van die verslag uitgemaak het, nietig en van geen krag nie.”; en

(d) deur die volgende subartikel na subartikel (14) in te voeg:

“(14A) (a) Indien die intrekking van ’n vakvereniging, werkgewersorganisasie of federasie uit hoofde van die bepalings van subartikel (13) gelas word, moet die registrateur die registrasie van die vereniging, organisasie of federasie intrek en moet hy ’n kennisgewing te dien effekte in die *Staatskoerant* publiseer.

(b) Die bepalings van artikel 14 (3) en (5) is *mutatis mutandis* van toepassing ten opsigte van die intrekking van die registrasie van ’n vakvereniging, werkgewersorganisasie of federasie ingevolge hierdie subartikel.”.

Wysiging van artikel 13 van Wet 28 van 1956, soos gewysig deur artikel 2 van Wet 18 van 1961.

13. Artikel 13 van die Hoofwet word hierby gewysig—

(a) deur die woord “of” by paragraaf (b) van subartikel (1) te voeg;

(b) deur die volgende paragraaf by subartikel (1) te voeg:

“(c) indien die registrasie van die vereniging of organisasie ingevolge artikel, 12 (14A) ingetrek is.”;

(c) deur in paragraaf (c) van subartikel 3 die woord “Staatsdienskommissie” deur die woorde “Kommissie vir Administrasie” te vervang; en

(d) deur in subartikel (5) die uitdrukking „Openbare Schuld Kommissaris” Wet, 1911 (Wet 18 van 1911)” deur die uitdrukking „Wet op die Staatskuldkommissaris, 1969 (Wet No. 2 van 1969)” te vervang.

Wysiging van artikel 14 van Wet 28 van 1956.

14. Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Wanneer die registrateur rede het om te vermoed dat ’n geregistreerde vakvereniging of werkgewersorganisasie gelikwieder is of nie as ’n vakvereniging of werkgewersorganisasie funksioneer nie, [of dat ’n geregistreerde vakvereniging nie aan die voorskrifte van subparagraaf (i) van paragraaf (a) van subartikel (3) van artikel agt voldoen het nie, of wanneer die registrateur voornemens is om

report or portion thereof to be so submitted for the purpose of inviting the union, organization or federation to so submit any representations it desires to make as to the advisability of giving effect to that recommendation.”;

(c) by the substitution for subsection (14) of the following subsection:

“(14) Any further election held in accordance with any direction given in terms of subsection (13) shall be deemed to be an election in terms of the constitution of the union, [or] organization, federation or industrial council concerned, and as from the date on which the result of the further election is known, the election of the official, office-bearer, committee or other body whose election, failure or action formed the subject of the report shall be void and of no effect.”; and

(d) by the insertion after subsection (14) of the following subsection:

“(14A) (a) If the cancellation of a trade union, employers’ organization or federation is directed by virtue of the provisions of subsection (13), the registrar shall cancel the registration of the union, organization or federation and shall publish a notice to that effect in the *Gazette*.

(b) The provisions of section 14 (3) and (5) shall *mutatis mutandis* apply in respect of the cancellation of the registration of a trade union, employers’ organization or federation in terms of this subsection.”.

Amendment of section 13 of Act 28 of 1956, as amended by section 2 of Act 18 of 1961.

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

(a) by the addition to paragraph (b) of subsection (1) of the word “or”;

(b) by the addition of the following paragraph to subsection (1):

“(c) if the registration of the union or organization has been cancelled in terms of section 12 (14A).”.

(c) by the substitution in paragraph (c) of subsection (3) for the words “Public Service Commission” of the words “Commission for Administration”; and

(d) by the substitution in subsection (5) for the expression “Public Debt Commissioners Act, 1911 (Act No. 18 of 1911)” of the expression “Public Debt Commissioners Act, 1969 (Act No. 2 of 1969)”.

Amendment of section 14 of Act 28 of 1956.

14. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Whenever the registrar has reason to believe that a registered trade union or employers’ organization has been wound up or is not functioning as a trade union or employers’ organization, [or that a trade union has not complied with the requirements of subparagraph (i) of paragraph (a) of subsection (3) of section eight, or whenever

ingevolge subartikel (2) van artikel sewe die bestek van registrasie te verander van 'n vakvereniging wat geregistreer is vir blankes of gekleurdes alleen deur die uitsluiting daaruit van blankes of gekleurdes, na gelang van die geval, in die gehele onderneming, nywerheid, bedryf of beroep en gebied ten opsigte waarvan daardie vereniging geregistreer is] moet hy 'n kennisgewing in die *Staatskoerant* publiseer en per geregistreerde pos aan die vereniging of organisasie stuur dat by verstryking van die tydperk in daardie kennisgewing vermeld, wat nie minder as 30 dae vanaf die datum van daardie kennisgewing moet wees nie, die registrasie van die vakvereniging of werkgewersorganisasie daarin vermeld, tensy redes daarteen aangevoer word, ingetrek sal word."

Wysiging van artikel 15 van Wet 28 van 1956.

15. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

"Oortredings deur vakverenigings en werkgewersorganisasies en hul beamptes.

15. 'n Vakvereniging of werkgewersorganisasie of enigiemand wat, sonder redelike verontskuldiging, enige bepaling van, of enige vereiste, versoek of eis van die registrateur kragtens die voorbehoudsbepaling by artikel 2 (4), artikel 4 (1), artikel 6 (1) (h), artikel 7 (3), [subparagraaf (ii) of (iii) van paragraaf (a) van subartikel (3) of subartikel (5) of (6) van artikel agt] artikel 8 (5), (6) of (8), artikel 10, artikel 11 of artikel 14 (5) oortree of versium om daaraan te voldoen, is aan 'n misdryf skuldig."

Wysiging van artikel 17 van Wet 28 van 1956, soos vervang deur artikel 8 van Wet 94 van 1979 en gewysig deur artikel 5 van Wet 95 van 1980.

16. Artikel 17 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die volgende paragraaf na paragraaf (b) in te voeg:

"(bA) Die Minister of, indien daartoe deur die Minister gemagtig, die president van die nywerheidshof kan, indien hy dit dienstig ag, van tyd tot tyd 'n geskikte persoon vir 'n bepaalde doel betrokke by die verrigting van die werksaamhede van die nywerheidshof, as bykomende lid van die nywerheidshof aanstel, op die voorwaardes wat die Minister met die instemming van die Minister van Finansies bepaal en vir die tydperk wat genoemde president bepaal."

(b) deur in subartikel (1) die volgende paragraaf na paragraaf (cA) in te voeg:

"(cB) Wanneer sowel die president as die adjunk-president van die nywerheidshof om een of ander rede nie in staat is om as president van daardie hof op te tree nie, moet die Minister 'n ander lid van die hof, as daar is, aanwys om as daardie president op te tree, en as daar geen ander lid van die hof is nie, moet die Minister 'n persoon wat die kwalifikasie ingevolge paragraaf (b) vereis vir aanstelling in die hof besit, aanstel om gedurende bedoelde omvermoë van die president of die

the registrar proposes in terms of subsection (2) of section seven to vary the scope of registration of a trade union which is registered for white persons or coloured persons only by the exclusion therefrom of white persons or coloured persons, as the case may be, in the whole of the undertaking, industry, trade or occupation and area in respect of which such union is registered] he shall publish in the *Gazette* and send to the union or organization by registered post a notice that at the expiry of the period mentioned in that notice, not being less than thirty days from the date of that notice, the registration of the trade union or employers' organization mentioned therein will, unless cause be shown to the contrary, be cancelled."

Amendment of section 15 of Act 28 of 1956.

15. The following section is hereby substituted for section 15 of the principal Act:

"Offences by trade unions and employers' organizations and their officials

15. Any trade union or employers' organization which, or any person who, without reasonable excuse, contravenes or fails to comply with any provision of, or any requirement, request or demand of the registrar under, the proviso to section 2 (4), section 4 (1), section 6 (1) (h), section 7 (3), [subparagraph (ii) or (iii) of paragraph (a) of subsection (3) or subsection (5) or (6) of section eight] section 8 (5), (6) or (8), section 10, section 11 or section 14 (5), shall be guilty of an offence."

Amendment of section 17 of Act 28 of 1956 substituted by section 8 of Act 94 of 1979 and amended by section 5 of Act 95 of 1980.

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

(a) by the insertion in subsection (1) after paragraph (b) of the following paragraph:

"(bA) The Minister or, if authorized thereto by the Minister, the president of the industrial court, may, if he sees fit, from time to time appoint, on such conditions as the Minister may with the concurrence of the Minister of Finance determine and for such period as the said president may determine, any fit person as an additional member of the industrial court for a particular purpose connected with the performance of the functions of the industrial court."

(b) by the insertion in subsection (1) after paragraph (cA) of the following paragraph:

"(cB) Whenever both the president and the deputy president of the industrial court are for any reason unable to act as president of that court, the Minister shall designate any other member of the court, if any, to act as that president, and if there is no other member of the court, the Minister shall appoint a person holding the qualification required in terms of paragraph (b) for appointment to the court, to act as president of the court during such

adjunk-president as president van die hof op te tree, en 'n persoon aldus aangewys of aangestel word gedurende daardie onvermoë vir alle doeleindes geag die president van die hof te wees.”;

(c) deur die volgende paragraaf by subartikel (1) te voeg:

“(e) (i) Wanneer die nywerheidshof 'n werksaamheid in subartikel (11) (a) bedoel, moet verrig, mag geen lid van die hof sy ampswerksaamhede verrig nie tensy hy 'n eed of plegtige verklaring wat deur hom onderteken moet word, afgelê het, in onderstaande vorm, te wete—

‘Ek verklaar
(volle naam)

hierby onder eed/plegtig en opreg dat ek in my hoedanigheid as lid van die nywerheidshof wat werksaamhede verrig in artikel 17 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, (Wet No. 28 van 1956), bedoel aan alle persone op gelyke voet reg sal laat geskied sonder vrees, begunstiging of vooroordeel, en, soos die omstandighede van 'n bepaalde geval vereis, ooreenkomstig die reg en gebruike van die Republiek van Suid-Afrika.’

(ii) So 'n eed of plegtige verklaring moet afgelê word, in die geval van die president van die nywerheidshof, voor die adjunk-president van die nywerheidshof, en, in die geval van die ander lede van die hof, voor die president van die nywerheidshof.

(iii) Die adjunk-president of president van die nywerheidshof, na gelang van die geval, moet onder aan die eed of plegtige verklaring 'n verklaring endosseer dat dit voor hom afgelê is, en die datum van aflegging daarvan moet vermeld en dit moet onderteken.”;

(d) deur die volgende paragraaf by subartikel (2) te voeg:

“(c) Die werksaamhede van die nywerheidshof kan soos in subartikel (10) bepaal, in Pretoria of op 'n plek in die Republiek elders as in Pretoria verrig word.”;

(e) deur paragraaf (a) van subartikel (14) deur die volgende paragraaf te vervang:

“(a) Die nywerheidshof kan besluit dat enige aangeleentheid waarmee hy kragtens hierdie Wet kan of moet handel of enige ondersoek wat hy nodig ag in verband met enige aangeleentheid wat deur die nywerheidshof oorweeg word, namens hom deur enige lid of lede daarvan [met inbegrip van enige bykomende lid kragtens subartikel (1) (bA) aangestel] deur die president aangewys, mee gehandel of uitgevoer word.”;

(f) deur subparagraaf (i) van paragraaf (a) van subartikel (19) deur die volgende subparagraaf te vervang:

“(i) Behoudens die bepalings van artikel 45 (5) en daardie artikel soos toegepas deur artikel 46 (5), kan die president van die nywerheidshof, of 'n lid daarvan ingevolge subartikel (1) (cB) aangewys of aangestel of 'n lid kragtens subartikel (14) aangewys, of as voorsitter aangewys, 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

inability of the president or the deputy president, and any person so designated or appointed is during such inability deemed for all purposes to be the president of the court.”;

(c) by the addition to subsection (1) of the following paragraph:

“(e) When the industrial court is required to perform any function referred to in subsection (11) (a), no member of the court shall perform the functions of his office unless he has taken an oath or made an affirmation, which shall be subscribed by him, in the form set out below, namely—

‘I.....do
(full name)

hereby swear/solemnly and sincerely affirm and declare that I will in my capacity as member of the industrial court performing functions referred to in section 17 (1) (a) of the Labour Relations Act, 1956 (Act No. 28 of 1956), administer justice to all persons alike without fear, favour or prejudice, and, as the circumstances of any particular case may require, in accordance with the law and customs of the Republic of South Africa.’

(ii) Any such oath or affirmation shall be taken or made, in the case of the president of the industrial court, before the deputy president of the industrial court, and, in the case of the other members of the court, before the president of the industrial court.

(iii) The deputy president or president of the industrial court, as the case may be, shall at the foot of such oath or affirmation endorse a statement of the fact that the oath was taken or affirmation was made before him and of the date on which it was so taken or made and append his signature thereto.”;

(d) by the addition to subsection (2) of the following paragraph:

“(c) The functions of the industrial court may be performed as provided in subsection (10), in Pretoria or at any place in the Republic elsewhere than in Pretoria.”;

(e) by the substitution for paragraph (a) of subsection (14) of the following paragraph:

“(a) The industrial court may decide that any matter which falls to be dealt with by it under this Act or any investigation which it 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 [including any additional member appointed under subsection (1) (bA)] designated by the president.”;

(f) 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, or any member thereof designated or appointed in terms of subsection (1) (cB) or any member designated, or designated as chairman, under subsection (14), 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

oorweeg word, betrokke is, die getal assessore om die belange van onderskeidelik werkgewers en werknemers te verteenwoordig wat hy menslik ag, aanstel om die nywerheidshof in 'n raadgewende hoedanigheid behulpsaam te wees ten opsigte van die aangeleentheid waarvoor hulle aangestel word.”;

(g) deur subparagraaf (ii) van paragraaf (a) van subartikel (19) te skrap; en

(h) deur die volgende subartikel na subartikel (20) in te voeg:

“(20A) (a) Iemand wat gedurende die verhoor van 'n appél, die onderneem van 'n arbitrasie of die uitvoer van 'n ondersoek deur die nywerheidshof ingevolge hierdie Wet 'n lid van die nywerheidshof opsetlik beledig, neerheel of verkleineer of die verrigtinge van die hof opsetlik onderbreek of hom op ander wyse aan wangedrag skuldig maak in die plek waar die hof aldus optree, is aan 'n misdryf skuldig, en die lid van die hof wat voorsit kan die betrokke persoon op staande voet 'n straf voorgeskryf in artikel 82 (1) (b) oplê.

(b) Ten opsigte van 'n straf kragtens paragraaf (a) opgelê, is die bepalings van artikel 108 (2) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), *mutatis mutandis* van toepassing asof bedoelde straf 'n vonnis is wat deur 'n landdroshof opgelê is.

(c) Iemand wat—

(i) die bevindinge van die nywerheidshof wat optree soos in paragraaf (a) vermeld, vooruitloop op 'n wyse wat bereken is om dit te beïnvloed; of

(ii) 'n lid van die nywerheidshof by die verrigting van sy werksaamhede ingevolge hierdie Wet belemmer of dwarsboom,

is aan 'n misdryf skuldig.”.

Wysiging van artikel 21 van Wet 28 van 1956, soos gewysig deur artikel 5 van Wet 41 van 1959 en artikel 9 van Wet 94 van 1979.

17. Artikel 21 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die [fondse] geld van 'n nywerheidsraad en in enige fonds ingestel soos bepaal in artikel 24 (1) (r) of 48 (1) (d) wat meer is as die raad se benodigdhede of die van sodanige fonds vir uitgawes moet nie belê word nie behalwe in—

(i) [Effekte van die Unieregering of van 'n plaaslike bestuur] binnelandse geregistreerde effekte ooreenkomstig die bedoeling van artikel 21 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975);

(ii) [Unie-leningsertifikate] Nasionale Spaarsertifikate;

(iii) Posspaarbankrekeninge of -sertifikate;

(iv) Spaarrekeninge, permanente aandele of vaste deposito's in bougenootskappe of banke;

of op enige ander deur die registrateur goedgekeurde wyse.”.

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.”;

(g) by the deletion of subparagraph (ii) of paragraph (a) of subsection (19); and

(h) by the insertion after subsection (20) of the following subsection:

“(20A) (a) Any person who, during the hearing of an appeal, the conducting of an arbitration or the carrying out of an investigation by the industrial court in terms of this Act, wilfully insults, desperages or belittles a member of the industrial court or wilfully interrupts the proceedings of the court or otherwise misbehaves himself in the place where the court is so functioning, shall be guilty of an offence, and the presiding member of the court may summarily impose upon such person a penalty prescribed in section 82 (1) (b).

(b) In respect of any penalty imposed under paragraph (a) the provisions of section 108 (2) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), shall *mutatis mutandis* apply as if such penalty were a sentence imposed by a magistrate's court.

(c) Any person who—

(i) anticipates the finding of the industrial court functioning as mentioned in paragraph (a), in a manner calculated to influence such findings; or

(ii) wilfully impedes or obstructs any member of the industrial court in the performance of his functions in terms of this Act, shall be guilty of an offence.”.

Amendment of section 21 of Act 28 of 1956, as amended by section 5 of Act 41 of 1959 and section 9 of Act 94 of 1979.

17. Section 21 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The [funds] moneys of an industrial council and in any fund established as provided in section 24 (1) (r) or 48 (1) (d) surplus to its requirements and those of such fund for expenses shall not be invested otherwise than in—

(i) [Union or local government stock] internal registered stock within the meaning of section 21 of Exchequer and Audit Act, 1975 (Act No. 66 of 1975);

(ii) [Union Loan] National Savings Certificates;

(iii) Post Office Savings accounts or certificates;

(iv) Savings accounts, permanent shares or fixed deposits in building societies or banks;

or in any other manner approved by the registrar.”

Wysiging van artikel 24 van Wet 28 van 1956.

18. Artikel 24 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) By die toepassing van hierdie artikel beteken ‘klas van werknemers’, ‘klas van sy werknemers’ en ‘werknemers van ’n bepaalde klas’ ook sodanige groep of afdeling of tipe van werknemers as wat in die ooreenoms vermeld of omskrywe word, en by die maak van so ’n vermelding of omskrywing kan enige metode van differensiasie [of diskriminasie op grond van ouderdom, geslag, ervaring, lengte van diens tyd of tipe van werk of tipe of klas van perseel of die gebied waarop of waarin werk verrig word of enige ander metode] wat raadsaam geag word, toegepas word: Met dien verstande dat geen differensiasie [of diskriminasie] op die grondslag van geslag, ras of kleur gemaak mag word nie.”.

Wysiging van artikel 27 van Wet 28 van 1956, soos gewysig deur artikel 11 van Wet 94 van 1979.

19. Artikel 27 van die Hoofwet word hierby gewysig deur subartikel (11) deur die volgende subartikel te vervang:

“(11) Behoudens die bepalings van subartikel (9) van hierdie artikel en van artikel 12 (7) soos deur artikel 30 toegepas [en van artikel *nege van die Wet op die Reëling van Swart Arbeidsverhoudinge, 1953 (Wet No. 48 van 1953)*], moet elke vergadering van ’n raad agter geslote deure gehou word, tensy die raad anders besluit.”.

Wysiging van artikel 28 van Wet 28 van 1956.

20. Artikel 28 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die sekretaris moet die notule van ’n vergadering van die raad aan die daaropvolgende gewone vergadering van die raad voorlê, en die raad moet, nadat hy die verbeterings wat hy nodig ag daarin laat aanbring het, die notule by besluit bekragtig, en die persoon wat op die vergadering voorsit, moet die aldus bekragtigde notule onderteken, en die ondertekende afskrif, of in die plek daarvan ’n mikrofilm- of ander mikroformreproduksie daarvan, moet deur die sekretaris van die raad vir ’n tydperk van vyf jaar vanaf die datum van bekragtiging van die notule in veilige bewaring gehou word.”.

Wysiging van artikel 32 van Wet 28 van 1956.

21. Artikel 32 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Alle in subartikels (1) en (2) bedoelde rekeninge en state en alle stukke wat daarop betrekking het, of in die plek van sodanige rekeninge, state en stukke, ’n mikrofilm- of ander mikroformreproduksie daarvan, moet deur die sekretaris van die raad in veilige bewaring in die kantoor van die raad gehou word vir ’n tydperk van minstens vyf jaar vanaf die jongste datum waarop hulle betrekking het.”.

Amendment of section 24 of Act 28 of 1956.

18. Section 24 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) For the purposes of this section, ‘class of employees’, ‘class of his employees’ and ‘employees of a particular class’ includes such group or section or type of employees as may be specified or defined in the agreement, and in the making of any such specification or definition any method of differentiation [or discrimination based on age, sex, experience, length of employment or type of work or type or class of premises or the area on or in which work is performed or any other method] which is deemed to be advisable may be applied: Provided that no differentiation [or discrimination] on the basis of sex, race or colour shall be made.”.

Amendment of section 27 of Act 28 of 1956, as amended by section 11 of Act 94 of 1979.

19. Section 27 of the principal Act is hereby amended by the substitution for subsection (11) of the following subsection:

“(11) Subject to the provisions of subsection (9) of this section and of section 12 (7), as applied by section 30, [and of section *nine of the Black Labour Relations Regulation Act, 1953 (Act No. 48 of 1953)*] every meeting of a council shall be conducted in private, unless the council otherwise decides.”.

Amendment of section 28 of Act 28 of 1956.

20. Section 28 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The secretary shall submit the minutes of any meeting of the council to the next succeeding ordinary meeting of the council, and the council shall, after causing to be made therein such corrections as it thinks necessary, confirm the minutes by resolution, and the person presiding at the meeting shall sign the minutes so confirmed, and the signed copy, or in lieu thereof a microfilm or other microform reproduction thereof, shall be retained by the secretary of the council in safe custody for a period of five years from the date of confirmation of the minutes.”.

Amendment of section 32 of Act 28 of 1956

21. Section 32 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) All accounts and statements referred to in subsections (1) and (2) and all records relating thereto, or in lieu of such accounts, statements and records, a microfilm or other microform reproduction thereof, shall be retained by the secretary of the council in safe custody in the office of the council for a period of not less than five years from the latest date to which they relate.”.

Wysiging van artikel 34 van Wet 28 van 1956, soos gewysig deur artikel 1 van Wet 21 van 1970.

22. Artikel 34 van die Hoofwet word hierby gewysig deur in paragraaf (c) van subartikel (4) die uitdrukking "artikel *nege* van die 'Openbare Schuld Kommissarissen Wet, 1911' (Wet No. 18 van 1911)" deur die uitdrukking "artikel 5 van die Wet op die Staatskuldkommissarisse, 1969 (Wet No. 2 van 1969)" te vervang.

Wysiging van artikel 35 van Wet 28 van 1956, soos gewysig deur artikel 4 van Wet 18 van 1961 en artikel 6 van Wet 95 van 1980.

23. Artikel 35 van die Hoofwet word hierby gewysig deur paragraaf (e) van subartikel (4) deur die volgende paragraaf te vervang:

"(e) dat enige ooreenkoms, toekenning of vasstelling wat kragtens hierdie Wet aangegaan of gemaak is of geag word aldus aangegaan of gemaak te gewees het en wat op die partye by die geskil bindend is, of enige vasstelling wat kragtens die Loonwet, [1937 (Wet No. 44 van 1937)] 1957 (Wet No. 5 van 1957), gemaak is of geag word aldus gemaak te gewees het wat op die partye by die geskil bindend is en ten opsigte waaraan 'n kennisgewing kragtens [subartikel (2) van artikel *sestien*] artikel 14 (2) van bedoelde Wet minder as een jaar voor die datum van die aansoek gepubliseer is, nie bepalings bevat wat oor die onderwerp van die geskil handel nie; en".

Wysiging van artikel 41 van Wet 28 van 1956.

24. Artikel 41 van die Hoofwet word hierby gewysig deur die uitdrukking "Sekretaris van Arbeid" deur die uitdrukking "Direkteur-generaal: Mannekragbenutting" te vervang.

Wysiging van artikel 44 van Wet 28 van 1956.

25. Artikel 44 van die Hoofwet word hierby gewysig deur in subartikel (4) die uitdrukking "Sekretaris van Arbeid" deur die uitdrukking "Direkteur-generaal: Mannekragbenutting" te vervang.

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 8 van Wet 95 van 1980.

26. Artikel 46 van die Hoofwet word hierby gewysig deur in paragraaf (b) van subartikel (7) die uitdrukking "Sekretaris van Arbeid" deur die uitdrukking "Direkteur-generaal: Mannekragbenutting" te vervang.

Wysiging van artikel 47 van Wet 28 van 1956, soos gewysig deur artikel 4 van Wet 104 van 1967.

27. Artikel 47 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (2) te voeg:

"Met dien verstande dat die koste verbonde aan die verteenwoordiging, by die arbitrasieverrigtinge, van 'n party by die geskil deur een of meer regspraktisyne, deur die betrokke party gedra moet word."

Amendment of section 34 of Act 28 of 1956, as amended by section 1 of Act 21 of 1970.

22. Section 34 of the principal Act is hereby amended by the substitution in paragraph (c) of subsection (4) for the expression "section *nine* of the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911)" of the expression "section 5 of the Public Debt Commissioners Act, 1969 (Act No. 2 of 1969)".

Amendment of section 35 of Act 28 of 1956, as amended by section 4 of Act 18 of 1961 and section 6 of Act 95 of 1980.

23. Section 35 of the principal Act is hereby amended by the substitution for paragraph (e) of subsection (4) of the following paragraph:

"(e) that any agreement, award or determination entered into or made or deemed to have been entered into or made under this Act which is binding upon the parties to the dispute, or any determination made or deemed to have been made under the Wage Act, [1937 (Act No. 44 of 1937)] 1957 (Act No. 5 of 1957), which is binding upon the parties to the dispute and in respect of which a notice under [sub-section (2) of section *sixteen*] section 14 (2) of the said Act was published less than one year before the date of the application, does not contain provisions dealing with the subject matter of the dispute; and".

Amendment of section 41 of Act 28 of 1956.

24. Section 41 of the principal Act is hereby amended by the substitution for the expression "Secretary for Labour" of the expression "Director-General: Manpower Utilization".

Amendment of section 44 of Act 28 of 1956.

25. Section 44 of the principal Act is hereby amended by the substitution in subsection (4) for the expression "Secretary for Labour" of the expression "Director-General: Manpower Utilization".

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 8 of Act 95 of 1980.

26. Section 46 of the principle Act is hereby amended by the substitution in paragraph (b) of subsection (7) for the expression "Secretary for Labour" of the expression "Director-General: Manpower Utilization".

Amendment of section 47 of Act 28 of 1956, as amended by section 4 of Act 104 of 1967.

27. Section 47 of the principal Act is hereby amended by the addition to subsection (2) of the following proviso:

"Provided that the costs incidental to the representation, at the arbitration proceedings, of any party to the dispute by one or more legal practitioners shall be borne by the party concerned."

Wysiging van artikel 48 van Wet 28 van 1956, soos gewysig deur artikel 2 van Wet 21 van 1970 en artikel 15 van Wet 94 van 1979.

28. Artikel 48 van die Hoofwet word hierby gewysig—

(a) deur die volgende paragraaf by die voorbehoudsbepaling by paragraaf (c) van subartikel (1) te voeg:

“(iii) ’n kennisgewing nie kragtens hierdie paragraaf gepubliseer word nie tensy die nywerheidsraad bewys tot oortuiging van die Minister gelewer het dat ’n verandering van bestek van registrasie van enige party of partye by die raad ingevolge artikel 7 deur die betrokke gebied daarby in te sluit, omrede omstandighede buite hulle beheer nie, ingevolge daardie artikel bewerkstellig kon word nie.”.

(b) deur subartikel (3) te skrap;

(c) deur in subartikel (4) die woorde wat subparagraaf (i) van paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“(a) Wanneer die Minister ’n kennisgewing kragtens paragraaf (a), (b), (c) of (d) van subartikel (1) **[of kragtens subartikel (3)]** gepubliseer het, kan hy, of ’n amptenaar wat deur hom skriftelik daartoe gemagtig is, van tyd tot tyd, op versoek van die betrokke nywerheidsraad, **[of, in die geval van ’n kennisgewing kragtens subartikel (3), na oorlegpleging met die betrokke nywerheidsraad]** en as hy dit raadsaam ag om dit te doen, by kennisgewing in die *Staatskoerant*—”;

(d) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die Minister kan, op versoek van die betrokke nywerheidsraad, **[of in die geval van ’n kennisgewing kragtens subartikel (3) gepubliseer, na oorlegpleging met die betrokke nywerheidsraad]** en indien hy dit raadsaam ag om dit te doen, by kennisgewing in die *Staatskoerant* en met ingang van ’n datum deur hom in sodanige kennisgewing vasgestel, ’n kragtens subartikel (1) [(3)] of (4) gepubliseerde kennisgewing in die geheel of gedeeltelik intrek.”;

(e) deur in subartikels (6) en (7) die uitdrukking “(1), (3) of (4)” deur die uitdrukking “(1) of (4)” te vervang.

(f) deur subartikel (9) deur die volgende subartikel te vervang:

“(9) Die bepalinge van hierdie artikel is *mutatis mutandis* van toepassing op enige ooreenkoms deurgestuur, of versoek gedoen, deur ’n versoeningsraad: Met dien verstande dat die versoeningsraad, of, nadat die versoeningsraad ontslaan is, die partye wat op die versoeningsraad verteenwoordig was, vir die doeleindes van ’n in subartikel (1), (2), [(3)] (4) of (5) bedoelde versoek, **[of oorlegpleging]** geag word die betrokke nywerheidsraad te wees en die gebied bepaal ingevolge artikel 35 (8) geag word die gebied te wees ten opsigte waarvan die nywerheidsraad geregistreer is.”; en

(g) deur subartikel (12) deur die volgende subartikel te vervang:

Amendment of section 48 of Act 28 of 1956, as amended by section 2 of Act 21 of 1970 and section 15 of Act 94 of 1979.

28. Section 48 of the principle Act is hereby amended—

(a) by the addition to the proviso to paragraph (c) of subsection (1) of the following paragraph:

“(iii) a notice shall not be published under this paragraph unless the industrial council has furnished proof to the satisfaction of the Minister that a variation of scope of registration of any party or parties to the council in terms of section 7 by the inclusion therein of the area concerned could by reason of circumstances beyond their control not be effected in terms of that section.”;

(b) by the deletion of subsection (3);

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

“(a) Whenever the Minister has published a notice under paragraph (a), (b), (c) or (d) of subsection (1) **[or under subsection (3)]** he, or any officer authorized thereto by him in writing, may from time to time, at the request of the industrial council concerned, **[or, in the case of a notice under subsection (3), after consultation with the industrial council concerned]** and if he deems it expedient to do so, by notice in the *Gazette*—”;

(d) by the substitution for subsection (5) of the following subsection:

“(5) The Minister may, at the request of the industrial council concerned, **[or in the case of a notice published under subsection (3) after consultation with the industrial council concerned]** and if he deems it expedient to do so, by notice in the *Gazette* and with effect from a date fixed by him in such notice, cancel in whole or in part any notice published under subsection (1) [(3)] or (4).”;

(e) by the substitution in subsections (6) and (7) for the expression “(1), (3) or (4)” of the expression “(1) or (4)”;

(f) by the substitution for subsection (9) of the following subsection:

“(9) The provisions of this section shall *mutatis mutandis* apply to any agreement transmitted, or request made, by a conciliation board: Provided that the conciliation board, or, after the conciliation board has been discharged, the parties who were represented on the conciliation board, shall for the purposes of any request **[or consultation]** such as is referred to in subsection (1), (2), [(3),] (4) or (5) be deemed to be the industrial council concerned and the area determined in terms of section 35 (8) shall be deemed to be the area in respect of which the industrial council is registered.”; and

(g) by the substitution for subsection (12) of the following subsection:

“(12) By die toepassing van subartikel (1) (c) beteken ‘klas van werkgewers’ en ‘klas van werknemers’ ook sodanige groep of afdeling of tipe van werkgewer of werknemer as wat in die toepaslike kennisgewing vermeld of omskryf word, en by die maak van so ‘n vermelding of omskrywing kan enige metode van differensiasie [of diskriminasie op grond van ouderdom, geslag, ervaring, lengte van dienstryd of tipe van werk of tipe of klas van perseel of die gebied waarop of waarin werk verrig word of enige ander metode] wat raadsaam geag word, toegepas word: Met dien verstande dat geen differensiasie [of diskriminasie] op die grondslag van geslag, ras of kleur gemaak mag word nie.”.

Wysiging van artikel 49 van Wet 28 van 1956, soos gewysig deur artikel 5 van Wet 104 van 1967.

29. Artikel 49 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (5) die uitdrukking “Loonwet, 1937 (Wet No. 44 van 1937)” deur die uitdrukking “Loonwet, 1957 (Wet No. 5 van 1957)” te vervang; en

(b) deur subartikel (12) deur die volgende subartikel te vervang:

“(12) Die bepalings van paragrawe (b) en (c) van subartikels (1) en (2) en subartikels [(3)] (5), (7), (11) en (12) van artikel 48 is *mutatis mutandis* van toepassing op ‘n in subartikel (1) of (11) van hierdie artikel bedoelde toekenning: Met dien verstande dat vir die doeleindes van ‘n in bedoelde bepalings bedoelde versoek [of oorlegpleging] en vir die doel om die mate waarin die partye verteenwoordigend is te bepaal, die partye op wie die toekenning ingevolge subartikel (1) of (11) bindend is, geag word die betrokke nywerheidsraad of die partye by die ooreenkoms, na gelang van die geval, te wees, en die gebied waarin die toekenning bindend is, word geag die gebied ten opsigte waarvan die raad geregistreer is te wees [Met dien verstande voorts dat die bepalings van subartikel (3) van artikel *agt-en-veertig* ten opsigte van ‘n toekenning toegepas kan word hetsy daardie toekenning die onderwerp van ‘n versoek kragtens subartikel (1) van daardie artikel, soos toegepas deur hierdie subartikel, gewees het al dan nie].”.

Vervanging van artikel 51 van Wet 28 van 1956, soos gewysig deur artikel 10 van Wet 41 van 1959 en artikel 16 van Wet 94 van 1979.

30. Artikel 51 van die Hoofwet word hierby deur die volgende artikel vervang:

“Vrystellings en die uitsluiting van sekere gebiede.

51. (1) Wanneer aansoek in die vorm en op die wyse voorgeskryf, gedoen word om die vrystelling van enige persoon of klas persone van almal of enigen van die bepalings van ‘n ooreenkoms aangegaan deur die partye by ‘n

“(12) For the purposes of subsection (1) (c) ‘class of employers’ and ‘class of employees’ includes such group or section or type of employer or employee as may be specified or defined in the relevant notice, and in the making of any such specification or definition any method of differentiation [or discrimination based on age, sex, experience, length of employment or type of work or type or class or premises or the area on or in which work is performed, or any other method] which is deemed to be advisable may be applied: Provided that no differentiation [or discrimination] on the basis of sex, race or colour shall be made.”.

Amendment of section 49 of Act 28 of 1956, as amended by section 5 of Act 104 of 1967.

29. Section 49 of the principle Act is hereby amended—

(a) by the substitution in subsection (5) for the expression “Wage Act, 1937 (Act No. 44 of 1937)” of the expression “Wage Act, 1957 (Act No. 5 of 1957)”; and

(b) by the substitution for subsection (12) of the following subsection:

“(12) The provisions of paragraphs (b) and (c) of subsections (1) and (2), and subsections [(3)] (5), (7), (11) and (12) of section 48 shall *mutatis mutandis* apply to an award referred to in subsection (1) or (11) of this section: Provided that for the purposes of any request [or consultation] such as is referred to in the said provisions and for the purpose of determining the representativeness of the parties, the parties upon whom the award is binding in terms of subsection (1) or (11), shall be deemed to be the industrial council concerned or the parties to the agreement as the case may be, and the area in which the award is binding shall be deemed to be the area in respect of which the council is registered [Provided further that the provisions of subsection (3) of section *forty-eight* may be applied in respect of an award, whether or not that award has been the subject of a request under subsection (1) of that section as applied by this subsection].”.

Substitution of section 51 of Act 28 of 1956, as amended by section 10 of Act 41 of 1959 and section 16 of Act 94 of 1979.

30. The following section is hereby substituted for section 51 of the principal Act:

“Exemptions and the exclusion of certain areas.

51. (1) Whenever application is made in the prescribed form and manner for the exemption of any person or class of persons from all or any of the provisions of an agreement entered into by the parties to a conciliation

versoeningsraad wat ingevolge hierdie Wet bindend is, of van almal of enigeen van die bepalings van 'n toekenning en die Minister van mening is dat—

(a) die bedinge en voorwaardes van diens van sodanige persoon of klas persone vir hom of hulle wesenlik nie minder gunstig is nie as die bedinge en voorwaardes van diens wat deur daardie ooreenkoms of toekenning voorgeskryf word; of

(b) sodanige persoon aan 'n liggaamlike ongeskiktheid soos ouderdom of kroniese siekte of swaakheid ly en in staat is om alleen deel van die werk te verrig wat van 'n liggaamlik geskikte persoon vereis word; of

(c) besondere omstandighede bestaan wat in belang van sodanige persoon of klas persone 'n vrystelling van daardie persoon of klas persone kragtens hierdie artikel regverdig,

kan hy, as hy dit raadsaam ag om dit te doen, vrystelling verleen van almal of enigeen van die bepalings van die betrokke ooreenkoms of toekenning aan of ten opsigte van daardie persoon of klas persone vir die tydperk en onderworpe aan die bedinge en voorwaardes wat hy bepaal, en [Die] die tydperk waarvoor vrystelling verleen word, kan op 'n datum begin vroeër as dié waarop vrystelling verleen word maar nie vroeër nie as die datum waarop aansoek ingevolge hierdie subartikel gedoen is.

(2) Die Minister kan, na goeë dunde, van tyd tot tyd deur 'n deur hom ondertekende geskrif die bevoegdhede wat subartikel (1) aan hom verleen aan enige amptenaar oordra, en hy kan te eniger tyd so 'n oordrag intrek.

(3) Aansoek om vrystelling van almal of enigeen van die bepalings van 'n ooreenkoms deur partye by 'n nywerheidsraad aangegaan en wat ingevolge hierdie Wet bindend is, kan by die betrokke nywerheidsraad gedoen word, of by enige komitee waaraan die bevoegdhede van die raad kragtens hierdie artikel ingevolge artikel 25 oorgedra is, en die bevoegdhede deur subartikel (1) aan die Minister verleen, kan *mutatis mutandis* deur sodanige raad of komitee uitgeoefen word

[Met dien verstande dat geen sodanige raad of komitee vrystelling mag verleen nie van enige bepaling met betrekking tot 'n in artikel 24 (1) (d) bedoelde aangeleentheid, soos 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 so 'n persoon betaalbaar is, te maak ten opsigte van hydraes tot enige genootskap van persone of liggaam wat nie 'n geregistreerde vakvereniging is nie].

(4) Die bedinge en voorwaardes van 'n vrystelling wat kragtens subartikel (1) of (3) verleen word, moet in 'n vrystellingsertifikaat, onderteken deur 'n amptenaar of die sekretaris van die betrokke raad of komitee, na gelang van die geval, ingelyf word en 'n afskrif daarvan moet aan die persoon of persone gestuur word wat die amptenaar of sekretaris, na gelang van die geval, nodig ag. Met dien verstande dat in plaas van sodanige sertifikaat die Minister die publikasie in die *Staatskoerant* kan magtig van 'n

board, which is binding in terms of this Act, or from all or any of the provisions of an award and the Minister is of opinion that—

(a) the terms and conditions of employment of such person or class of persons are substantially not less favourable to him or them than the terms and conditions of employment prescribed by that agreement or award; or

(b) such person suffers from a physical disability such as old age or chronic sickness or infirmity and is capable of doing only part of the work required of an able-bodied person; or

(c) special circumstances exist which justify, in the interests of such person or class of persons, an exemption of that person or class of persons under this section,

he may, if he deems it expedient to do so, grant exemption from all or any of the provisions of the agreement or award concerned to or in respect of that person or class of persons, for such period and subject to such terms and conditions as he may determine, and [The] the period for which exemption is granted may commence on a date prior to that on which the exemption is granted but not earlier than the date on which the application was made in terms of this subsection.

(2) The Minister may, in his discretion, from time to time by writing under his hand delegate the powers conferred upon him by subsection (1) to any officer, and he may at any time withdraw any such delegation.

(3) Application for exemption from all or any of the provisions of an agreement entered into by parties to an industrial council which is binding in terms of this Act may be made to the industrial council concerned, or to any committee to which the powers of the council under this section have been delegated in terms of section 25, and the powers conferred on the Minister by subsection (1) may *mutatis mutandis* be exercised by such council or committee [Provided that no such council or committee shall grant exemption from any provision relating to a matter referred to in section 24 (1) (d), as applied under section 48 to persons who are not employees, to enable an employer to make deductions from the remuneration payable to any such person in respect of contributions to any association of persons or body which is not a registered trade union].

(4) The terms and conditions of an exemption granted under subsection (1) or (3) shall be incorporated in a licence of exemption, signed by an officer or the secretary of the council or committee concerned, as the case may be, and a copy thereof shall be transmitted to such person or persons as the officer or the secretary, as the case may be, considers necessary: Provided that in lieu of such licence, the Minister may authorize the publication

kennisgewing waarin die bedinge en voorwaardes van sodanige vrystelling ingelyf word, en in daardie geval moet die persoon of klas persone aan of ten opsigte van wie, die tydperk waarvoor en die datum van wanneer af die vrystelling verleen word, in sodanige kennisgewing vermeld word.

(5) Enige persoon wat veronreg voel deur enige beslissing van 'n komitee—

(a) kragtens subartikel (3) op 'n aansoek om vrystelling; of

(b) kragtens subartikel (8) om 'n vrystelling in te trek; kan te eniger tyd na die raad teen daardie beslissing appelleer, en die raad kan na oorweging van enige redes wat deur sodanige komitee vir sy beslissing voorgelê word, daardie beslissing bekragtig of die ander beslissing gee wat die komitee na sy mening behoort te gegee het.

(6) (a) Enige persoon wat veronreg voel deur enige beslissing van 'n raad—

(i) kragtens subartikel (3) op 'n aansoek om vrystelling; of

(ii) kragtens subartikel (8) om 'n vrystelling in te trek; of

(iii) op 'n appèl kragtens subartikel (5),

kan te eniger tyd na die Minister teen daardie beslissing appelleer: Met dien verstande dat geen werkgewer, werkgeversorganisasie of vakvereniging wat 'n party by die raad is en geen lid van sodanige organisasie of vereniging die reg van appèl kragtens hierdie subartikel besit nie, behalwe ten opsigte van 'n aansoek om vrystelling van 'n in artikel 24 (1) (x) bedoelde bepaling.

(b) By ontvangs van so 'n appèl kan die Minister van die raad vereis om aan hom binne 'n tydperk deur hom vasgestel die redes vir sy beslissing te verskaf, en [Die] die Minister kan na oorweging van die redes wat deur die raad verskaf word en enige ander aangeleenthede wat hy ter sake beskou, daardie beslissing bekragtig of die ander beslissing gee wat die raad na sy mening behoort te gegee het, en sodanige beslissing word by die toepassing van hierdie Wet geag die beslissing van die raad te wees.

(7) 'n Vrystelling wat kragtens hierdie artikel aan of ten opsigte van 'n persoon of klas persone verleen word, word geag 'n werkgewer wat daardie persoon of 'n lid van daardie klas persone in diens neem, vry te stel van die toepaslike bepalings van die betrokke ooreenkoms of toekenning in die mate in die vrystellingsertifikaat vermeld, en die bedinge en voorwaardes ingelyf in die vrystellingsertifikaat is bindend op die persoon of elke lid van die klas persone aan of ten opsigte van wie vrystelling verleen is, en indien daardie persoon of 'n lid van daardie klas 'n werknemer is, op elke persoon wat hom in diens neem.

(8) Enige vrystelling verleen—

(a) deur die Minister of deur 'n amptenaar aan wie bevoegdhede kragtens subartikel (2) oorgedra is, of ooreenkomstig 'n beslissing van die Minister kragtens subartikel (6), kan te eniger tyd deur die Minister ingetrek word; of

in the *Gazette* of a notice incorporating the terms and conditions of such exemption, and in that event the person or class of persons to or in respect of whom, the period for and the date from which the exemption is granted, shall be specified in such notice.

(5) Any person who feels aggrieved by any decision of a committee—

(a) under subsection (3) on an application for exemption; or

(b) under subsection (8) to withdraw any exemption, may appeal at any time to the council from that decision, and the council may after considering any reasons which may be submitted by the committee for its decision, confirm that decision or give such other decision as in its opinion the committee ought to have given.

(6) (a) Any person who feels aggrieved by any decision of a council—

(i) under subsection (3) on an application for exemption; or

(ii) under subsection (8) to withdraw any exemption; or

(iii) on an appeal under subsection (5),

may appeal at any time to the Minister from that decision: Provided that no employer, employers' organization or trade union who or which is a party to the council, and no member of such organization or union shall have a right of appeal under this subsection save in respect of an application for exemption from a provision such as is referred to in section 24 (1) (x).

(b) Upon receipt of any such appeal the Minister may require the council to furnish him with the reasons for its decision within a period fixed by him, and [The] the Minister may after considering the reasons furnished by the council and any other matter which he considers relevant, confirm that decision or give such other decision as in his opinion the council ought to have given, and such decision shall for the purposes of this Act be deemed to be the decision of the council.

(7) Any exemption granted to or in respect of any person or class of persons under this section shall be deemed to exempt any employer who employs such person or a member of such class of persons, from the relevant provisions of the agreement or award concerned to the extent specified in the licence of exemption, and the terms and conditions incorporated in the licence of exemption shall be binding upon the person or every member of the class of persons to or in respect of whom the exemption was granted, and, if that person or any member of that class is an employee, upon every person who employs him.

(8) Any exemption granted—

(a) by the Minister or by an officer to whom powers have been delegated under subsection (2), or in pursuance of a decision of the Minister under subsection (6), may at any time be withdrawn by the Minister; or

(b) deur 'n amptenaar aan wie bevoegdheid aldus oorgedra is, kan te eniger tyd ingetrek word deur daardie amptenaar of deur enige ander amptenaar aan wie bevoegdheid aldus oorgedra is; of

(c) deur 'n nywerheidsraad, of ooreenkomstig 'n beslissing van 'n raad kragtens subartikel (5), behalwe 'n vrystelling wat ooreenkomstig 'n beslissing van die Minister kragtens subartikel (6) verleen is, kan te eniger tyd deur daardie raad ingetrek word; of

(d) deur 'n komitee van 'n raad, behalwe 'n vrystelling wat ooreenkomstig 'n beslissing van die Minister kragtens subartikel (6) of ooreenkomstig 'n beslissing van 'n raad kragtens subartikel (5) verleen is, kan te eniger tyd deur daardie komitee of deur enige ander komitee waaraan die bevoegdheid deur subartikel (3) verleen ingevolge artikel 25 oorgedra is, of deur die raad ingetrek word.

(9) By die toepassing van hierdie artikel beteken 'klas persone' ook sodanige groep of seksie of tipe van persoon as wat in die vrystellingsertifikaat vermeld of omskrywe word en by die maak van so 'n vermelding of omskrywing kan enige metode van differensiasie **[of diskriminasie op grond van ouderdom, geslag, ervaring, lengte van diensyd of tipe van werk of tipe of klas van perseel of die gebied waarop of waarin werk verrig word, of enige ander metode]** wat raadsaam geag word, toegepas word: Met dien verstande dat geen differensiasie op die grondslag van geslag, ras of kleur gemaak mag word nie.

(10) (a) Indien 'n persoon uitgesit word uit 'n vakvereniging of 'n werkgewersorganisasie op die lede waarvan 'n in artikel 24 (1) (x) bedoelde bepaling ingevolge hierdie Wet bindend is, is so 'n bepaling, behoudens die bepalings van hierdie subartikel, vir 'n tydperk van 30 dae vanaf die datum van sy bedoelde uitsetting of indien aansoek by die Minister ingevolge paragraaf (b) gedoen word, hangende die Minister se beslissing oor sodanige aansoek, nie ten opsigte van sodanige persoon bindend nie.

(b) Enigiemand wat lidmaatskap geweier is van of uitgesit is uit 'n in paragraaf (a) bedoelde vakvereniging of werkgewersorganisasie, kan binne 30 dae vanaf die datum waarop hy van sodanige weiering of uitsetting in kennis gestel word, op die voorgeskrewe wyse by die Minister om 'n lasgewing ingevolge paragraaf (c) aansoek doen.

(c) Indien, na die ondersoek wat hy nodig ag, die Minister oortuig is dat die weiering of uitsetting wat die onderwerp van sodanige aansoek uitmaak onredelik was en dat die applikant as gevolg van sodanige weiering of uitsetting nadelig geraak word deur 'n in paragraaf (a) bedoelde bepaling, kan die Minister gelas dat so 'n bepaling, met ingang van die datum van sodanige lasgewing, nie ten opsigte van die applikant van toepassing is nie totdat hy tot lidmaatskap van 'n in paragraaf (a) bedoelde vakvereniging of werkgewersorganisasie toegelaat of hertoegelaat word.

(d) Die Minister kan te eniger tyd na goeddunke 'n lasgewing wat ingevolge paragraaf (c) gegee is, intrek.

(b) by 'n amptenaar toewoënde magte so delegeraar kan te eniger tyd ingetrek word deur daardie amptenaar of deur enige ander amptenaar toewoënde magte so delegeraar; of

(c) by 'n nywerheidsraad, of in pursuance of a decision of a council under subsection (5), other than an exemption granted in pursuance of a decision of the Minister under subsection (6), may at any time be withdrawn by that council; or

(d) by a committee of a council, other than an exemption granted in pursuance of a decision of the Minister under subsection (6) or in pursuance of a decision of a council under subsection (5), may at any time be withdrawn by that committee or by any other committee to which in terms of section 25 the power conferred by subsection (3) has been delegated, or by the council.

(9) For the purposes of this section, 'class of persons' includes such group or section or type of person as may be specified or defined in the licence of exemption, and in the making of any such specification or definition any method of differentiation **[or discrimination based on age, sex, experience, length of employment or type of work or type or class of premises or the area on or in which work is performed, or any other method]** which is deemed to be advisable may be applied: Provided that no differentiation on the basis of sex, race or colour shall be made.

(10) (a) If any person is expelled from a trade union or an employers' organization upon the members of which a provision such as is referred to in section 24 (1) (x) is binding in terms of this Act, any such provision shall, subject to the provisions of this subsection, not be binding in respect of such person for a period of 30 days from the date of his said expulsion or if application is made to the Minister in terms of paragraph (b), pending the decision of the Minister on such application.

(b) Any person who has been refused membership of or has been expelled from any trade union or employers' organization referred to in paragraph (a), may within 30 days of the date of which he is notified of such refusal or expulsion, apply in the prescribed form to the Minister for a direction in terms of paragraph (c).

(c) If, after such enquiry as he deems necessary, the Minister is satisfied that the refusal or expulsion which forms the subject of such application was unreasonable and that the applicant is by reason of such refusal or expulsion adversely affected by a provision such as is referred to in paragraph (a), the Minister may direct that any such provision shall, with effect from the date of such direction, not apply in respect of the applicant until he is admitted or re-admitted to membership of a trade union or employers' organization such as is referred to in paragraph (a).

(d) The Minister may at any time in his discretion cancel any direction given in terms of paragraph (c).

(e) 'n Ampsdraer, beampte of lid van 'n vakvereniging of werkgewersorganisasie wat enige stap doen wat bereken is om 'n persoon se indiensneming deur of diens by 'n werkgewer te verhoed of te beëindig terwyl sodanige indiensneming of diens deur of ingevolge hierdie subartikel toegelaat word, is aan 'n misdryf skuldig.

(11) (a) 'n Aansoek kragtens subartikel (1) of (3) om vrystelling van 'n in artikel 24 (1) (x) bedoelde bepaling kan ook gedoen word deur 'n werkgewer ten opsigte van werknemers of aanstaande werknemers op wie so 'n bepaling ingevolge hierdie Wet bindend is.

(b) Indien 'n werkgewer uit 'n werkgewersorganisasie bedank het op die lede waarvan 'n in paragraaf (a) bedoelde bepaling ingevolge hierdie Wet bindend is, is so 'n bepaling, behoudens die bepalings van hierdie subartikel, vir 'n tydperk van 30 dae vanaf die datum waarop hy opgehou het om 'n lid van so 'n organisasie te wees, nie ten opsigte van so 'n werkgewer bindend nie, of indien aansoek ingevolge paragraaf (a) binne bedoelde tydperk gedoen word, hangende die verstryking van 'n tydperk van 30 dae vanaf die datum waarop hy in kennis gestel word van—

(i) 'n beslissing van die Minister kragtens subartikel (1) of (6); of

(ii) 'n beslissing van 'n nywerheidsraad of 'n komitee daarvan kragtens subartikel (3) of (5) waarteen hy nie binne 30 dae vanaf die datum waarop hy van so 'n beslissing in kennis gestel word, geappelleer het nie.

(c) 'n Ampsdraer, beampte of lid van 'n vakvereniging of werkgewersorganisasie wat enige stap doen wat bereken is om 'n persoon se indiensneming deur of diens by 'n werkgewer te verhoed of te beëindig terwyl sodanige indiensneming of diens deur of ingevolge hierdie subartikel toegelaat word, is aan 'n misdryf skuldig.

(12) Wanneer die Minister beskou dat dit in belang sal wees van persone wat in 'n [Swart] gebied wat hy by kennisgewing in die Staatskoerant beskrywe, woonagtig is, dat enige ooreenkoms of toekenning nie in daardie gebied of ten opsigte van enige besondere klas van werk in daardie gebied van toepassing behoort te wees nie, kan hy, na goeddunke, te eniger tyd, na oorlegpleging met die betrokke nywerheidsraad of versoeningsraad, of indien die versoeningsraad ontslaan is, met die partye wat op die versoeningsraad verteenwoordig was, of indien daar nie so 'n nywerheidsraad of versoeningsraad is of was nie, met die partye by die arbitrasieverrigtinge waaruit die toekenning ontstaan het, by genoemde kennisgewing [in die Staatskoerant] daardie gebied of daardie besondere klas van werk in daardie gebied van die toepassing van daardie ooreenkoms of toekenning vir die tydperk en onderworpe aan die voorwaardes wat hy goedvind, uitsluit.”

Wysiging van artikel 52 van Wet 28 van 1956.

31. Artikel 52 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Geen ooreenkoms, uitdruklik of stilswyend, met inbegrip van 'n [plakkerdienskontrak of] dienskontrak, [ingevolge die Swart Dienskontrak Wet, 1932 (Wet No.

(e) Any office-bearer, official or member of any trade union or employers' organization who takes any action which is calculated to prevent or terminate the employment of any person by any employer while such employment is permitted by or in terms of this subsection, shall be guilty of an offence.

(11) (a) An application under subsection (1) or (3) for exemption from a provision such as is referred to in section 24 (1) (x) may also be made by any employer in respect of employees or prospective employees upon whom such a provision is binding in terms of this Act.

(b) If any employer has resigned from an employers' organization upon the members of which a provision such as is referred to in paragraph (a) is binding in terms of this Act, such provision shall, subject to the provisions of this subsection, not be binding in respect of such employer for a period of 30 days from the date on which he ceased to be a member of such organization, or if application is made in terms of paragraph (a) within the said period, pending the expiry of a period of 30 days from the date on which he is notified of—

(i) any decision of the Minister under subsection (1) or (6); or

(ii) any decision of an industrial council or a committee thereof under subsection (3) or (5) against which he has not appealed within a period of 30 days from the date on which he was notified of such decision.

(c) Any office-bearer, official or member of any trade union or employers' organization who takes any action which is calculated to prevent or terminate the employment of any person by any employer while such employment is permitted by or in terms of this subsection, shall be guilty of an offence.

(12) Whenever the Minister considers that it will be in the interests of persons residing within any [Bantu] area described by him by notice in the Gazette that any agreement or award should not be operative within that area or in respect of any particular class of work in that area, he may, in his discretion, at any time, after consultation with the industrial council or conciliation board concerned, or if the conciliation board has been discharged, with the parties who were represented on the conciliation board or if there is or was no such industrial council or conciliation board, with the parties to the arbitration proceedings which gave rise to the award, by the said notice [in the Gazette] exclude that area or that particular class of work in that area from the operation of that agreement or award for such period and subject to such conditions as he may think fit.”

Amendment of section 52 of Act 28 of 1956.

31. Section 52 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No agreement, express or implied, including [a labour tenant contract or] any service contract, [in terms of the Black Service Contract Act, 1932 (Act No. 24 of

24 van 1932)] hetsy dit aangegaan is voordat of nadat enige ooreenkoms of toekenning wat ingevolge hierdie Wet bindend is in werking getree het, of enige vrystellingssertifikaat uitgereik is, het die uitwerking dat dit die betaling aan enige werknemer van minder beloning as dié wat deur daardie ooreenkoms, toekenning of sertifikaat voorgeskryf word, of die toepassing op enige werknemer van enige behandeling of die toekenning aan hom van enige voordele wat vir hom minder gunstig is as die aldus voorgeskrywe behandeling of voordele, veroorloof nie, nóg bewerkstellig dit 'n afstand deur enige werknemer van die toepassing van enige bepaling van daardie ooreenkoms, toekenning of sertifikaat op hom nie, en enige [Enige] persoon wat 'n ooreenkoms aangaan wat so 'n betaling, toepassing of toekenning heet te veroorloof of om so 'n afstand heet te bewerkstellig, is aan 'n misdryf skuldig, en elke sodanige ooreenkoms is nie-tig."

Wysiging van artikel 53 van Wet 28 van 1956, soos gewysig deur artikel 5 van Wet 18 van 1961 en artikel 4 van Wet 21 van 1970.

32. Artikel 53 van die Hoofwet word hierby gewysig deur paragrawe (b) en (c) van subartikel (8) deur onderskeidelik die volgende paragrawe te vervang:

"(b) Indien enige gelde aldus betaal aan die by regulasie bepaalde inspekteur of die nywerheidsraad by die verstryking van 'n tydperk van ses maande vanaf die datum van ontvangs daarvan nie aan die persoon wat daarop geregtig is betaal is nie, moet die betrokke inspekteur [of nywerheidsraad] onverwyld daardie gelde aan die [Sekretaris van Arbeid] Direkteur-generaal: Mannekragbenutting deurstuur vir inbetaling in die [Gekonsolideerde Inkomste-fonds] Staatsinkomstefonds en die betrokke nywerheidsraad moet daardie gelde onverwyld in genoemde Fonds inbetaal.

(c) Op aansoek van die [Sekretaris van Arbeid] Direkteur-generaal: Mannekragbenutting of die betrokke nywerheidsraad gedoen te eniger tyd binne 'n tydperk van drie jaar vanaf die datum van inbetaling in die [Gekonsolideerde Inkomstefonds] Staatsinkomstefonds kragtens paragraaf (b), moet die betrokke gelde terugbetaal word aan die [Sekretaris van Arbeid] Direkteur-generaal: Mannekragbenutting of daardie nywerheidsraad vir betaling aan die persoon wat daarop geregtig is."

Vervanging van artikel 54 van Wet 28 van 1956, soos gewysig deur artikel 6 van Wet 18 van 1961 en artikel 5 van Wet 21 van 1970.

33. Artikel 54 van die Hoofwet word hierby deur die volgende artikel vervang:

"Bevel aan werkgever of werknemer om onderbetaalde bedrag of bedrag wat betaal moet word aan aangewese amptenaar of nywerheidsraad te betaal.

54. (1) Wanneer iemand skuldig bevind is aan 'n misdryf kragtens subartikel (1) van artikel 53, en die misdryf bestaan het uit 'n oortreding of versuim in subartikel (2) of (3) van daardie artikel bedoel, moet die hof wat hom skuldig

1932] whether entered into before or after the coming into operation of any agreement or award that is binding in terms of this Act or the grant of any licence of exemption, shall operate to permit of the payment to any employee of remuneration less than that prescribed by that agreement, award or licence, or of the application to any employee of any treatment, or the grant to him of any benefits, less favourable to him than the treatment or benefits so prescribed, nor shall it effect any waiver by any employee of the application to him of any provision of that agreement, award or licence, and any [Any] person who enters into any agreement purporting to permit of any such payment, application or grant or to effect any such waiver shall be guilty of an offence, and every such agreement shall be void."

Amendment of section 53 of Act 28 of 1956, as amended by section 5 of Act 18 of 1961 and section 4 of Act 21 of 1970.

32. Section 53 of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of subsection (8) of the following paragraphs, respectively:

"(b) If any moneys so paid to the inspector defined by regulation or the industrial council have at the expiry of a period of six months as from the date of receipt thereof not been paid to the person entitled thereto, the inspector [or industrial council concerned] shall forthwith transmit such moneys to the [Secretary for Labour] Director-General: Manpower Utilisation for payment into the [Consolidated] State Revenue Fund and the industrial council concerned shall forthwith pay such moneys into the said Fund.

(c) On the application of the [Secretary for Labour] Director-General: Manpower Utilisation or industrial council concerned made at any time within a period of three years from the date of payment into the [Consolidated] State Revenue Fund under paragraph (b) the moneys concerned shall be refunded to the [Secretary for Labour] Director-General: Manpower Utilisation or that industrial council for payment to the person entitled thereto."

Substitution of section 54 of Act 28 of 1956, as amended by section 6 of Act 18 of 1961 and section 5 of Act 21 of 1970.

33. The following section is hereby substituted for section 54 of the principal Act:

"Order upon employer or employee to pay to specified officer or industrial council amount underpaid or to be paid.

54. (1) Whenever any person has been convicted of an offence under section 53 (1), and the offence consisted of a contravention or failure such as is referred to in subsection (2) or (3) of that section, the court convicting him shall after

bevind het, nadat die hof ingevolge daardie artikel die onderbetaalde bedrag of die bedrag wat betaal moet word, na gelang van die geval, vasgestel het, so iemand beveel om binne 'n tydperk deur die hof bepaal 'n bedrag wat gelykstaan aan die aldus vasgestelde bedrag aan 'n deur die hof aangewese amptenaar (hieronder die aangewese amptenaar genoem) of aan die nywerheidsraad wat regsbevoegdheid besit, te betaal by wyse van paaiements of andersins, soos deur die hof bepaal.

(2) Die hof kan te eniger tyd op aansoek van 'n inspekteur of van 'n nywerheidsraad ten behoeve van homself of ten behoeve van 'n in artikel 24 (1) (r) of 48 (1) (d) bedoelde fonds, of van 'n werknemer of werkgewer aan wie 'n bedrag ingevolge artikel 55 (1) of (2) betaalbaar is, of van die veroordeelde persoon, indien goeie redes aangevoer word, die tydperk waarin 'n in subartikel (1) bedoelde bedrag aan die aangewese amptenaar of aan 'n nywerheidsraad wat regsbevoegdheid besit, betaal moet word, verminder of verleng, of die bedrae van die paaiemente verander, of beveel dat enige onbetaalde saldo in 'n enkele geldsom betaal moet word.

(3) 'n Bevel wat kragtens die bepalinge van hierdie artikel uitgevaardig is, het in alle opsigte die uitwerking van en kan uitgevoer word asof dit 'n siviele vonnis ten gunste van die Regering van die [Unie] Republiek of die betrokke nywerheidsraad, na gelang van die geval, was.

(4) 'n Bevel uitgevaardig kragtens die bepalinge van artikel 54 van die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937), word by die toepassing van hierdie Wet geag kragtens hierdie artikel uitgevaardig te gewees het.

Vervanging van artikel 55 van Wet 28 van 1956, soos gewysig deur artikel 7 van Wet 18 van 1961 en artikel 6 van Wet 21 van 1970.

34. Artikel 55 van die Hoofwet word hierby deur die volgende artikel vervang:

"Beskikking oor bedrae aan aangewese amptenaar of nywerheidsraad betaal.

55. (1) Wanneer 'n bevel kragtens artikel 54 ten opsigte van 'n in artikel 53 (2) (a) bedoelde oortreding of versuim teen 'n werkgewer uitgevaardig word, moet die hof wat die bevel uitvaardig, gelas dat soveel van die bedrag wat ingevolge die bevel aan die aangewese amptenaar of aan die nywerheidsraad wat regsbevoegdheid besit (hieronder in hierdie artikel die nywerheidsraad genoem) betaal word as wat die hof billik ag, met inagneming van die omstandighede waarin die oortreding of versuim plaasgevind het, betaal word aan die werknemer ten opsigte van wie die oortreding of versuim plaasgevind het: Met dien verstande dat—

(a) as die hof bevind dat die betrokke werknemer nie ingestem het om minder aan te neem as die minimum beloning wat hy kragtens die bepalinge van die betrokke ooreenkoms, toekenning of vrystellingsertifikaat geregtig was om te ontvang nie, of, indien hy aldus ingestem het, dat hy aldus ingestem het terwyl hy onbewus was van sy regte kragtens daardie bepalinge, die hof moet gelas dat

it has, in terms of that section, determined the amount underpaid, or the amount to be paid, as the case may be, order him to pay an amount equal to the amount so determined to an officer specified by the court (hereinafter referred to as the specified officer) or to the industrial council having jurisdiction within a period fixed by the court, in instalments or otherwise as determined by the court.

(2) The court may at any time upon the application of an inspector or of an industrial council on its own behalf or on behalf of any fund referred to in section 24 (1) (r) or 48 (1) (d), or of any employee or employer to whom any amount is payable in terms of section 55 (1) or (2), or of the person convicted, if good cause is shown, reduce or extend the period within which any amount referred to in subsection (1) must be paid to the specified officer or to the industrial council having jurisdiction, or vary the amounts of the instalments or order that any balance outstanding be paid in one lump sum.

(3) An order made under the provisions of this section shall have all the effects of, and may be executed as if it were, a civil judgment in favour of the Government of the [Union] Republic or the industrial council concerned, as the case may be.

(4) An order made under the provisions of section 54 of the Industrial Conciliation Act, 1937 (Act No. 36 of 1937), shall for the purposes of this Act be deemed to have been made under this section."

Substitution of section 55 of Act 28 of 1956, as amended by section 7 of Act 18 of 1961 and section 6 of Act 21 of 1970.

34. The following section is hereby substituted for section 55 of the principal Act:

"Disposal of amounts paid to specified officer or industrial council.

55. (1) Whenever an order is made under section 54 against an employer in respect of a contravention or failure such as is referred to in section 53 (2) (a), the court making the order shall direct that so much of the amount which in terms of the order is paid to the specified officer or to the industrial council having jurisdiction (hereinafter in this section referred to as the industrial council), as the court, having regard to the circumstances in which the contravention or failure occurred, deems equitable, shall be paid to the employee in respect of whom the contravention or failure occurred: Provided that—

(a) if the court finds that the employee concerned did not agree to accept less than the minimum remuneration which under the provisions of the relative agreement, award or licence of exemption he was entitled to receive, or that if he did so agree, he so agreed not knowing of his

die hele bedrag wat aldus aan die aangewese amptenaar of aan die nywerheidsraad betaal word, aan daardie werknemer betaal moet word;

(b) as die hof, met inagneming van die omstandighede waarin die oortreding of versuim plaasgevind het, dit billik ag om dit te doen die hof, behalwe in die in paragraaf (a) bedoelde omstandighede, kan gelas dat geen gedeelte van die bedrag wat aldus aan die aangewese amptenaar of aan die nywerheidsraad betaal word aan die betrokke werknemer betaal moet word nie;

(c) as die hof gelas dat 'n gedeelte van die bedrag wat aldus aan die aangewese amptenaar of aan die nywerheidsraad betaal word, aan die betrokke werknemer betaal moet word, daardie gedeelte minstens een-vierde daarvan moet wees.

(2) Wanneer 'n bevel kragtens artikel 54 ten opsigte van 'n in artikel 53 (3) bedoelde oortreding of versuim teen 'n werknemer uitgevaardig word, moet die hof wat die bevel uitvaardig, gelas dat soveel van die bedrag wat ingevolge die bevel aan die aangewese amptenaar of aan die nywerheidsraad betaal word as wat die hof billik ag, met inagneming van die omstandighede waarin die oortreding of versuim plaasgevind het, betaal moet word aan die werkgever ten opsigte van wie die oortreding of versuim plaasgevind het.

(3) Daardie gedeelte van die bedrag aldus aan die aangewese amptenaar of aan die nywerheidsraad betaal, wat nie ingevolge subartikel (1) of (2) aan die betrokke werknemer of werkgever betaalbaar is nie, moet in die **[Gekonsolideerde Inkomstefonds] Staatsinkomstefonds** inbetaal word.

(4) Die hele bedrag wat aan die aangewese amptenaar of aan die nywerheidsraad betaal word ooreenkomstig 'n bevel wat kragtens artikel 54 teen 'n werkgever uitgevaardig word ten opsigte van 'n in paragraaf (b) van subartikel (2) van artikel 53 bedoelde oortreding of versuim, moet in die **[Gekonsolideerde Inkomstefonds] Staatsinkomstefonds** inbetaal word: Met dien verstande dat as die werkgever ten opsigte van dieselfde feite ook skuldig bevind is aan 'n in paragraaf (a) van daardie subartikel bedoelde oortreding of versuim, die bepalinge van hierdie subartikel alleen van toepassing is ten opsigte van daardie gedeelte van die aan die aangewese amptenaar of aan die nywerheidsraad betaalde bedrag wat nie volgens lasgewing van die hof ingevolge subartikel (1) van hierdie artikel, aan die betrokke werknemer betaal moet word nie.

(4)*bis* Wanneer 'n bevel kragtens artikel 54 ten opsigte van 'n artikel 53 (2) (c) bedoelde oortreding of versuim teen 'n werkgever uitgevaardig word, moet die hof wat die bevel uitvaardig, gelas dat soveel van die bedrag wat ingevolge die bevel aan die aangewese amptenaar of aan die nywerheidsraad betaal word, as wat die hof billik ag, aan die nywerheidsraad uit hoofde van artikel 24 (1) (g) of aan enige betrokke fonds in artikel 24 (1) (r) of 48 (1) (d) behoel, betaal moet word.

(5) Die bepalinge van artikel 53 (8) (b) en (c) is *mutatis mutandis* van toepassing ten opsigte van enige gelde wat aan 'n aangewese amptenaar of aan die nywerheidsraad betaal word en wat ingevolge subartikel (1) of (2) aan 'n werknemer of werkgever betaalbaar is."

rights under those provisions, the court shall direct that the whole of the amount so paid to the specified officer or to the industrial council shall be paid to that employee;

(b) if the court, having regard to the circumstances in which the contravention or failure occurred, deems it equitable to do so, it may, except in the circumstances referred to in paragraph (a), direct that no portion of the amount so paid to the specified officer or to the industrial council shall be paid to the employee concerned;

(c) if the court directs that any portion of the amount so paid to the specified officer or to the industrial council shall be paid to the employee concerned, that portion shall not be less than one-fourth thereof.

(2) Whenever an order is made under section 54 against an employee in respect of a contravention or failure such as is referred to in section 53 (3), the court making the order shall direct that so much of the amount which in terms of the order is paid to the specified officer or to the industrial council, as the court, having regard to the circumstances in which the contravention or failure occurred, deems equitable, shall be paid to the employer in respect of whom the contravention or failure occurred.

(3) So much of the amount so paid to the specified officer or to the industrial council as is not, in terms of subsection (1) or (2), payable to the employee or employer concerned, shall be paid into the **[Consolidated] State Revenue Fund**.

(4) The whole of any amount paid to the specified officer or to the industrial council pursuant to any order made under section 54 against an employer in respect of a contravention or failure such as is referred to in paragraph (b) of subsection (2) of section 53 shall be paid into the **[Consolidated] State Revenue Fund**: Provided that if the employer has also been convicted in respect of the same facts of a contravention or failure such as is referred to in paragraph (a) of that subsection, the provisions of this subsection shall apply only in respect of so much of the amount paid to the specified officer or to the industrial council as the court does not in terms of subsection (1) of this section direct shall be paid to the employee concerned.

(4)*bis* Whenever an order is made under section 54 against an employer in respect of a contravention or failure such as is referred to in section 53 (2) (c), the court making the order shall direct that so much of the amount which in terms of the order is paid to the specified officer or to the industrial council as the court deems equitable, shall be paid to the council by virtue of section 24 (1) (g) or to any relevant fund referred to in section 24 (1) (r) or 48 (1) (d).

(5) The provisions of section 53 (8) (b) and (c) shall *mutatis mutandis* apply in respect of any moneys paid to a specified officer or to the industrial council which in terms of subsection (1) or (2) are payable to any employee or employer."

Wysiging van artikel 56 van Wet 28 van 1956.

35. Artikel 56 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Indien iemand skuldig bevind is aan ’n misdryf kragtens artikel 53 (1), en die misdryf bestaan het uit ’n in subartikel (2) (a) of (3) van daardie artikel bedoelde oortreding of versuim, is die werknemer of werkgewer (na gelang van die geval) ten opsigte van wie die oortreding of versuim plaasgevind het, nie geregtig om deur siviele geregtelike stappe enige gedeelte van die onderbetaalde bedrag of die bedrag wat betaal moet word op sy werkgewer of werknemer te verhaal nie, maar is hy geregtig om ten opsigte van bedoelde bedrag alleen die gelde te ontvang wat die hof ingevolge artikel 55 (1) of (2) gelas aan hom betaal moet word uit die gelde wat aan die aangewese amptenaar of aan die nywerheidsraad wat regsbevoegdheid besit, betaal word ingevolge ’n bevel kragtens artikel 54 uitgevaardig.”; en

(b) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

“(a) die werknemer aan die hof ’n sertifikaat voorlê onderteken deur die Prokureur-generaal van [die provinsie waarin die regsgebied van die hof geleë is, of ingeval daardie regsgebied binne die regsgebied van die Plaaslike Afdeling Oostelike Distrikte van die Hooggeregshof van Suid-Afrika geleë is, deur die Solisiteur-generaal] die gebied ten opsigte waarvan die hof met regsbevoegdheid bekleed is, waarin gemeld word dat hy weier om te vervolg ten opsigte van die oortreding of versuim waarop die werknemer voornemens is om die grond van aksie te baseer; of”.

Wysiging van artikel 57 van Wet 28 van 1956.

36. Artikel 57 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Elke persoon wat ingevolge subartikel (1) of (2) ’n aantekening van ’n gebeurtenis moet hou, moet daardie aantekening of ’n mikrofilm- of ander mikroformreproduksie daarvan behou vir ’n tydperk van drie jaar na daardie gebeurtenis plaasgevind het, en moet op versoek van ’n inspekteur te eniger tyd binne bedoelde tydperk van drie jaar gedoen, bedoelde aantekening of sodanige reproduksie daarvan vir insae voorlê.”.

Vervanging van artikel 58 van Wet 28 van 1956.

37. Artikel 58 van die Hoofwet word hierby deur die volgende artikel vervang:

“Loonreëlende maatreëls deur werkgewer gehou te word.

58. (1) Elke werkgewer vir wie ’n ooreenkoms, kennisgewing, toekenning of vasstelling ingevolge hierdie Wet bindend is, moet te alle tye ’n afskrif daarvan op sy perseel beskikbaar hê en moet op versoek van ’n werknemer dit aan sodanige werknemer beskikbaar stel.

(2) ’n Werkgewer wat versuim om aan ’n bepaling van hierdie artikel te voldoen, is aan ’n misdryf skuldig.”.

Amendment of section 56 of Act 28 of 1956.

35. Section 56 of the principal Act is hereby amended—

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

“(1) If any person has been convicted of an offence under section 53 (1), and the offence consisted of a contravention or failure such as is referred to in subsection (2) (a) or (3) of that section, the employee or employer (as the case may be) in respect of whom the contravention or failure occurred shall not be entitled by civil legal proceedings to recover from his employer or employee any portion of the amount underpaid or to be paid, but shall be entitled to receive in respect of such amount only the moneys which the court in terms of section 55 (1) or (2), directs shall be paid to him out of the moneys paid to the specified officer or to the industrial council having jurisdiction in terms of an order made under section 54.”; and

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

“(a) the employee produces to the court a certificate signed by the Attorney-General of [the province in which is situate the area of jurisdiction of the court, or where that area of jurisdiction is situate within the area of jurisdiction of the Eastern Districts Local Division of the Supreme Court of South Africa, by the Solicitor-General] the area in respect of which the court has jurisdiction, stating that he declines to prosecute in respect of the contravention or failure upon which the employee proposes to base the cause of action; or”.

Amendment of section 57 of Act 28 of 1956.

36. Section 57 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Every person who in terms of subsection (1) or (2) is required to keep a record of any event, shall retain such record or a microfilm or other microform reproduction thereof for a period of three years subsequent to the occurrence of that event, and shall on demand by an inspector made at any time during the said period of three years produce the said record or such reproduction thereof for inspection.”.

Substitution of section 58 of Act 28 of 1956.

37. The following section is hereby substituted for section 58 of the principal Act:

“Wage regulating measures to be kept by employer.

58. (1) Every employer upon whom any agreement, notice, award or determination is binding in terms of this Act shall at all times keep a copy thereof available on his premises and shall upon request of an employee make it available to such employee.

(2) Any employer who fails to comply with any provision of this section shall be guilty of an offence.”.

Herroeping van artikel 59 van Wet 28 van 1956.

38. Artikel 59 van die Hoofwet word hierby herroep.

Wysiging van artikel 60 van Wet 28 van 1956.

39. Artikel 60 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister of ’n amptenaar deur hom vir dié doel aangewys, kan, met inagneming van die wetsbepalings op die staatsdiens, enige persoon as ’n inspekteur kragtens hierdie Wet aanstel.”.

Wysiging van artikel 61 van Wet 28 van 1956, soos gewysig deur artikel 11 van Wet 41 van 1959.

40. Artikel 61 van die Hoofwet word hierby gewysig deur subartikel (2) *bis* deur die volgende subartikel te vervang:

“(2)*bis* (a) ’n Inspekteur kan te eniger tyd ’n ondersoek instel om te bepaal of enige vakvereniging, werkgewersorganisasie, federasie of nywerheidsraad die bepalings van sy konstitusie en van hierdie Wet nakom.

(b) ’n Inspekteur wat so ’n ondersoek instel, kan—

(i) enige persoon wat ’n ampsdraer of beamppte van ’n vakvereniging [of] werkgewersorganisasie of federasie of ’n lid van ’n nywerheidsraad of van die personeel van ’n nywerheidsraad is, gelas om aan hom, binne die tydperk en in die vorm wat hy mag bepaal, enige inligting met betrekking tot die aktiwiteite van daardie vakvereniging, werkgewersorganisasie, federasie of nywerheidsraad wat hy verlang om te verkry, te verstrek;

(ii) van enige persoon wat ’n boek of stuk betreffende die aktiwiteite van enige vakvereniging, werkgewersorganisasie, federasie of nywerheidsraad in sy besit of bewaring of onder sy beheer het, die oorlegging daar en dan of op ’n tyd en plek deur die inspekteur bepaal, van daardie boek of stuk eis, en kan daardie boek of stuk ondersoek en uittreksels daaruit en afskrifte daarvan maak, en kan ’n uitleg vorder van enige inskrywings daarin, en kan beslag lê op enige sodanige boek of stuk as wat na sy oordeel bewys kan lewer van ’n misdryf ingevolge hierdie Wet.

(c) Enige ampsdraer of beamppte van ’n vakvereniging, [of] werkgewersorganisasie of federasie en enige lid van ’n nywerheidsraad of van die personeel van ’n nywerheidsraad moet te alle tye die fasiliteite verskaf wat deur die inspekteur vereis word om enige perseel wat deur daardie vakvereniging, werkgewersorganisasie, federasie of nywerheidsraad geokkupeer word, te betree of om die boeke en stukke van daardie vakvereniging, werkgewersorganisasie, federasie of nywerheidsraad op of in daardie perseel te inspekteer of te ondersoek of om enige navraag daaromtrent te doen.”.

Repeal of section 59 of Act 28 of 1956.

38. Section 59 of the principal Act is hereby repealed.

Amendment of section 60 of Act 28 of 1956.

39. Section 60 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister or an officer designated by him for that purpose may, subject to the laws governing the public service, appoint any person as an inspector under this Act.”.

Amendment of section 61 of Act 28 of 1956, as amended by section 11 of Act 41 of 1959.

40. Section 61 of the principal Act is hereby amended by the substitution for subsection (2)*bis* of the following subsection:

“(2)*bis* (a) Any inspector may at any time carry out an investigation to determine whether any trade union, employers’ organization, federation or industrial council is observing the provisions of its constitution and of this Act.

(b) An inspector who is carrying out any such investigation may—

(i) require any person who is an office-bearer or official of any trade union, [or] employers’ organisation or federation or a member of any industrial council or of the staff of any industrial council to furnish him, within such period and in such form as he may specify, with any information relating to the activities of that trade union, employers’ organization, federation or industrial council that he may desire to obtain;

(ii) require from any person who has the possession or custody or control of any book or document relating to the activities of any trade union, employers’ organization, federation or industrial council the production then and there, or at a time and place fixed by the inspector, of that book or document, and may examine and make extracts from and copies of that book or document and may require an explanation of any entries therein, and may seize any such book or document as in his opinion may afford evidence of any offence under this Act.

(c) Any office-bearer or official of any trade union, [or] employers’ organization or federation and any member of any industrial council or of the staff or any industrial council shall at all times furnish such facilities as are required by the inspector for entering any premises occupied by that trade union, employers’ organization, federation or industrial council or for inspecting or examining the books and documents of that trade union, employers’ organization, federation or industrial council upon or in those premises or for making any enquiry in relation thereto.”.

Wysiging van artikel 62 van Wet 28 van 1956, soos gewysig deur artikel 12 van Wet 41 van 1959 en artikel 7 van Wet 21 van 1970.

41. Artikel 62 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister of ’n amptenaar deur hom vir daardie doel aangewys kan, op versoek van ’n nywerheidsraad, en na goeë dink, enige deur die raad benoemde persoon wat, na die mening van die Minister of sodanige amptenaar, bedrewe is in die gebruik van beide die amptelike tale, as ’n aangewese agent van die raad aanstel om die raad behulpsaam te wees by die uitoefening van sy werksaamhede, met inbegrip van die toepassing van enige ooreenkoms, [of] toekenning of vasstelling wat ingevolge hierdie Wet bindend is.”; en

(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) (a) Die Minister kan te eniger tyd, om ’n rede wat na sy mening voldoende is, by ’n deur die registrateur ondertekende kennisgewing aan ’n nywerheidsraad, die sertifikaat wat ingevolge subartikel (2) of artikel 62 (2) van die Nywerheid- versoeningswet, 1937 (Wet No. 36 van 1937), aan ’n aangewese agent verskaf is, intrek [en]: Met dien verstande dat ’n amptenaar deur die Minister vir daardie doel aangewys ’n sertifikaat ingevolge subartikel (2) verskaf aan ’n aangewese agent van die nywerheidsraad wat as sodanige aangestel is deur ’n amptenaar wat deur die Minister ingevolge subartikel (1) aangewys is, aldus ook kan intrek.

(b) Die [die] persoon aan wie [daardie] ’n sertifikaat in paragraaf (a) bedoel verskaf is, hom dan op om ’n aangewese agent van [daardie] genoemde raad te wees en moet onverwyld bedoelde sertifikaat aan die registrateur terugbesorg.”.

Herroeping van artikel 63 van Wet 28 van 1956.

42. Artikel 63 van die Hoofwet word hierby herroep.

Wysiging van artikel 65 van Wet 28 van 1956, soos gewysig deur artikel 1 van Wet 61 van 1966.

43. Artikel 65 van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (b) van subartikel (1) die uitdrukking “subartikel (2) van artikel *sestien* van die Loonwet, 1937 (Wet No. 44 van 1937)” deur die uitdrukking “artikel 14 (2) van die Loonwet, 1957 (Wet No. 5 van 1957)” te vervang;

(b) deur na subartikel (3) die volgende subartikel in te voeg:

“(3A) Iemand wat finansiële of ander materiële hulp verleen aan enige persoon met die doel om daardie persoon oor te haal of in staat te stel om ’n misdryf in subartikel (3) bedoel, te pleeg, of om hom met die pleging van daardie misdryf te help, is aan ’n misdryf skuldig.”; en

Amendment of section 62 of Act 28 of 1956, as amended by section 12 of Act 41 of 1959 and section 7 of Act 21 of 1970

41. Section 62 of the principal Act is hereby amended—

(a) by the substitution of subsection (1) of the following subsection:

“(1) The Minister or an officer designated by him for that purpose, may, at the request of an industrial council, and in his discretion, appoint any person nominated by the council, who, in the opinion of the Minister or such officer, is proficient in the use of both official languages as a designated agent of the council to assist the council in carrying out its functions, including the enforcement of any agreement, [or] award or determination which is binding in terms of this Act.”; and

(b) by the substitution for subsection (5) of the following subsection:

“(5) (a) The Minister may at any time, for a cause which in his opinion is sufficient, by notification to an industrial council signed by the registrar, cancel the certificate furnished to a designated agent in terms of subsection (2), or section 62 (2) of the Industrial Conciliation Act, 1937 (Act No. 36 of 1937) [and]: Provided that an officer designated by the Minister for that purpose may also so cancel any certificate furnished in terms of subsection (2) to a designated agent of the industrial council appointed as such by an officer designated by the Minister in terms of subsection (1).

(b) The [the] person who was furnished with [that] any certificate referred to in paragraph (a) shall thereupon cease to be a designated agent of [that] the said council and shall forthwith return the said certificate to the registrar.”.

Repeal of section 63 of Act 28 of 1956.

42. Section 63 of the principal Act is hereby repealed.

Amendment of section 65 of Act 28 of 1956, as amended by section 1 of Act 61 of 1966.

43. Section 65 of the principal Act is hereby amended—

(a) by the substitution in paragraph (b) of subsection (1) for the expression “subsection (2) of section *sixteen* of the Wage Act, 1937 (Act No. 44 of 1937)” of the expression “section 14 (2) of the Wage Act, 1957 (Act No. 5 of 1957)”;

(b) by the insertion after subsection (3) of the following subsection:

“(3 A) Any person who grants financial or other material assistance to any person with the object of inducing or enabling such person to commit any offence referred to in subsection (3) or of assisting him at the commission of such offence, shall be guilty of an offence.”; and

(c) deur die volgende subartikel by te voeg:

“(5) (a) ’n Geregistreerde vakvereniging of werkgeversorganisasie wat van voorneme is om ’n stemming per stembriefie soos bedoel in subartikel (2) (b) te hou, moet die Minister in kennis stel van—

(i) die datum en tyd van die stemming per stembriefie;

(ii) die gebied en bepaalde onderneming, nywerheid, bedryf of beroep ten opsigte waarvan en die plek of plekke waar die stemming per stembriefie gehou gaan word; en

(iii) sy getal lede wat, geregtig is om deur middel van ’n stemming per stembriefie te stem, en sodanige kennisgewing moet die Minister bereik nie later nie as sewe dae voor die datum waarop die stemming per stembriefie gehou gaan word.

(b) Die Minister kan gelas dat enige sodanige stemming per stembriefie gehou moet word onder toesig van ’n persoon of persone aangestel deur hom of deur ’n amptenaar deur hom gemagtig om bedoelde aanstelling of aanstellings te doen.

(c) ’n Vakvereniging of werkgeversorganisasie wat versuim om die bepalings van paragraaf (a) na te kom, en iemand wat enige persoon of persone ingevolge paragraaf (b) aangestel, by die verrigting van sy of hul werksaamhede ingevolge paragraaf (b) opsetlik hinder, is aan ’n misdryf skuldig.”.

Wysiging van artikel 66 van Wet 28 van 1956.

44. Artikel 66 van die Hoofwet word hierby gewysig deur in subartikel (2) die uitdrukking “die Loonwet, 1937 (Wet No. 44 van 1937)” deur die uitdrukking “die Loonwet, 1957 (Wet No. 5 van 1957)” te vervang.

Vervanging van artikel 67 van Wet 28 van 1956.

45. Artikel 67 van die Hoofwet word hierby deur die volgende artikel vervang:

“Geheimhouding bewaar te word.

67. Enige verteenwoordiger op ’n nywerheidsraad of ’n versoeningsraad, of enige plaasvervanger van so ’n verteenwoordiger, of enige persoon wat op ’n vergadering van ’n nywerheidsraad of ’n versoeningsraad voorgesit het, of enige lid van ’n komitee van ’n nywerheidsraad, of enige aangewese agent of ander beamppte van ’n nywerheidsraad, of enige beamppte of ampsdraer van enigeen van die partye by ’n nywerheidsraad of ’n versoeningsraad of enige ander persoon wat toegelaat is om ’n vergadering van ’n nywerheidsraad of ’n komitee daarvan of van ’n versoeningsraad by te woon, of enige lid van die nywerheidshof, of enige bemiddelaar, assessor, arbiter of skeidsregter wat kragtens hierdie Wet aangestel is of geag word aldus aangestel te gewees het, of enige amptenaar wat, behalwe aan die Minister of aan ’n amptenaar of aan die nywerheidshof of aan ’n lid van die nywerheidshof, of aan die Raad van Handel en Nywerheid of aan die Loonraad ingestel [ingevolge] by die Loonwet, [1937 (Wet No. 44 van 1937)] 1957 (Wet No. 5 van 1957), of ’n soortgelyke liggaam of aan ’n nywerheidsraad of ’n versoeningsraad wat by die aangeleentheid betrokke is, of aan ’n komitee van so ’n nywerheidsraad, of aan ’n geregshof of aan ’n ander

(c) by the addition of the following subsection:

“(5) (a) Any registered trade union or employers’ organization intends to take such a ballot as is referred to in subsection (2) (b), shall notify the Minister of—

(i) the date and time of the ballot;

(ii) the area and particular undertaking, industry, trade or occupation in respect of which and the place or places at which the ballot is to be taken; and

(iii) the number of its members who are entitled to vote by ballot,

and such notification shall reach the Minister not later than seven days before the date on which the ballot is to be taken.

(b) The Minister may direct that any such ballot shall be taken under the supervision of a person or persons appointed by him or by an officer authorized by him to make such an appointment or appointments.

(c) Any trade union or employers’ organization which fails to comply with the provisions of paragraph (a), and any person who wilfully hinders any person or persons appointed in terms of paragraph (b) in the performance of his functions in terms of paragraph (b), shall be guilty of an offence.”.

Amendment of section 66 of Act 28 of 1956.

44. Section 66 of the principal Act is hereby amended by the substitution in subsection (2) for the expression “the Wage Act, 1937 (Act No. 44 of 1937)” of the expression “the Wage Act, 1957 (Act No. 5 of 1957)”.

Substitution of section 67 of Act 28 of 1956.

45. The following section is hereby substituted for section 67 of the principal Act:

“Secrecy to be observed.

67. Any representative on an industrial council or conciliation board, or any alternate to such a representative, or any person who has presided over any meeting of an industrial council or a conciliation board, or any member of a committee of an industrial council, or any designated agent or other official of an industrial council, or any official or office-bearer of any of the parties to an industrial council or a conciliation board or any other person who has been permitted to attend any meeting of an industrial council or a committee thereof or of a conciliation board, or any member of the industrial court or any mediator, assessor, arbitrator or umpire appointed or deemed to have been appointed under this Act, or any officer who discloses any 13023903 information in regard to the affairs of any person, firm or business acquired in the exercise of his powers or the performance of his duties under this Act or in the capacity stated or through attending any such meeting, except to the Minister or to an officer or to the industrial court or to a member of the industrial court or to the Board of Trade and Industries or the Wage Board established [under] by the Wage Act, [1937 (Act No. 44 of 1937)] 1957 (Act No. 5 of

persoon vir die doeleindes van hierdie Wet of om hom in staat te stel om op doeltreffende wyse [bedoelde] sy bevoegdhede uit te oefen of [bedoelde] sy pligte kragtens hierdie Wet te verrig, enige inligting openbaar wat hy in die uitoefening van [sy] bedoelde bevoegdhede of die verrigting van [sy] bedoelde pligte [kragtens hierdie Wet] of in die genoemde hoedanigheid of vanweë bywoning van so 'n vergadering met betrekking tot die sake van enige persoon, firma of besigheid verkry het, is aan 'n misdryf skuldig.''

Wysiging van artikel 74 van Wet 28 van 1956, soos gewysig deur artikel 8 van Wet 21 van 1970.

46. Artikel 74 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

“(5) By enige verrigtinge ingevolge hierdie Wet, is 'n verklaring of inskrywing wat voorkom in enige boek of stuk wat deur enige werkgewer, prinsipaal of aannemer of deur sy bestuurder, agent of werknemer gehou word, of wat gevind word op of in 'n perseel wat deur daardie werkgewer, prinsipaal of aannemer geokkupeer word, of op of in 'n voertuig wat in die besigheid van daardie werkgewer, prinsipaal of aannemer gebruik word, en enige afskrif of reproduksie (hetsy deur middel van mikroverfilming of 'n ander proses verkry) van so 'n verklaring of inskrywing, toelaatbaar by wyse van getuienis teen hom as 'n erkenning van die feite in daardie verklaring of inskrywing uiteengesit, tensy bewys word dat daardie verklaring of inskrywing nie deur daardie werkgewer, prinsipaal of aannemer of deur 'n bestuurder, agent of werknemer van daardie werkgewer, prinsipaal of aannemer in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie.’’.

Wysiging van artikel 76 van Wet 28 van 1956, soos gewysig deur artikel 13 van Wet 41 van 1959, artikel 8 van Wet 18 van 1961 en artikel 9 van Wet 95 van 1980.

47. Artikel 76 van Hoofwet word hierby gewysig—

(a) deur paragraaf (b) van subartikel (9) deur die volgende paragraaf te vervang:

“(b) Die partye by enige verrigtinge wat voortspruit uit 'n aansoek kragtens subartikel (3) moet aan die [Sekretaris van Arbeid] Direkteur-generaal: Mannekragbenutting ten behoeve van die [Gekonsolideerde Inkomstefonds] Staatsinkomstefonds die gelde wat voorgeskryf word in die dele wat die nywerheidshof gelas, betaal.’’;

(b) deur paragraaf (a) van subartikel (10) deur die volgende paragraaf te vervang:

“(a) 'n Vasstelling kragtens hierdie artikel gemaak, is afdoende en bindend vanaf die datum in die vasstelling bepaal (wat 'n datum voor of na die datum van die vasstelling kan wees) en in die gebied in die vasstelling vermeld, en 'n toepaslike loonreëlende maatregel, 'n vasstelling kragtens artikel 77 gemaak of 'n konstitusie of registrasiesertifikaat van 'n geregistreerde vakvereniging, werkgewersorganisasie of nywerheidsraad [en die bepalinge van artikel veertien van die Wet op Swart Bouwerkers, 1951 (Wet No. 27 van 1951)] word toegepas ooreenkomstig daardie vasstelling.’’; en

(c) deur subartikel (11) te skrap.

1957), or any similar body or to an industrial council or a conciliation board concerned in the matter, or to any committee of such an industrial council, or to a court of law or to any other person for the purposes of this Act or to enable him to exercise the said powers or to perform the said duties effectively, shall be guilty of an offence.’’.

Amendment of section 74 of Act 28 of 1956, as amended by section 8 of Act 21 of 1970.

46. Section 74 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) In any proceedings under this Act, any statement or entry contained in any book or document kept by any employer, principal or contractor, or by his manager, agent or employee, or found upon or in any premises occupied by, or any vehicle used in the business of, that employer, principal or contractor, and any copy or reproduction (whether obtained by microfilming or any other process) of any such statement or entry, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer, principal or contractor or by any manager, agent or employee of that employer, principal or contractor in the course of his work as manager or in the course of his agency or employment.’’.

Amendment of section 76 of Act 28 of 1956, as amended by section 13 of Act 41 of 1959, section 8 of Act 18 of 1961 and section 9 of Act 95 of 1980.

47. Section 76 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of subsection (9) of the following paragraph:

“(b) The parties to any proceedings arising from any application under subsection (3), shall pay to the [Secretary for Labour] Director-General: Manpower Utilization, for the benefit of the [Consolidated] State Revenue Fund, such fees as may be prescribed in such proportions as the industrial court may direct.’’;

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

(a) A determination made under this section shall be final and binding from the date fixed in the determination (which may be a date prior or subsequent to the date of the determination) and in the area specified in the determination, and any relevant wage regulating measure, any determination made under section 77 or any constitution or certificate or registration of any registered trade union, employers' organization or industrial council [and the provisions of section fourteen of the Black Building Workers Act, 1951 (Act No. 27 of 1951)] shall operate in accordance with such determination’’; and

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

(a) A determination made under this section shall be final and binding from the date fixed in the determination (which may be a date prior or subsequent to the date of the determination) and in the area specified in the determination, and any relevant wage regulating measure, any determination made under section 77 or any constitution or certificate or registration of any registered trade union, employers' organization or industrial council [and the provisions of section fourteen of the Black Building Workers Act, 1951 (Act No. 27 of 1951)] shall operate in accordance with such determination’’; and

(c) by the deletion of subsection (11).

Wysiging van artikel 78 van Wet 28 van 1956, soos gewysig deur artikel 1 van Wet 43 van 1966.

48. (1) Artikel 78 van die Hoofwet word hierby gewysig—

(a) deur subartikels (1A) en (1B) deur die volgende subartikels te vervang:

“(1A) (a) Die werkgewer van ’n werknemer wat ’n lid van ’n geregistreerde vakvereniging is, moet, indien daar by hom ’n versoek in die voorgeskrewe vorm onderteken deur die werknemer en gesertifiseer deur die sekretaris van die vakvereniging ten effekte dat die werknemer ’n lid van die vereniging is en dat die vereniging kragtens hierdie Wet geregistreer is, ingedien word, van tyd tot tyd van die werknemer se besoldiging enige bedrae aftrek wat deur die werknemer aan daardie vakvereniging as ledegeld betaalbaar word, en moet binne een maand vanaf die datum waarop ’n bedrag aldus afgetrek word daardie bedrag op die voorgeskrewe vorm en wyse aan daardie vakvereniging betaal: Met dien verstande dat die werkgewer ’n bedrag van hoogstens 5 persent van die bedrag wat aldus afgetrek word as invorderingsgeld kan behou.

(b) Die aftrekking van bedrae ten opsigte van ledegeld begin in die geval van ’n bepaalde werknemer op die eerste betaaldag na die datum waarop die betrokke versoek by die werkgewer ingedien is wat nie minder nie as 14 dae na daardie datum is nie.

(c) By die toepassing van hierdie subartikel het ‘ledegeld’ die betekenis wat in artikel 1 (2) (b) daaraan verleen is.

(1B) (a) Die Minister kan, indien hy dit raadsaam ag om dit te doen en op aansoek deur ’n vakvereniging wat nie kragtens hierdie Wet geregistreer is nie, by kennisgewing in die *Staatskoerant* verklaar dat die bepalinge van subartikel (1A) op die voorwaardes wat hy bepaal van toepassing is met betrekking tot werkgewers ten opsigte van werknemers wat lede van daardie vereniging is.

(b) Die Minister kan te eniger tyd sodanige kennisgewing of voorwaardes wysig of intrek.

(1C) Geen werkgewer mag van ’n werknemer se besoldiging enige bedrag aftrek wat deur sodanige werknemer aan ’n vakvereniging as ledegeld betaalbaar word tensy die bepalinge van subartikel (1A) of van subartikel (1A) soos deur subartikel (1B) toegepas, nagekom is.”;

(b) deur in subartikel (2) die uitdrukking “Wet op die Onderdrukking van Kommunisme, 1950” deur die uitdrukking “Wet op die Binnelandse Veiligheid, 1950” te vervang; en

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

“(3) ’n Werkgewer wat subartikel (1) oortree of versuim om aan subartikel (1A) of of 1A soos toegepas deur subartikel [(1B)] (1B) (a) te voldoen, is aan ’n misdryf skuldig.”.

Amendment of section 78 of Act 28 of 1956, as amended by section 1 of Act 43 of 1966.

48. (1) Section 78 of the principal Act is hereby amended—

(a) by the substitution for subsections (1A) and (1B) of the following subsections:

“(1A) (a) The employer of an employee who is a member of a registered trade union shall, if there is lodged with him a request in the prescribed form signed by the employee and certified by the secretary of the trade union to the effect that such employee is a member of such union and that such union is registered under this Act, from time to time deduct from the employee’s remuneration any amounts which may become payable to that trade union by such employee by way of membership fees, and shall within one month of the date upon which any amount is so deducted, and in the form and manner prescribed, pay that amount to that trade union: Provided that the employer may retain as a collection fee an amount not exceeding five per cent of the amount so deducted.

(b) The deduction of amounts in respect of membership fees shall in the case of any particular employee commence on the first pay day following the date on which the relevant request was lodged with the employer which is not less than 14 days subsequent to that date.

(c) For the purposes of this subsection ‘membership fee’ has the meaning assigned thereto in section 1 (2) (b).

(1B) (a) The Minister may, if he deems it expedient to do so and upon application by a trade union not registered under this Act, by notice in the *Gazette* declare that the provisions of subsection (1A) shall, on such conditions as he may determine, apply with reference to employers in respect of employees who are members of that union.

(b) The Minister may at any time vary or withdraw such notice or conditions.

(1C) No employer shall deduct any amount of the remuneration of an employee which may become payable to a trade union by the employee by way of membership fees unless the provisions of subsection (1A) or of subsection (1A) as applied by section (1B), have been complied with.”;

(b) by the substitution in subsection (2) for the expression “Suppression of Communism, Act, 1950” of the expression “Internal Security Act, 1950”;

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

“(3) Any employer who contravenes subsection (1) or fails to comply with subsection (1A) or (1A) as applied by subsection [(1B)] (1B) (a) shall be guilty of an offence.”.

(2) 'n Kennisgewing uitgereik kragtens subartikel (1A) (a) van artikel 78 van die Hoofwet voor die inwerkingtreding van subartikel (1) van hierdie artikel en van krag onmiddellik voor daardie inwerkingtreding, bly van krag vir 'n tydperk van 12 maande vanaf die datum van genoemde inwerkingtreding, tensy dit deur die Minister voor die verstryking van daardie tydperk ingetrek word, en die bepalinge van subartikel (1B) van genoemde artikel 78 wat in werking was voor genoemde inwerkingtreding, geld dienoooreenkomstig.

Wysiging van artikel 80 van Wet 28 van 1956, soos gewysig deur artikel 18 van Wet 94 van 1979.

49. Artikel 80 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

“(8) Die bepalinge van artikel 8 (5), (6) (c) en (d), (7) en artikel 11 [uitgesonderd subartikel (2) (a) en (b)] is *mutatis mutandis* van toepassing ten opsigte van 'n federasie geregistreer of geag geregistreer te gewees het kragtens hierdie artikel, vir sover daardie bepalinge aldus toegepas kan word.”.

Wysiging van artikel 81 van Wet 28 van 1956.

50. Artikel 81 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woord “Goewerneur-generaal” deur die woord “Staatspresident” te vervang; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Regulasies kragtens subartikel (1) uitgevaardig, kan vir enige oortreding daarvan of versuim om daaraan te voldoen, strawwe voorskryf van hoogstens 'n boete van [vyftig pond] R500 of gevangenisstraf vir 'n tydperk van ses maande.”.

Wysiging van artikel 82 van Wet 28 van 1956.

51. Artikel 82 van die Hoofwet word hierby gewysig—

(a) deur paragrawe (a) en (b) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:

(a) met 'n boete van hoogstens [driehonderd pond] R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sodanige gevangenisstraf sonder die keuse van 'n boete of met sodanige boete sowel as sodanige gevangenisstraf, in die geval van 'n in artikel 66 (1) bedoelde misdryf; en

(b) met 'n boete van hoogstens [honderd pond] R1 000 of gevangenisstraf vir 'n tydperk van hoogstens een jaar of met daardie gevangenisstraf sonder die keuse van 'n boete of met daardie boete sowel as daardie gevangenisstraf, in die geval van enige ander misdryf waarvoor geen spesiale straf voorgeskryf word nie.”; en

(b) deur subartikels (2), (3) en (4) te skrap.

(2) Any notice issued under subsection (1A) (a) of section 78 of the principal Act before the commencement of subsection (1) of this section and in force immediately prior to that commencement, shall remain in force for a period of 12 months from the date of the said commencement unless withdrawn by the Minister before the expiry of that period, and the provisions of subsection (1B) of the said section 78 in operation before the said commencement shall apply accordingly.

Amendment of section 80 of Act 28 of 1956, as amended by section 18 of Act 94 of 1979.

49. Section 80 of the principal Act is hereby amended by the addition of the following subsection:

“(8) The provisions of section 8 (5), (6) (c) and (d), (7) and section 11 [excluding subsection (2) (a) and (b)] shall *mutatis mutandis* apply in respect of any federation registered or deemed to be registered under this section in so far as such provisions can be so applied.”.

Amendment of section 81 of Act 28 of 1956.

50. Section 81 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the word “Governor-General” of the words “State President”; and

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

“(3) Any regulation made under subsection (1) may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of [fifty pounds] R500 or imprisonment for a period of six months.”.

Amendment of section 82 of Act 28 of 1956.

51. Section 82 of the principal Act is hereby amended—

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

“(a) in the case of an offence referred to in section 66 (1), to a fine not exceeding [three hundred pounds] R2 000 or imprisonment for a period not exceeding two years or such imprisonment without the option of a fine or both such fine and such imprisonment; and

(b) in the case of any other offence for which no special penalty is prescribed, to a fine not exceeding [one hundred pounds] R1 000 or imprisonment for a period not exceeding one year or such imprisonment without the option of a fine or both such fine and such imprisonment.”; and

(b) by the deletion of subsections (2), (3) and (4).

Wysiging van artikel 83 van Wet 28 van 1956, soos gewysig deur artikel 15 van Wet 41 van 1959.

52. Artikel 83 van die Hoofwet word hierby gewysig—

(a) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die bepalinge van artikel 54 is *mutatis mutandis* van toepassing ten opsigte van die verskil bereken of beraam ingevolge subartikel (1) of (2), en enige bedrag wat ingevolge ’n bevel wat uitgevaardig word kragtens bedoelde artikel, soos deur hierdie artikel toegepas, aan die aangewese amptenaar of aan die betrokke nywerheidsraad betaal word, moet in die **Gekonsolideerde Inkomstefonds Staatsinkomstefonds** inbetaal word.”; en

(b) deur paragrafe (a) en (b) van subartikel (4) deur onderskeidelik die volgende paragrafe te vervang:

“(a) Indien die by regulasie bepaalde inspekteur of die betrokke nywerheidsraad (waar ’n ooreenkoms of toekenning wat deur die raad geadministreer word, betrokke is) ’n werkgewer in kennis gestel het van die bedrag wat na sy mening waarskynlik deur ’n hof kragtens hierdie artikel vasgestel of beraam sal word ten opsigte van enige misdryf wat die inspekteur of nywerheidsraad beweer deur die werkgewer gepleeg is en daardie werkgewer erken het dat hy aanspreeklik is vir daardie bedrag en dit betaal het aan die inspekteur of die nywerheidsraad, word daardie bedrag, as geen vervolging ten opsigte van sodanige misdryf binne ’n tydperk van 30 dae vanaf die datum van ontvangs van die bedrag ingestel word nie, deur die inspekteur aan die [Sekretaris van Arbeid] Direkteur-generaal: Mannekragbenutting deurgestuur vir inbetaling in die **[Gekonsolideerde Inkomstefonds] Staatsinkomstefonds en die nywerheidsraad moet sodanige bedrag onverwyld in genoemde fonds inbetaal.**

(b) Geen vervolging ten opsigte van die beweerde misdryf word teen die betrokke werkgewer ingestel nie nadat die in paragraaf (a) bedoelde bedrag ingevolge daardie paragraaf aan die **[Sekretaris van Arbeid] Direkteur-generaal: Mannekragbenutting** deurgestuur is of aan die betrokke nywerheidsraad betaal is.”.

Vervanging van artikel 85 van Wet 28 van 1956.

53. Artikel 85 van die Hoofwet word hierby deur die volgende artikel vervang:

“Artikel 57 van Wet 51 van 1977 nie van toepassing op sekere oortredings volgens hierdie Wet nie.

85. Die bepalinge van artikel **[driehonderd een-en-veftig van die Strafproseswet, 1955 (Wet No. 56 van 1955)] 57 van die Strafproseswet, 1977 (Wet No. 51 van 1977)**, is nie ten opsigte van ’n misdryf wat bestaan uit ’n in artikel 53 (2) of (3) bedoelde oortreding of versuim van toepassing nie.”.

Vervanging van artikel 87 van Wet 28 van 1956.

54. Artikel 87 van die Hoofwet word hierby deur die volgende artikel vervang:

Amendment of section 83 of Act 28 of 1956 as amended by section 15 of Act 41 of 1959.

52. Section 83 of the principal Act is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) The provisions of section 54 shall *mutatis mutandis* apply in respect of the difference calculated or estimated in terms of subsection (1) or (2), and any amount paid to the specified officer or to the industrial council concerned in terms of an order made under the said section, as applied by this subsection, shall be paid into the **[Consolidate] State Revenue Fund.**”; and

(b) by the substitution for paragraphs (a) and (b) of subsection (4) of the following paragraphs, respectively:

“(a) If the inspector defined by regulation or the industrial council concerned (where an agreement or award administered by the council is involved) has advised an employer of the amount which in his or its opinion is likely to be determined or estimated by any court under this section in respect of any offence alleged by the inspector or industrial council to have been committed by such employer and that employer has admitted that he is liable for such amount and has paid it to the inspector or the industrial council, such amount shall, if no prosecution in respect of such offence is instituted within a period of 30 days from the date of receipt of the amount, be transmitted by the inspector to the [Secretary for Labour] Director-General: Manpower Utilization for payment into the **[Consolidated] State Revenue Fund and the industrial council shall forthwith pay such amount into the said Fund.**

(b) No prosecution in respect of the alleged offence shall be instituted against the employer concerned after the amount referred to paragraph (a) has been transmitted to the **[Secretary for Labour] Director-General: Manpower Utilization** or paid to the industrial council concerned in terms of the said paragraph.”.

Substitution of section 85 of Act 28 of 1956.

53. The following section is hereby substituted for section 85 of the principal Act:

“Section 57 of Act 51 of 1977 not to apply to certain offences under this Act.

85. The provisions of section **[three hundred and fifty-one of the Criminal Procedure Act, 1955 (Act No. 56 of 1955)] 57 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)**, shall not apply in respect of any offence which consists of a contravention or failure such as is referred to in section 53 (2) or (3).”.

Substitution of section 87 of Act 28 of 1956.

54. The following section is hereby substituted for section 87 of the principal Act:

"Kort titel en inwerkingtreding."

87. Hierdie Wet heet die Wet op Arbeidsverhoudinge, 1956".

Vervanging van die lang titel van Wet 28 van 1956, soos vervang deur artikel 20 van Wet 94 van 1979.

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

"WET

Tot samevatting en wysiging van die wet met betrekking tot die registrasie en reëling van vakverenigings en werkgeversorganisasies, die voorkoming en beslegting van geskille tussen werkgevers en werknemers, die reëling van bedinge en voorwaardes van diens deur ooreenkoms en arbitrasie [**en die beheer van private registrasiekantore**]; om voorsiening te maak vir die instelling van 'n Nasionale Mannekragskommissie en om sy werksaamhede te omskryf; om voorsiening te maak vir die instelling van 'n nywerheidshof en om sy werksaamhede te omskryf; en om voorsiening te maak vir ander bykomstige aangeleenthede."

Voortbestaan van ooreenkomste en toekennings.

56. Die bepalings van enige ooreenkoms gepubliseer ingevolge artikel 48 van die Hoofwet en enige toekenning gemaak ingevolge artikels 45, 46 en 49 van genoemde Wet voor die inwerkingtreding van hierdie artikel, wat op grond van geslag differensieer, bly van krag totdat daardie bepalings gewysig of die ooreenkoms of toekenning ingetrek of vervang word ingevolge die Hoofwet.

Herroeping van wette, en voorbehoude.

57. (1) Die Wet op Elektrotegniese Draadwerkers en Aannemers, 1939 (Wet No. 20 van 1939), die Wysigingswet op Elektrotegniese Draadwerkers en Aannemers, 1955 (Wet No. 65 van 1955), die Wysigingswet op Elektrotegniese Draadwerkers en Aannemers, 1957 (Wet No. 35 van 1957), en die Wysigingswet op Elektrotegniese Draadwerkers en Aannemers, 1962 (Wet No. 48 van 1962), word hierby herroep.

(2) Behoudens die bepalings van subartikel (3), word die Wet op die Reëling van Swart Arbeidsverhoudinge, 1953 (Wet No. 48 van 1953), die Wysigingswet op Swart Arbeid (Beslegting van Geskille), 1955 (Wet No. 59 van 1955), die Wysigingswet op die Reëling van Swart Arbeidsverhoudinge, 1973 (Wet No. 70 van 1973), en die Wysigingswet op die Reëling van Swart Arbeidsverhoudinge, 1977 (Wet No. 84 van 1977), hierby herroep.

(3) Enige order wat ingevolge artikel 11 of 11 A van die Wet op die Reëling van Swart Arbeidsverhoudinge, 1953, gemaak is en wat by die inwerkingtreding van hierdie artikel van krag is, bly van krag asof daardie Wet nie deur subartikel (2) herroep is nie, totdat dit vervang word deur 'n loonreëlende maatregel wat ingevolge die Hoofwet vir die betrokke bedryf en in die betrokke gebied bindend verklaar word.

"Short title and commencement."

87. This Act shall be called the Labour Relations Act, 1956."

Substitution of long title of Act 28 of 1956, as substituted by section 20 of Act 94 of 1979.

55. 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 court and to define its functions; and to provide for other incidental matters."

Continuation of agreements and awards.

56. The provisions of any agreement published in terms of section 48 of the principal Act and any award made in terms of sections 45, 46 and 49 of the said Act prior to the commencement of this section, which differentiate on the basis of sex, shall remain in force until those provisions are amended or the agreement or award is cancelled or replaced in terms of the principal Act.

Repeal of laws, and savings.

57. (1) The Electrical Wiremen and Contractors Act, 1939 (Act No. 20 of 1939), the Electrical Wiremen and Contractors Amendment Act, 1955 (Act No. 65 of 1955), the Electrical Wiremen and Contractors Amendment Act, 1957 (Act No. 35 of 1957), and the Electrical Wiremen and Contractors Amendment Act, 1962 (Act No. 48 of 1962), are hereby repealed.

(2) Subject to the provisions of subsection (3), the Black Labour Relations Regulation Act, 1953 (Act No. 48 of 1953), the Black Labour (Settlement of Disputes) Amendment Act, 1955 (Act No. 59 of 1955), the Black Labour Relations Regulation Amendment Act, 1973 (Act No. 70 of 1973), and the Black Labour Relations Regulation Amendment Act, 1977 (Act No. 84 of 1977), are hereby repealed.

(3) Any order made in terms of section 11 or 11A of the Black Labour Relations Regulation Act, 1953, and in force at the commencement of this section shall remain in force as if that Act had not been repealed by subsection (2), until it is superseded by a wage regulating measure which is declared binding for the trade and in the area in question in terms of the principal Act.

Kort titel en inwerkingtreding.

58. (1) Hierdie Wet heet die Wysigingswet op Arbeidsverhoudinge, 1981, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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

Short title and commencement.

58. (1) This Act shall be called the Labour Relations Amendment Act, 1981, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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

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