



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 480.

14 Maart 1984

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

No. 29 van 1984: Ongevallewysigingswet, 1984.

OFFICE OF THE PRIME MINISTER

No. 480.

14 March 1984

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

No. 29 of 1984: Workmen's Compensation Amendment Act, 1984.

Wet No. 29, 1984

ONGEVALLEWYSIGINGSWET, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
-
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.
-

WET

Tot wysiging van die Ongevallewet, 1941, ten einde sekere verouderde uitdrukings en verwysings te vervang; weg te doen met die bevoegdheid van die Ongevallekommissaris om sekere werkgewers as werkmense te behandel; 'n hoër maksimum verdienstegrens vir die doeleindeste van die omskrywing van "werksman" te bepaal; voorsiening te maak vir 'n eenvormige prosedure vir alle bevolkingsgroepes ten opsigte van toestemming vir die instel van geregtelike stappe deur 'n werksman teen 'n derde party en vir die indiening van eise; onopgeëiste gelde vir die welsyn van alle werkmense aan te wend; 'n beswaarkomitee en 'n hersieningsraad in te stel vir die aanhoor van besware teen beslissings van die Ongevallekommissaris; die maksimum bedrag aan skadeloosstelling wat aan werkmense of hul nabestaandes betaalbaar is en die bedrag wat ten opsigte van begrafniskoste van 'n werksman betaalbaar is, te verhoog; sekere pensioene aan te pas; voor-skotte aan werkmense in afwagting van skadeloosstelling te verhoog; die beskerming beoog in artikel 32 uit te brei; die tydperk waarin aanspraak op voordele ingevolge die Wet gemaak kan word, te beperk; voorsiening te maak vir oorleg met die Mediese Vereniging van Suid-Afrika en die Tandheelkundige Vereniging van Suid-Afrika by die vasstelling van die geldetariewe vir sekere geneeskundige behandeling; die strawwe vir oortredings te verhoog; en sekere teksverbeertinge aan te bring; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 5 Maart 1984.)

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

Wysiging van artikel 2 van Wet 30 van 1941, soos gewysig deur artikel 1 van Wet 27 van 1945, artikel 1 van Wet 36 van 1949, artikel 1 van Wet 51 van 1956, artikel 1 van Wet 9 van 1970 en artikel 1 van Wet 11 van 1974.

1. Artikel 2 van die Ongevallewet, 1941 (hieronder die Hoofwet genoem), word hierby gewysig
 - (a) deur die omskrywing van "aktuaris" deur die volgende omskrywing te vervang:
"aktuaris" 'n 'Fellow' van 'n instituut, fakulteit, vereniging of kapittel van aktuarisse deur die Minister goedgekeur";
 - (b) deur paragraaf (c) van die omskrywing van "jaarlikse lone" te skrap;
 - (c) deur die omskrywing van "Swarte" deur die volgende omskrywing te vervang:
"Swarte" iemand wat **[tot een van die volgende kategoriee behoort]**
 - (a) inboorlingstamme of -rasse van Afrika, met begrip van Boesmans, Hottentotte en Korannas; en
 - (b) persone op wie 'n algemene of plaaslike belasting gehef word, kragtens artikel **twee** van die 20

WORKMEN'S COMPENSATION AMENDMENT ACT, 1984

Act No. 29, 1984

GENERAL EXPLANATORY NOTE.

- I** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.
-

ACT

To amend the Workmen's Compensation Act, 1941, so as to replace certain obsolete expressions and references; to do away with the power of the Workmen's Compensation Commissioner to treat certain employers as workmen; to fix a higher maximum earnings limit for the purposes of the definition of "workman"; to provide for a uniform procedure for all population groups in respect of consent for the institution of legal proceedings by a workman against a third party and for the institution of claims; to apply unclaimed moneys for the welfare of all workmen; to institute an objection committee and a revision board to hear objections against decisions of the Workmen's Compensation Commissioner; to increase the maximum amount of compensation payable to workmen or their dependants and the amount payable in respect of the burial expenses of a workman; to adjust certain pensions; to increase advances to workmen in anticipation of compensation; to extend the protection contemplated in section 32; to limit the period within which benefits in terms of this Act may be claimed; to provide for consultation with the Medical Association of South Africa and the Dental Association of South Africa in fixing the tariffs of fees for certain medical aid; to increase the penalties for offences; and to effect certain textual improvements; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 5 March 1984.)

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

1. Section 2 of the Workmen's Compensation Act, 1941 (hereinafter referred to as the principal Act), is hereby amended—
- 5 (a) by the substitution for the definition of "actuary" of the following definition:
- "actuary" means a Fellow of an institute or a faculty, society or chapter of actuaries approved by the Minister;";
- 10 (b) by the deletion of paragraph (c) of the definition of "annual wages";
- (c) by the substitution for the definition of "Black" of the following definition:
- "Black" means any person [belonging to one or other of the following categories—
- (a) aboriginal tribes or races of Africa, including Bushmen, Hottentots and Korannas; and
- (b) persons upon whom is levied general or local tax in terms of section two of the Black Taxa-
- Amendment of
section 2 of
Act 30 of 1941,
as amended by
section 1 of
Act 27 of 1945,
section 1 of
Act 36 of 1949,
section 1 of
Act 51 of 1956,
section 1 of
Act 9 of 1970
and section 1 of
Act 11 of 1974.

Wet No. 29, 1984

ONGEVALLEWYSIGINGSWET, 1984

'Swart Belasting en Ontwikkeling Wet, 1925' (Wet No. 41 van 1925) of 'n belasting wat daardie belasting vervang,

maar daaronder word nie ingesluit nie Amerikaanse Negers, Eurafrikaners, Eurasiate of persone gewoonlik Kaapse Slamaaiers, Grikwas, Rehoboth Basters, Maurisiane of St Helens genoem] 'n lid van 'n inboorlingras of -stam van Afrika is of ge-woonlik daarvoor deurgaan;"

- (d) deur die omskrywing van "werkgewersorganisasie" 10
deur die volgende omskrywing te vervang:
"werkgewersorganisasie" 'n werkgewersorganisasie [geregistreer as sulks ingevolge die bepalings van die Nywerheidsversoeningswet, 1937 (Wet No. 36 van 1937)] soos omskryf in artikel 1 van die Wet 15 op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), of die Ordonnansie op Lone en Nywerheidsversoening, 1952 (Ordonnansie No. 35 van 1952 van die gebied);";
- (e) deur die omskrywing van "masjinerie" te skrap; 20
- (f) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
"Minister" [beteken] die Minister van [Arbeid] Mannelkrag of 'n ander Staatsminister wat namens hom optree of 'n ander Staatsminister aan wie die [Gouverneur-generaal] Staatspresident van tyd tot tyd die uitvoering van hierdie Wet mag opdra;";
- (g) deur na die omskrywing van "natuurlike hulpbronne" 25 die volgende omskrywing in te voeg:
"beswaarkomitee" die komitee in artikel 25 (2) (a) vermeld;";
- (h) deur na die omskrywing van "reservefonds" die volgende omskrywing in te voeg:
"hersieningsraad" 'n raad in artikel 25 (4) (a) vermeld;"; en 35
- (i) deur die omskrywing van "vakvereniging" deur die volgende omskrywing te vervang:
"vakvereniging" 'n vakvereniging [geregistreer as sulks ingevolge die bepalings van die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937)] soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), en wat aan die bepaling van artikel 4 A (1), artikel 8 (5) gelees met artikel 8 (8), en artikel 11 van daardie Wet voldoen het, of die Ordonnansie op Lone en Nywerheidsversoening, 1952 (Ordonnansie No. 35 van 1952 van die gebied);". 40 45

2. Artikel 3 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (d) van subartikel (1) te skrap; en
- (b) deur paragraaf (b) van subartikel (2) deur die volgende 50 paragraaf te vervang:
"(b) persone wie se jaarlikse verdienste, bereken op die wyse uiteengesit in artikel 41, [twaalfduisend rand per jaar] R18 000 of, vanaf 'n datum deur die Staatspresident by proklamasie in die Staatskoerant bepaal, die hoër bedrag wat hy aldus mag bepaal, te bowe gaan;". 55

3. Artikel 8 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

- "(5) Sonder die skriftelike toestemming van die kommissaris word geen geregtelike stappe deur 'n werksman in 'n

Wysiging van artikel 3 van Wet 30 van 1941, soos vervang deur artikel 1 van Wet 21 van 1964 en gewysig deur artikel 1 van Wet 58 van 1967, artikel 2 van Wet 9 van 1970, artikel 2 van Wet 11 van 1974, artikel 1 van Wet 28 van 1977 en artikel 1 van Wet 24 van 1981.

Wysiging van artikel 8 van Wet 30 van 1941, soos vervang deur artikel 2 van Wet 21 van 1964

WORKMEN'S COMPENSATION AMENDMENT ACT, 1984

Act No. 29, 1984

- tion and Development Act, 1925 (Act No. 41 of 1925) or any tax substituted for any such tax, but does not include American negroes, Eurasians, Eurasians or persons commonly known as Cape Malays, Griquas, Rehoboth 'Basters', Mauritians or St Helenians] who is, or is generally accepted as, a member of any aboriginal race or tribe of Africa;";
- (d) by the substitution for the definition of "employers' organization" of the following definition:
"employers' organization" means an employers' organization [registered as such under the provisions of the Industrial Conciliation Act, 1937 (Act No. 36 of 1937)] as defined in section 1 of the Labour Relations Act, 1956 (Act No. 28 of 1956), or the Wage and Industrial Conciliation Ordinance, 1952 (Ordinance No. 35 of 1952 of the territory);";
- (e) by the deletion of the definition of "machinery";
- (f) by the substitution for the definition of "Minister" of the following definition:
"Minister" means the Minister of [Labour] Manpower or any other Minister of State acting in his stead, or any other Minister of State to whom the [Governor-General] State President may from time to time assign the administration of this Act;";
- (g) by the insertion after the definition of "natural resources" of the following definition:
"objection committee" means the committee referred to in section 25 (2) (a);";
- (h) by the insertion after the definition of "reserve fund" of the following definition:
"revision board" means a board referred to in section 25 (4) (a); and
- (i) by the substitution for the definition of "trade union" of the following definition:
"trade union" means a trade union [registered as such under the provisions of the Industrial Conciliation Act, 1937 (Act No. 36 of 1937)] as defined in section 1 of the Labour Relations Act, 1956 (Act No. 28 of 1956), and which has complied with the provisions of section 4 A (1), section 8 (5) read with section 8 (8), and section 11 of that Act, or the Wage and Industrial Conciliation Ordinance, 1952 (Ordinance No. 35 of 1952 of the territory);".
- 45 2. Section 3 of the principal Act is hereby amended—
 (a) by the deletion of paragraph (d) of subsection (1); and
 (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:
 "(b) persons whose annual earnings calculated in the manner set forth in section 41 exceed [twelve thousand rand a year] R18 000 or, from a date determined by the State President by proclamation in the Gazette, such higher amount as he may so determine;".
- 55 3. Section 8 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:
 "(5) No proceedings in a court of law to recover damages against any person referred to in subsection (1) may be

Amendment of
section 3 of
Act 30 of 1941,
as substituted by
section 1 of
Act 21 of 1964
and amended by
section 1 of
Act 58 of 1967,
section 2 of
Act 9 of 1970,
section 2 of
Act 11 of 1974,
section 1 of
Act 28 of 1977
and section 1 of
Act 24 of 1981.

Amendment of
section 8 of
Act 30 of 1941,
as substituted by
section 2 of
Act 21 of 1964

Wet No. 29, 1984**ONGEVALLEWYSIGINGSWET, 1984**

en gewysig deur artikel 3 van Wet 28 van 1977.

Wysiging van artikel 13 van Wet 30 van 1941, soos gewysig deur artikel 7 van Wet 27 van 1945 en artikel 6 van Wet 36 van 1949.

Wysiging van artikel 14 van Wet 30 van 1941, soos gewysig deur artikel 1 van Wet 5 van 1951, artikel 5 van Wet 51 van 1956 en artikel 4 van Wet 11 van 1974.

Wysiging van artikel 20 van Wet 30 van 1941.

Wysiging van artikel 22 van Wet 30 van 1941, soos gewysig deur artikel 5 van Wet 11 van 1974.

Vervanging van artikel 25 van Wet 30 van 1941, soos gewysig deur artikel 9 van Wet 27 van 1945, artikel 8 van Wet 36 van 1949 en artikel 7 van Wet 51 van 1956.

gereghof teen 'n in subartikel (1) bedoelde persoon gedoen om skadevergoeding te verhaal nie, tensy hy 'n eis om skadeloosstelling ingedien het [of tensy, in die geval van 'n Swart werksman, sy werkewer die nodige besonderhede van die ongeval aan die kommissaris ingevolge subartikel (1) van artikel een-en-vyftig verstrek het].".

4. Artikel 13 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die Minister kan, onderworpe aan die bepalings van hierdie artikel, vir die tydperk en op die voorwaardes wat hy in enige geval bepaal, soveel persone (om onderskeidelik werksmense en werkgewers te verteenwoordig) as wat hy nodig ag, aangestel as assessore, wat op die voorgeskrewe wyse [die kommissaris] 'n hersieningsraad moet bystaan met die verhoor van besware wat ingevolge artikel 25 [by hom] in- gediend word.". 15

5. Artikel 14 van die Hoofwet word hierby gewysig deur paraagraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

"(c) op die voorgeskrewe wyse onopgeëiste geld [ten opsigte van Swartes] aanwend vir die algemene welsyn van [Swartes] werksmense.". 20

6. Artikel 20 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde "Publieke Skuldkommissaris" deur die woord "Staatskuldkommissaris" te vervang. 25

7. Artikel 22 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (2) die woorde "Kontroleur- en Ouditeur-generaal" deur die woord "Ouditeur-generaal" te vervang; en
(b) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Die kommissaris moet, so gou doenlik na die voltooiing van die in subartikel (1) vermelde balansstate, 'n afskrif daarvan en 'n afskrif van die in paragraaf (n) van artikel 14 bedoelde verslag by die Minister indien, wat hierdie afskrifte [op die Tafels van beide Huise van die Parlement] in die Volksraad ter Tafel moet lê binne 30 dae na ontvangs deur hom daarvan, indien die Parlement dan sit, en, indien die Parlement dan nie sit nie, binne 30 dae na die begin van die eersvolgende sessie.". 35

8. Artikel 25 van die Hoofwet word hierby deur die volgende artikel vervang:

"Besware en appelle teen beslissings van kommissaris. 45 25. (1) Enige persoon wat hom veronreg voel deur 'n beslissing van die kommissaris, en enige vakvereniging of werkgewersorganisasie waarvan daardie persoon op die betrokke tyd 'n lid was (hierna die beswaarmaker genoem), kan binne die voorgeskrewe tyd en op die voorgeskrewe wyse 'n beswaar teen die beslissing indien.

(2) (a) So 'n beswaar word oorweeg deur 'n beswaarkomitee bestaande uit drie lede deur die Minister aangestel en waarvan—

(i) een lid deur die Minister as voorsitter aangewys word;
(ii) een lid aangestel word om werksmense te verteenwoordig; en
(iii) een lid aangestel word om werkgewers te verteenwoordig.

(b) Alle lede moet persone wees wat na die oordeel van die Minister voldoende kennis of ondervin-

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WORKMEN'S COMPENSATION AMENDMENT ACT, 1984

Act No. 29, 1984

- 5 taken by a workman without the written consent of the commissioner unless he has lodged a claim for compensation [or unless, in the case of a Black workman, his employer has furnished particulars of the accident to the commissioner in terms of subsection (1) of section fifty-one].” and amended by section 3 of Act 28 of 1977.
- 10 4. Section 13 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: “(1) The Minister may, subject to the provisions of this section, appoint, for such period and on such conditions as he may in any case determine, so many persons (representing workmen and employers respectively) as he may deem necessary, as assessors, who shall in the manner prescribed assist [the commissioner] a revision board in the hearing of any objection lodged [with him] in terms of section 25.” Amendment of section 13 of Act 30 of 1941, as amended by section 7 of Act 27 of 1945 and section 6 of Act 36 of 1949.
- 15 5. Section 14 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph: “(c) in the prescribed manner, apply unclaimed moneys [in respect of Blacks] for the general welfare of [the Black] workmen.” Amendment of section 14 of Act 30 of 1941, as amended by section 1 of Act 5 of 1951, section 5 of Act 51 of 1956 and section 4 of Act 11 of 1974.
- 20 6. Section 20 of the principal Act is hereby amended by the substitution in subsection (2) of the Afrikaans text for the words “Publieke Skuldkommissaris” of the word “Staatskuldkommissaris”. Amendment of section 20 of Act 30 of 1941.
- 25 7. Section 22 of the principal Act is hereby amended— (a) by the substitution in subsection (2) for the words “Controller and Auditor-General” of the word “Auditor-General”; and (b) by the substitution for subsection (3) of the following subsection: “(3) The commissioner shall, as soon as practicable after the completion of the balance sheets referred to in subsection (1), submit a copy thereof and a copy of the report referred to in paragraph (n) of section 14 to the Minister, who shall lay such copies upon the [Tables of both Houses of Parliament] Table in the House of Assembly within 30 days after receipt thereof by him if Parliament is then in session, or if Parliament is not then in session, within 30 days after the commencement of its next ensuing session.” Amendment of section 22 of Act 30 of 1941, as amended by section 5 of Act 11 of 1974.
- 30 35 40 8. The following section is hereby substituted for section 25 of the principal Act:
- “Objections and appeals against decisions of the commissioner. 25. (1) Any person who feels aggrieved by a decision of the commissioner, and any trade union or employers’ organization of which that person was a member at the time in question (hereinafter referred to as the objector), may within the prescribed time and in the prescribed manner lodge an objection against that decision.
- 45 (2) (a) Such an objection shall be considered by an objection committee consisting of three members appointed by the Minister and of whom— (i) one member shall be designated as chairman by the Minister; (ii) one member shall be appointed to represent workmen; and (iii) one member shall be appointed to represent employers.
- 50 (b) All members must be persons who in the opinion of the Minister have sufficient knowledge or
- 55 60

Wet No. 29, 1984

ONGEVALLEWYSIGINGSWET, 1984

- ding het om hulle werksaamhede ingevolge hier-
die Wet behoorlik te verrig.
- (c) Die Minister kan soveel alternatiewe lede aan-
stel as wat hy nodig ag. 5
- (d) 'n Lid word aangestel op die voorwaardes wat
die Minister met die instemming van die Minis-
ter van Finansies bepaal, en vir die tydperk wat
die Minister bepaal, maar die Minister kan te
eniger tyd die aanstelling van 'n lid beëindig wat
hom na sy oordeel aan wangedrag of pligsver-
suim skuldig gemaak het of nie in staat is om sy
werksaamhede ingevolge hierdie Wet behoorlik
te verrig nie. 10
- (e) Die beswaarkomitee vergader op die tye en
plekke deur die voorsitter bepaal, en die beslis-
sing van 'n meerderheid van sy lede maak sy be-
slissing uit. 15
- (f) Vir die doel van sy beslissing oorweeg die be-
swaarkomitee enige skriftelike vertoë en stukke
deur die beswaarmaker ingedien, enige skrifte-
like verduideliking wat die kommissaris verlang
om te verstrek, en enige stuk in die besit of on-
der die beheer van die kommissaris. 20
- (g) Indien die beswaarkomitee dit vir die doel van
sy beslissing nodig ag om die persoon bedoel in
subartikel (1) te ondervra, moet daardie persoon
op die voorgeskrewe wyse versoek word om op
'n aangeduide tyd en plek voor die beswaarko-
mitee te verskyn, en kan hy deur lede van die
beswaarkomitee ondervra word. 25
- (h) Indien die beswaarkomitee van oordeel is dat
die beswaar gegronde is, moet hy by die kommis-
sarist aanbeveel wat die kommissaris se beslissing
na sy oordeel behoort te gewees het. 30
- (i) Die voorsitter moet 'n aantekening van die ver-
rigtinge van die beswaarkomitee hou of laat
hou, en moet so spoedig doenlik nadat die ver-
rigtinge ten opsigte van 'n bepaalde beswaar af-
gehandedel is 'n afskrif van die aantekening aan
die Direkteur-generaal: Mannekrag stuur. 35
- (j) Die kommissaris kan na oorweging van die aan-
beveling van die beswaarkomitee sy beslissing
wysig, en in so 'n geval word die gewysigde be-
slissing geag die oorspronklike beslissing van die
kommissaris te wees. 40
- (3) Enige beswaarmaker wat hom veronreg voel deur
die verwerving van sy beswaar deur die beswaarko-
mitee, of deur die weiering van die kommissaris om,
nadat hy die verslag van die beswaarkomitee oor-
weeg het, sy beslissing te wysig, of deur die gewy-
sigde beslissing van die kommissaris, kan binne die
voorgeskrewe tyd en op die voorgeskrewe wyse ver-
soek dat sy beswaar na 'n hersieningsraad verwys
word. 45
- (4) (a) 'n Hersieningsraad bestaan uit die volgende
lede:
- (i) 'n Voorsittende beampete, wat 'n lid van die
nywerheidshof vermeld in artikel 17 van die
Wet op Arbeidsverhoudinge, 1956 (Wet
No. 28 van 1956), moet wees en deur die
president van daardie hof aangewys word; 50
 - (ii) een assessor bedoel in artikel 13 om
werksmense te verteenwoordig, gekies deur
die voorsittende beampete;
 - (iii) een assessor bedoel in artikel 13 om werk-
gewers te verteenwoordig, gekies deur die
voorsittende beampete; en 65
 - (iv) een of meer geneeskundige assessore be-

WORKMEN'S COMPENSATION AMENDMENT ACT, 1984

Act No. 29, 1984

- experience to perform their functions in terms of this Act properly.
- (c) The Minister may appoint as many alternate members as he considers necessary.
- 5 (d) A member is appointed on such conditions as the Minister with the concurrence of the Minister of Finance determines, and for such period as the Minister determines, but the Minister may at any time terminate the appointment of a member who in his opinion has rendered himself guilty of misconduct or neglect of duty or is unable to perform his functions in terms of this Act properly.
- 10 (e) The objection committee shall meet at the times and places determined by the chairman, and the decision of a majority of its members constitutes its decision.
- 15 (f) For the purpose of its decision the objection committee shall consider any written representations and documents submitted by the objector, any written explanation that the commissioner may wish to supply, and any document in the possession or under the control of the commissioner.
- 20 (g) If the objection committee considers it necessary for the purpose of its decision to question the person contemplated in subsection (1), that person must be requested in the prescribed manner to appear before the objection committee at a specified time and place, and he may be questioned by members of the objection committee.
- 25 (h) If the objection committee is of the opinion that the objection is well-founded, it must recommend to the commissioner what the decision of the commissioner in its opinion should have been.
- 30 (i) The chairman shall keep or cause to be kept a record of the proceedings of the objection committee, and as soon as practicable after the proceedings in respect of a particular objection have been disposed of, he shall send a copy of those proceedings to the Director-General: Manpower.
- 35 (j) The commissioner may after consideration of the report of the objection committee amend his decision, and in such a case the amended decision is deemed to be the original decision of the commissioner.
- 40 (3) Any objector who feels aggrieved by the rejection of his objection by the objection committee, or by the refusal of the commissioner to amend his decision after having considered the report of the objection committee, or by the amended decision of the commissioner, may within the prescribed time and in the prescribed manner request that his objection be referred to a revision board.
- 45 (4) (a) A revision board consists of the following members:
- 50 (i) A presiding officer, who must be a member of the industrial court referred to in section 17 of the Labour Relations Act, 1956 (Act No. 28 of 1956), and who is designated by the president of that court;
- 55 (ii) one assessor contemplated in section 13 to represent workmen, elected by the presiding officer;
- 60 (iii) one assessor contemplated in section 13 to represent employers, elected by the presiding officer; and
- 65 (iv) one or more medical assessors contem-

Wet No. 29, 1984

ONGEVALLEWYSIGINGSWET, 1984

doel in artikel 13 in 'n geval waar die voor-sittende beampete dit nodig ag.

- (b) (i) 'n Hersieningsraad vergader op die tye en plekke wat op die voorgeskrewe wyse be-paal word.
- (ii) Die beslissing van 'n meerderheid van die lede van 'n hersieningsraad (met uitsluiting van enige geneeskundige assessore) maak sy beslissing uit: Met dien verstande dat enige regspunt wat voor 'n hersieningsraad vir beslissing ontstaan, en enige vraag of 'n punt vir beslissing 'n regspunt is, deur die voor-sittende beampete alleen beslis word.
- (c) Die volgende partye kan voor 'n hersieningsraad verskyn en deur 'n regsverteenvoerdiger byge-staan word:
- (i) Die beswaarmaker;
 - (ii) die kommissaris of 'n persoon deur hom aangewys;
 - (iii) 'n werkgewer wat individueel aanspreeklik sal wees indien die beswaar gehandhaaf word;
 - (iv) 'n onderlinge vereniging wat vir die betaling van die skadeloosstelling en die koste van die geneeskundige behandeling verantwoor-delik sal wees indien die beswaar gehandhaaf word.
- (d) Waar die beswaarmaker die persoon bedoel in subartikel (1) is, is die bepalings van artikel 59 *mutatis mutandis* van toepassing.
- (e) (i) 'n Party voor 'n hersieningsraad kan getuie-nis lewer, getuies roep, getuies deur 'n ander party geroep, kruisverhoor, en die her-sieningsraad toespreek.
- (ii) Die bepalings van artikels 16, 17, 57 en 58 is *mutatis mutandis* van toepassing ten opsigte van die verrigtinge van 'n hersieningsraad.
- (f) (i) Indien 'n hersieningsraad die beswaar hand-haaf, moet hy die bevel gee wat hy billik ag.
- (ii) 'n Hersieningsraad kan die kostebevel gee wat hy goedvind.
- (5) (a) Enige party kan na 'n bevoegde provinsiale of plaaslike afdeling van die Hooggereghof appelleer teen 'n beslissing van 'n hersieningsraad aangaande—
- (i) die vertolking van hierdie Wet of enige ander wet;
 - (ii) die vraag of 'n ongeval wat die arbeidson-geskiktheid of dood van 'n werksman ver-oorzaak het aan sy eie ernstige en opsetlike wangedrag toe te skryf is;
 - (iii) die vraag of die bedrag aan enige skade-loosstelling wat toegeken is so buitensporig of so onvoldoende is dat die toekennung nie redelikerwys gemaak kon word nie;
 - (iv) die reg op addisionele skadeloosstelling in-gevolge artikel 43.
- (b) So 'n appèl word aangeteken en voortgesit asof dit 'n appèl teen 'n vonnis van 'n landdroshof in 'n siviele saak was, en die reëls wat daarop van toepassing is, is *mutatis mutandis* van toepassing op 'n appèl ingevolge hierdie subartikel.
- (6) (a) Tensy die kommissaris anders gelas, word 'n verpligting om 'n aanslag, skadeloosstelling of ander bedrag aan die kommissaris of die onge-vallefonds te betaal, of om periodieke uitkerings aan of ten behoeve van 'n werksman ingevolge 'n beslissing van die kommissaris te betaal, nie opgeskort of uitgestel op grond van die feit dat

WORKMEN'S COMPENSATION AMENDMENT ACT, 1984

Act No. 29, 1984

- plated in section 13 in a case where the presiding officer considers it necessary.
- (b) (i) A revision board shall meet at the times and places determined in the prescribed manner.
- (ii) The decision of a majority of the members of a revision board (excluding any medical assessors) shall constitute its decision: Provided that any matter of law arising for decision before a revision board, and any question as to whether a matter for decision is a matter of law, shall be decided by the presiding officer alone.
- (c) The following parties may appear before a revision board and may be assisted by a legal representative:
- (i) The objector;
 - (ii) the commissioner or a person designated by him;
 - (iii) an employer who will be individually liable if the objection is upheld;
 - (iv) a mutual association which will be liable for the payment of the compensation and the costs of the medical treatment if the objection is upheld.
- (d) Where the objector is the person contemplated in subsection (1), the provisions of section 59 apply *mutatis mutandis*.
- (e) (i) A party before a revision board may lead evidence, call witnesses, cross-examine witnesses called by another party, and address the revision board.
- (ii) The provisions of sections 16, 17, 57 and 58 apply *mutatis mutandis* in respect of the proceedings of a revision board.
- (f) (i) If a revision board upholds the objection, it shall give such decision as it considers equitable.
- (ii) A revision board may make such order as to costs as it deems fit.
- (5) (a) Any party may appeal to a provincial or local division of the Supreme Court having jurisdiction against a decision of a revision board concerning—
- (i) the interpretation of this Act or any other law;
 - (ii) the question whether an accident causing the disablement or death of a workman was attributable to his own serious and wilful misconduct;
 - (iii) the question whether the amount of any compensation awarded was so excessive or so inadequate that the award could not reasonably have been made;
 - (iv) the right to additional compensation in terms of section 43.
- (b) Such an appeal shall be noted and prosecuted as if it were an appeal against a judgment of a magistrate's court in a civil case, and the rules applicable thereto apply *mutatis mutandis* to an appeal in terms of this subsection.
- (6) (a) Unless the commissioner orders otherwise, an obligation to pay any assessment, compensation or other amount to the commissioner or the accident fund, or to make any periodical payments to or on behalf of a workman in terms of a decision of the commissioner, shall not be suspended or deferred by reason of the fact that an

Wet No. 29, 1984

ONGEVALLEWYSIGINGSWET, 1984

'n beswaar ingevolge subartikel (1) ingedien of 'n appèl ingevolge subartikel (5) aangeteken is nie.

(b) Indien enige bedrag wat ingevolge 'n beslissing van die kommissaris betaalbaar was as gevolg van 'n beswaar of appèl verander word, moet die verskil aan die betrokke persoon terugbetaal word in die geval van 'n verlaging, of deur hom betaal word in die geval van 'n verhoging.

(7) Die koste verbonde aan die verrigting van die werksaamhede van die beswaarkomitee en 'n hersieningsraad moet deur die kommissaris uit die ongevallefonds betaal word.".

Vervanging van artikel 26 van Wet 30 van 1941.

9. Artikel 26 van die Hoofwet word hierby deur die volgende artikel vervang:

"Kommissaris of voorzittende beampete van 'n hersieningsraad kan uit eie beweging of op versoek van 'n betrokke party by verrigtinge voor hom ingevolge hierdie Wet, 'n casuspositie van 'n regsvraag in verband met enige aangeleentheid wat uit sodanige verrigtinge ontstaan, opstel ter beslissing deur die provinsiale of plaaslike afdeling van die Hooggereghof wat jurisdiksie het in die gebied waar die verrigtinge plaasvind. Elke betrokke party is geregtig om by die verhoor van sodanige regsvraag persoonlik of deur 'n advokaat te verskyn.

(2) Die kommissaris of die voorzittende beampete van 'n hersieningsraad moet in so 'n casuspositie uiteensit—

- (a) die feite wat vasgestel is; en
- (b) die regsoopvatting wat hy met betrekking tot daardie feite toegedaan is.

(3) Wanneer die kommissaris of die voorzittende beampete van 'n hersieningsraad enige twyfel het omtrent die juistheid van 'n uitspraak deur 'n provinsiale of plaaslike afdeling van die Hooggereghof aangaande enige regsvraag in verband met hierdie Wet gedoen, kan hy bedoelde uitspraak aan die Appèlafdeling van die Hooggereghof voorlê en die saak daarvoor laat bepleit, sodat genoemde Afdeling die betrokke vraag kan beslis om in die toekoms as leidraad vir alle geregshoue te dien.".

Wysiging van artikel 32 van Wet 30 van 1941, soos gewysig deur artikel 14 van Wet 27 van 1945 en artikel 10 van Wet 51 van 1956.

Vervanging van artikel 37 van Wet 30 van 1941, soos gewysig deur artikel 17 van Wet 27 van 1945 en artikel 13 van Wet 36 van 1949.

Wysiging van artikel 38 van Wet 30 van 1941, soos gewysig deur artikel 18 van Wet 27 van 1945, artikel 14 van Wet 36 van 1949,

10. Artikel 32 van die Hoofwet word hierby gewysig deur die woord "skadeloosstelling" deur die woorde "voordele ingevolge die Wet" te vervang.

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

"Aanspreeklikheid vir skadeloosstelling.

37. [(1) Behoudens die bepalings van subartikel (2) moet skadeloosstelling] Skadeloossteling moet aan 'n daartoe geregtigde werksman betaal word of—

- (a) deur die werkewer indiwidueel aanspreeklik; of
- (b) deur die kommissaris uit die ongevallefonds.".

12. Artikel 38 van die Hoofwet word hierby gewysig—

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

"(a) Skadeloosstelling weens tydelike algehele arbeidsongeskiktheid is periodieke uitkerings gedurende sodanige tydelike arbeidsongeskiktheid teen 'n

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WORKMEN'S COMPENSATION AMENDMENT ACT, 1984

Act No. 29, 1984

- objection has been lodged in terms of subsection (1) or an appeal noted in terms of subsection (5).
- (b) If any amount which was payable in terms of a decision of the commissioner is varied as a result of an objection or an appeal, the difference must be repaid to the person concerned in the case of a reduction, or be paid by him in the case of an increase.
- (7) The costs in connection with the performance of the functions of the objection committee and a revision board must be paid by the commissioner out of the accident fund.”.

9. The following section is hereby substituted for section 26 of the principal Act:

- “Commissioner or presiding officer of a revision board may state a case for Supreme Court,
- (1) The commissioner or the presiding officer of a revision board may of his own motion or at the request of an interested party to any proceedings under this Act, state a special case on any question of law in connection with any matter arising in such proceedings, for the decision of the provincial or local division of the Supreme Court having jurisdiction in the area in which the proceedings are held. Every interested party shall have the right to appear in person or by counsel at the hearing of such special case.
- (2) In any case so stated the commissioner or the presiding officer of a revision board shall set forth—
 (a) the facts which were established; and
 (b) the view of the law which he has adopted in relation to those facts.
- (3) Whenever the commissioner or the presiding officer of a revision board has any doubt as to the correctness of any decision given by any provincial or local division of the Supreme Court on any question of law in connection with this Act, he may submit that decision to the Appellate Division of the Supreme Court and cause the matter to be argued before it, in order that it may determine the said question for future guidance of all courts.”.

Substitution of section 26 of Act 30 of 1941.

10. Section 32 of the principal Act is hereby amended by the substitution for the word “compensation” of the word “benefits”.

Amendment of section 32 of Act 30 of 1941, as amended by section 14 of Act 27 of 1945 and section 10 of Act 51 of 1956.

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

- “Liability for compensation.
- 37. [(1) Subject to the provisions of subsection (2)]** Compensation shall be paid to any workman entitled thereto either—
 (a) by the employer individually liable; or
 (b) by the commissioner from the accident fund.”.

Substitution of section 37 of Act 30 of 1941, as amended by section 17 of Act 27 of 1945 and section 13 of Act 36 of 1949.

12. Section 38 of the principal Act is hereby amended—
 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 “(a) Compensation for temporary total disablement shall be periodical payments during such temporary disablement at a rate of seventy-five per cent

Amendment of section 38 of Act 30 of 1941, as amended by section 18 of Act 27 of 1945, section 14 of Act 36 of 1949,

Wet No. 29, 1984

artikel 13 van
Wet 51 van 1956,
artikel 4 van
Wet 7 van 1961,
artikel 2 van
Wet 58 van 1967,
artikel 1 van
Wet 60 van 1971,
artikel 6 van
Wet 11 van 1974,
artikel 5 van
Wet 28 van 1977
en artikel 3 van
Wet 24 van 1981.

Wysiging van
artikel 39 van
Wet 30 van 1941,
soos gewysig deur
artikel 19 van
Wet 27 van 1945,
artikel 15 van
Wet 36 van 1949,
artikel 14 van
Wet 51 van 1956,
artikel 5 van
Wet 7 van 1961,
artikel 3 van
Wet 58 van 1967,
artikel 2 van
Wet 60 van 1971,
artikel 7 van
Wet 11 van 1974,
artikel 6 van
Wet 28 van 1977
en artikel 4 van
Wet 24 van 1981.

Wysiging van
artikel 40 van
Wet 30 van 1941,
soos gewysig deur
artikel 20 van
Wet 27 van 1945,
artikel 16 van
Wet 36 van 1949,
artikel 15 van
Wet 51 van 1956,
artikel 6 van
Wet 7 van 1961,
artikel 4 van
Wet 58 van 1967,
artikel 8 van
Wet 11 van 1974,
artikel 7 van
Wet 28 van 1977
en artikel 5 van
Wet 24 van 1981.

Wysiging van
artikel 41 van
Wet 30 van 1941,
soos gewysig deur
artikel 21 van
Wet 27 van 1945,
artikel 17 van
Wet 36 van 1949
en artikel 4 van
Wet 21 van 1964.

ONGEVALLEWYSIGINGSWET, 1984

skaal van vyf-en-sewentig persent van die maandelikse verdienste van die werksman tot **[vierhonderd rand]** R600 van daardie verdienste en vyftig persent van sy maandelikse verdienste bo **[vierhonderd rand]** R600 tot **[eenduisend rand]** R1 300 van daardie verdienste: Met dien verstande dat die periodieke uitkering nie minder as R13 per maand of die skaal van die werksman se verdienste ten tyde van die ongeval, na gelang van watter die kleinste is, mag bedra nie.”; en

- (b) deur in subartikel (4) die woorde “eenduisend rand” deur die uitdrukking “R1 300” te vervang.

13. Artikel 39 van die Hoofwet word hierby gewysig—

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

“(a) Wanneer die graad van arbeidsongeskiktheid dertig persent is, 'n enkele geldsom gelyk aan **[twaalf]** 15 maal die maandelikse verdienste van die werksman tot **[vyfhonderd rand]** R600 van daardie verdienste.”;

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

“(c) Wanneer die graad van arbeidsongeskiktheid honderd persent is, 'n maandelikse pensioen gelyk aan vyf-en-sewentig persent van die maandelikse verdienste van die werksman tot **[vierhonderd rand]** R600 van daardie verdienste plus vyftig persent van sy maandelikse verdienste bo **[vierhonderd rand]** R600 tot **[eenduisend rand]** R1 300 van daardie verdienste: Met dien verstande dat die betaalbare pensioen nie minder as R13 per maand of die skaal van die werksman se verdienste ten tyde van die ongeval, na gelang van watter die kleinste is, mag bedra nie.”; en

- (c) deur in subartikel (2) die woorde “eenduisend rand” deur die uitdrukking “R1 300” te vervang.

14. Artikel 40 van die Hoofwet word hierby gewysig—

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

“(a) As die werksman 'n weduwee of sieklike wewe-naar as nabestaande nalaat, en daar geen kinders is nie, 'n enkele geldsom van hoogstens twee maal die maandelikse verdienste van die werksman of **[drieënhonderd rand]** R600, na gelang die een of die ander minder bedra, en 'n maandelikse pensioen gelyk aan veertig persent van die pensioen wat aan die werksman toegestaan sou gewees het ingevolge artikel 39 (1) (c) as hy algeheel en blywend arbeidsongeskik was.”; en

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

“(2) Die kommissaris kan na goeddunke uit die ongevallefonds 'n toelae van hoogstens **[vierhonderd rand]** R650 vir die nodige begrafniskoste van die werksman betaal of die werkgewer indiwidueel aanspreeklik gelas om dit te betaal, na gelang van die gevval.”.

15. Artikel 41 van die Hoofwet word hierby gewysig deur subartikel (3)*bis* te skrap.

WORKMEN'S COMPENSATION AMENDMENT ACT, 1984

Act No. 29, 1984

of the monthly earnings of the workman up to [four hundred rand] R600 of such earnings and fifty per cent of his monthly earnings in excess of [four hundred rand] R600 up to [one thousand rand] R1 300 of such earnings: Provided that the periodical payment shall not be less than R13 per month or the rate of the workman's earnings at the time of the accident, whichever is the lesser."; and

(b) by the substitution in subsection (4) for the words "one thousand rand" of the expression "R1 300".

section 13 of
Act 51 of 1956,
section 4 of
Act 7 of 1961,
section 2 of
Act 58 of 1967,
section 1 of
Act 60 of 1971,
section 6 of
Act 11 of 1974,
section 5 of
Act 28 of 1977
and section 3 of
Act 24 of 1981.

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

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- "(a) Where the degree of disablement is thirty per cent, a lump sum equal to [twelve] 15 times the monthly earnings of the workman up to [five hundred rand] R600 of such earnings.;"
- (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
- "(c) Where the degree of disablement is one hundred per cent, a monthly pension equal to seventy-five per cent of the monthly earnings of the workman up to [four hundred rand] R600 of such earnings plus fifty per cent of his monthly earnings in excess of [four hundred rand] R600 up to [one thousand rand] R1 300 of such earnings: Provided that the pension payable shall not be less than R13 per month or the rate of the workman's earnings at the time of the accident, whichever is the lesser."; and
- (c) by the substitution in subsection (2) for the words "one thousand rand" of the expression "R1 300".
- Amendment of
section 39 of
Act 30 of 1941,
as amended by
section 19 of
Act 27 of 1945,
section 15 of
Act 36 of 1949,
section 14 of
Act 51 of 1956,
section 5 of
Act 7 of 1961,
section 3 of
Act 58 of 1967,
section 2 of
Act 60 of 1971,
section 7 of
Act 11 of 1974,
section 6 of
Act 28 of 1977
and section 4 of
Act 24 of 1981.

14. Section 40 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- "(a) If the workman leaves as a dependant a widow or invalid widower and no children, a lump sum not exceeding twice the workman's monthly earnings or [three hundred rand] R600, whichever is the lesser, and a monthly pension equal to forty per cent of the pension which would have been granted to the workman if totally and permanently disabled, under section 39 (1) (c)."; and
- (b) by the substitution for subsection (2) of the following subsection:
- "(2) The commissioner may in his discretion pay out of the accident fund, or, as the case may be, direct the employer individually liable to pay, an allowance not exceeding [four hundred rand] R650 towards the necessary burial expenses of the workman."
- Amendment of
section 40 of
Act 30 of 1941,
as amended by
section 20 of
Act 27 of 1945,
section 16 of
Act 36 of 1949,
section 15 of
Act 51 of 1956,
section 6 of
Act 7 of 1961,
section 4 of
Act 58 of 1967,
section 8 of
Act 11 of 1974,
section 7 of
Act 28 of 1977
and section 5 of
Act 24 of 1981.

50 15. Section 41 of the principal Act is hereby amended by the deletion of subsection (3)bis.

Amendment of
section 41 of
Act 30 of 1941,
as amended by
section 21 of
Act 27 of 1945,
section 17 of
Act 36 of 1949
and section 4 of
Act 21 of 1964.

Wet No. 29, 1984**ONGEVALLEWYSIGINGSWET, 1984**

Wysiging van artikel 43 van Wet 30 van 1941, soos gewysig deur artikel 22 van Wet 27 van 1945, artikel 19 van Wet 36 van 1949, artikel 16 van Wet 51 van 1956, artikel 5 van Wet 9 van 1970 en artikel 2 van Wet 8 van 1979.

- 16. Artikel 43 van die Hoofwet word hierby gewysig—**
- (a) (i) deur in subartikel (1) subparagraaf (iv) van paragraaf (a) deur die volgende subparagraaf te vervang:
“(iv) van 'n gediplomeerde ingenieur in algemene beheer oor masjinerie aangestel, of van iemand wat kragtens 'n regulasie uitgevaardig uit hoofde van die **[‘Mynen en Bedrijven Wet, 1911’ (Wet No. 12 van 1911)]** **Wet op Myne en Bedrywe, 1956** (Wet No. 27 van 1956), of die **Ordonnansie op Myne, Werke en Minerale, 1954 (Ordonnansie No. 26 van 1954 van die gebied)** **Ordonnansie op Myne, Bedrywe en Minerale, 1968 (Ordonnansie No. 20 van 1968 van die gebied)**, aangestel is om sodanige gediplomeerde ingenieur behulpsaam te wees; of”;
 - (ii) deur in subartikel (1) subparagraaf (v) van paragraaf (a) deur die volgende subparagraaf te vervang:
“(v) van iemand wat kragtens 'n regulasie uitgevaardig uit hoofde van die **[Wet op Fabrieke, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941)]** **Wet op Masjinerie en Beroepsveiligheid, 1983** (Wet No. 6 van 1983), of die **Ordonnansie op Fabrieke, Masjinerie en Bouwerk, 1952 (Ordonnansie No. 34 van 1952 van die gebied)** in beheer oor masjinerie aangestel is; of”.
 - (b) deur subartikel (3)*bis* deur die volgende subartikel te vervang:
“(3)*bis* Indien die kommissaris nie oortuig is dat die ongeval te wye is aan enige nalatigheid of gebrek in subartikel (1) vermeld nie, moet hy die aansoek na 'n hersieningsraad verwys, wat die aansoek *mutatis mutandis* ooreenkomsdig die prosedure voorgeskryf in artikel 25 (4) moet behandel asof dit 'n beswaar bedoel in artikel 25 (3) was.”; en
 - (c) deur subartikel (4) deur die volgende subartikel te vervang:
“(4) **[Die Kommissaris]** 'n Hersieningsraad kan in enige verrigtinge ingevolge hierdie artikel sodanige bevel uitvaardig aangaande koste en die betaling daarvan as wat hy wenslik ag.”.

Wysiging van artikel 43*bis* van Wet 30 van 1941, soos ingevoeg deur artikel 17 van Wet 51 van 1956 en gewysig deur artikel 6 van Wet 9 van 1970, artikel 9 van Wet 11 van 1974, artikel 3 van Wet 8 van 1979 en artikel 6 van Wet 24 van 1981.

Vervanging van artikel 47 van Wet 30 van 1941, soos gewysig deur artikel 19 van Wet 51 van 1956 en artikel 8 van Wet 7 van 1961.

- 17. Artikel 43*bis* van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**
- “(1) Alle maandelikse pensioene kragtens artikel 39 of 40 van hierdie Wet betaalbaar by die inwerkingtreding van die Ongevallewysigingswet, **[1981]** 1984, of daarna toegeken, ten opsigte van ongevalle wat voor sodanige inwerkingtreding plaasgevind het, word vanaf sodanige inwerkingtreding met vyftien persent verhoog.”.

- 18. Artikel 47 van die Hoofwet word hierby deur die volgende artikel vervang:**

- “Voorskotte op skadeloosstelling kan die kommissaris, wanneer hy van ordeel is dat die belangte of dringende nood van die werksman dit regverdig, aan of ten behoeve van die werksman 'n voorskot van 'n totale bedrag van nie meer as **[tweehonderd rand]** R500 nie, toestaan of
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WORKMEN'S COMPENSATION AMENDMENT ACT, 1984

Act No. 29, 1984

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

- (a) (i) by the substitution in subsection (1) for subparagraph (iv) of paragraph (a) of the following subparagraph:
- “(iv) of a certificated engineer appointed to be in general charge of machinery, or a person appointed to assist such certificated engineer in terms of any regulation made under the [Mines and Works Act, 1911 (Act No. 12 of 1911)] Mines and Works Act, 1956 (Act No. 27 of 1956), or the [Mines, Works and Minerals Ordinance, 1954 (Ordinance No. 26 of 1954 of the territory)] Mines, Works and Minerals Ordinance, 1968 (Ordinance No. 20 of 1968 of the territory); or”;
- (ii) by the substitution in subsection (1) for subparagraph (v) of paragraph (a) of the following subparagraph:
- “(v) of a person appointed to be in charge of machinery in terms of any regulations made under the [Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941)] Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), or the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance No. 34 of 1952 of the territory); or”.
- (b) by the substitution for subsection (3)*bis* of the following subsection:
- “(3)*bis* If the commissioner is not satisfied that the accident was due to any negligence or defect referred to in subsection (1), he shall refer the application to a revision board, which shall deal with the application *mutatis mutandis* in accordance with the procedure prescribed in section 25 (4) as if it were an objection referred to in section 25 (3).”; and
- (c) by the substitution for subsection (4) of the following subsection:
- “(4) In any proceedings under this section, [the commissioner] a revision board may make such order as to costs and the payment thereof as [he] it deems fit.”.

17. Section 43*bis* of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- (1) All monthly pensions payable under section 39 or 40 at the commencement of the Workmen's Compensation Amendment Act, [1981] 1984, or awarded subsequently, in respect of accidents which happened before such commencement, shall with effect from such commencement be increased by fifteen per cent.”.

50 18. The following section is hereby substituted for section 47 of the principal Act:

“Advances
against
compensa-
tion.”

- 55 47. In anticipation of the award of compensation, the commissioner may, where in his opinion the interest or pressing need of the workman warrants it, make or order an advance not exceeding [two hun-

dred rand] R500 in all to be made to or on behalf of

Amendment of
section 43 of
Act 30 of 1941,
as amended by
section 22 of
Act 27 of 1945,
section 19 of
Act 36 of 1949,
section 16 of
Act 51 of 1956,
section 5 of
Act 9 of 1970
and section 2 of
Act 8 of 1979.

Amendment of
section 43*bis* of
Act 30 of 1941,
as inserted by
section 17 of
Act 51 of 1956
and amended by
section 6 of
Act 9 of 1970,
section 9 of
Act 11 of 1974,
section 3 of
Act 8 of 1979
and section 6 of
Act 24 of 1981.

Substitution of
section 47 of
Act 30 of 1941,
as amended by
section 19 of
Act 51 of 1956
and section 8 of
Act 7 of 1961.

Wet No. 29, 1984

ONGEVALLEWYSIGINGSWET, 1984

Wysiging van artikel 54 van Wet 30 van 1941, soos gewysig deur artikel 25 van Wet 36 van 1949.

Wysiging van artikel 70 van Wet 30 van 1941, soos gewysig deur artikel 13 van Wet 7 van 1961, artikel 2 van Wet 27 van 1970 en artikel 11 van Wet 11 van 1974.

Wysiging van artikel 75 van Wet 30 van 1941, soos gewysig deur artikel 21 van Wet 51 van 1956.

Wysiging van artikel 76 van Wet 30 van 1941.

Vervanging van artikel 79 van Wet 30 van 1941, soos gewysig deur artikel 30 van Wet 27 van 1945 en artikel 29 van Wet 36 van 1949.

gelas dat dit toegestaan word, onderhewig aan sodanige voorskrifte as wat die kommissaris wenslik ag.”.

19. Artikel 54 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (3) deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat die reg op **[skadeloosstelling]** voordele ingevolge hierdie Wet verval indien die ongeval nie binne 12 maande na die datum daarvan onder die aandag van die werkgewer of die kommissaris of die onderlinge vereniging (as daar een is) wat vir die betaling van **[skadeloosstelling]** daardie voordele aanspreeklik is, kom nie.”.

20. Artikel 70 van die Hoofwet word hierby gewysig deur subartikel (1A) deur die volgende subartikel te vervang:

“(1A) 'n Vrystelling bedoel in subartikel (1) (a) (i) geld ten opsigte van 'n bepaalde gebiedsowerheid of wetgewende raad daarin vermeld slegs vanaf 'n datum wat die kommissaris ten opsigte van dié owerheid of raad na oorlegpleging met die **[Sekretaris van Plurale Betrekkinge en Ontwikkeling]** Direkteur-generaal: Samewerking en Ontwikkeling bepaal, en ten opsigte van 'n wetgewende vergadering daarin vermeld, vanaf die datum waarop dié wetgewende vergadering ingestel word.”.

21. Artikel 75 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat die bepalings van hierdie artikel nie van toepassing is nie op 'n werkgewer wat ooreenkomsdig 'n vereiste van die **[‘Mynen en Bedrijven Wet, 1911’ (Wet No. 12 van 1911)]** Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), die **[‘Fabriekswet, 1918’ (Wet No. 28 van 1918)]** Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), **[die Wet op Winkels en Kantore, 1939 (Wet No. 41 van 1939), of die Wet op Fabrieke, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), of]** die Ordonnansie op Fabrieke, Masjinerie en Bouwerk, 1952 (Ordonnansie No. 34 van 1952 van die gebied), of die **[Ordonnansie op Myne, Werke en Minerale, 1954 (Ordonnansie No. 26 van 1954 van die gebied)]** Ordonnansie op Myne, Bedrywe en Minerale, 1968 (Ordonnansie No. 20 van 1968 van die gebied), toestelle en diens in stand hou vir eerste hulp aan sy werksmense in geval van ongeval of wat ingevolge een van daardie wette van bedoelde vereistes vrygestel is.”.

22. Artikel 76 van die Hoofwet word hierby gewysig deur in subartikel (1) die woord “ongeluk” deur die woord “ongeval” te vervang.

23. Artikel 79 van die Hoofwet word hierby deur die volgende artikel vervang:

“Gelde vir geneeskundige behandeling word bereken volgens die tarief wat die kommissaris van tyd tot tyd **[na beraadslaging met die Mediese Vereniging van Suid-Afrika]** voorskryf, en geen groter bedrag as die koste by daardie tarief vasgestel of as geen koste aldus vasgestel is nie, geen groter bedrag as die koste wat die kommissaris billik ag, kan weens sodanige geneeskundige behandeling op die kommissaris, 'n werksman of sy werkgewer verhaal word nie: Met dien verstande dat die geldetarieue vir geneeskundige behandeling wat onderskeidelik die Mediese Vereniging van Suid-Afrika en die Tandheelkundige Vereniging van Suid-Afrika raak, na oorlog met daardie verenigings voorgeskryf word.”.

WORKMEN'S COMPENSATION AMENDMENT ACT, 1984

Act No. 29, 1984

the workman on such conditions as the commissioner may think fit.”.

19. Section 54 of the principal Act is hereby amended by the substitution for the proviso to subsection (3) of the following 5 proviso:

“Provided that the right to **[compensation]** benefits under this Act shall lapse if the accident does not come to the notice of the employer or of the commissioner or of the mutual association (if any) responsible for the payment of **[compensation]** those benefits, within 12 months of the date of the accident.”.

Amendment of section 54 of Act 30 of 1941, as amended by section 25 of Act 36 of 1949.

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20. Section 70 of the principal Act is hereby amended by the substitution for subsection (1A) of the following subsection:

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“(1A) An exemption contemplated in subsection (1) (a) (i) shall apply in respect of a particular territorial authority or legislative council mentioned therein only from a date determined by the commissioner in respect of such authority or council after consultation with the **[Secretary for Plural Relations and Development]** Director-General: Co-operation and Development, and in respect of a legislative assembly mentioned therein, from the date on which such legislative assembly is established.”.

Amendment of section 70 of Act 30 of 1941, as amended by section 13 of Act 7 of 1961, section 2 of Act 27 of 1970 and section 11 of Act 11 of 1974.

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21. Section 75 of the principal Act is hereby amended by the substitution for the proviso to subsection (1) of the following 25 proviso:

“Provided that the provisions of this section shall not apply to an employer who in compliance with any requirement of the **[Mines and Works Act, 1911 (Act No. 12 of 1911)]** Mines and Works Act, 1956 (Act No. 27 of 1956), the **[Factories Act, 1918 (Act No. 28 of 1918)]** Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), **[the Shops and Offices Act, 1939 (Act No. 41 of 1939), or the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941) or]** the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance No. 34 of 1952 of the territory), or the **[Mines, Works and Minerals Ordinance, 1954 (Ordinance No. 26 of 1954 of the territory)]** Mines, Works and Minerals Ordinance, 1968 (Ordinance No. 20 of 1968 of the territory), maintains appliances and services for rendering first aid to his employees in case of an accident or has under any such law been granted exemption from such requirements.”.

Amendment of section 75 of Act 30 of 1941, as amended by section 21 of Act 51 of 1956.

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22. Section 76 of the principal Act is hereby amended by the substitution in subsection (1) of the Afrikaans text for the word “ongeluk” of the word “ongeval”.

Amendment of section 76 of Act 30 of 1941.

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23. The following section is hereby substituted for section 79 of the principal Act:

“Fees for medical aid to be prescribed.

79. Payment for medical aid shall be in accordance with the scale prescribed from time to time by the commissioner **[after consultation with the Medical Association of South Africa]**, and no claim in excess of the charges fixed by that scale or, if no charge has been so fixed, in excess of the charges deemed by the commissioner to be reasonable, shall lie against the commissioner, or any workman or his employer in respect of any such medical aid: **Provided that the tariff of fees for medical aid affecting the Medical Association of South Africa and the Dental Association of South Africa, respectively, shall be fixed after consultation with those associations.”.**

Substitution of section 79 of Act 30 of 1941, as amended by section 30 of Act 27 of 1945 and section 29 of Act 36 of 1949.

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Wet No. 29, 1984**ONGEVALLEWYSIGINGSWET, 1984**

Herroeping van artikel 82 van Wet 30 van 1941.

24. Artikel 82 van die Hoofwet word hierby herroep.

Wysiging van artikel 83 van Wet 30 van 1941, soos vervang deur artikel 5 van Wet 21 van 1964.

25. Artikel 83 van die Hoofwet word hierby gewysig deur subartikel (2) te skrap.

Vervanging van artikel 88 van Wet 30 van 1941.

26. Artikel 88 van die Hoofwet word hierby deur die volgende artikel vervang:

“Beslissing oor wie 'n Swarte is. **88. Vir die doeleindes van hierdie Wet is die beslis-**
sing van die kommissaris oor die vraag of 'n werksman [al dan nie] 'n Swarte is al dan nie, af-
doende.”.

Wysiging van artikel 91 van Wet 30 van 1941, soos gewysig deur artikel 7 van Wet 21 van 1964.

27. Artikel 91 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Kennisgewing dat 'n werksman 'n vergoedingspligtige siekte opgedoen het of daaraan beswyk het, en enige eis om skadeloosstelling as gevolg daarvan, word gegee of ingestel deur of ten behoeve van die werksman aan of teen 15 sy werkgever of die werkgever wat hom laaste in die werkzaamheid [aan die aard waarvan] waaraan die siekte toege-skryf word, in diens gehad het, en sodanige kennisgewing of eis word geag na gelang van die geval 'n kennisgewing ingevolge artikel 50 of 'n eis ingevolge artikel 54 te wees. **[In die 20 gevval van 'n Swart werksman word die in subartikel (1) van artikel een-en-vyftig bedoelde verslag verstrek deur enige werkgever van bedoelde werksman wat bewus is of vermoed dat die werksman aan 'n vergoedingspligtige siekte ly, of deur die werkgever wat die werksman ten tyde van sy 25 afsterwe in diens gehad het.]**”.

Wysiging van artikel 96 van Wet 30 van 1941, soos gewysig deur artikel 34 van Wet 36 van 1949 en artikel 10 van Wet 9 van 1970.

28. Artikel 96 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die Minister kan by kennisgewing in die *Staatskoerant*, van die bepalings van subartikel (1) in die mate wat in 30 daardie kennisgewing aangedui word, [werkgewers vrystel, wat besonderhede aan 'n aangewese inspekteur verstrek het ingevolge artikel nege-en-vyftig van die Nywerheids-versoenoingswet, 1937 (Wet No. 36 van 1937), of ingevolge artikel agt-en-twintig van die Loonwet, 1937 (Wet No. 44 van 35 1937), of in subartikel (1) van artikel sewentig bedoelde werkgewers] werkgewers bedoel in artikel 70 (1) vrystel.”.

Vervanging van artikel 105 van Wet 30 van 1941, soos gewysig deur artikel 21 van Wet 7 van 1961.

29. Artikel 105 van die Hoofwet word hierby deur die volgende artikel vervang:

“Strawwe. **105. (1) Iemand wat aan 'n misdryf ingevolge artikel 73 (3) skuldig bevind word, is strafbaar met 'n boete van hoogstens R500 of by wanbetaling met gevangenisstraf van hoogstens een jaar, of met daardie boete sowel as daardie gevangenisstraf.** 40

(2) Iemand wat aan 'n misdryf ingevolge hierdie Wet skuldig bevind word waarvoor geen straf andersins voorgeskryf is nie, is strafbaar met 'n boete van hoogstens R200 of by wanbetaling met gevangenisstraf van hoogstens drie maande, of met daardie boete sowel as daardie gevangenisstraf.”. 45 50

Wysiging van artikel 106 van Wet 30 van 1941, soos gewysig deur artikel 37 van Wet 36 van 1949.

30. Artikel 106 van die Hoofwet word hierby gewysig deur die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Ten einde uitvoering te gee aan enige konvensie met 'n vreemde Staat [of met die Regering van enige lid van die Britse Gemenebes of enige deel van Sy Majesteit se Dominiums] wat voorsiening maak vir resiprositeit in sake betref-fende skadeloosstelling aan werksmense vir ongevalle wat 55

WORKMEN'S COMPENSATION AMENDMENT ACT, 1984

Act No. 29, 1984

- 24.** Section 82 of the principal Act is hereby repealed. Repeal of section 82 of Act 30 of 1941.
- 25.** Section 83 of the principal Act is hereby amended by the deletion of subsection (2). Amendment of section 83 of Act 30 of 1941, as substituted by section 5 of Act 21 of 1964.
- 26.** The following section is hereby substituted for section 88 of the Afrikaans text of the principal Act: Substitution of section 88 of Act 30 of 1941.
- "Beslissing oor wie 'n Swarte is. **88.** Vir die doelein des van hierdie Wet is die beslissing van die kommissaris oor die vraag of 'n werksman **[al dan nie]** 'n Swarte is **al dan nie**, afdoende.".
- 10 27.** Section 91 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 91 of Act 30 of 1941, as amended by section 7 of Act 21 of 1964.
- "(2) Notice that a workman has contracted or died of a scheduled disease, and any claim for compensation arising therefrom, shall be given or made by or on behalf of the workman to his employer and to the employer who last employed him in the occupation to which the disease is alleged to be due, and such notice or claim shall be deemed to be a notice under section 50 or a claim under section 54, as the case may be. **[In the case of a Black workman, the report as required in terms of subsection (1) of section fifty-one shall be furnished by an employer of such workman who knows or suspects that the workman is suffering from a scheduled disease, or by the employer by whom the workman was employed at the time of his death.]**".
- 15 28.** Section 96 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 96 of Act 30 of 1941, as amended by section 34 of Act 36 of 1949 and section 10 of Act 9 of 1970.
- "(2) The Minister may, by notice in the *Gazette*, exempt from the provisions of subsection (1), to the extent indicated in such notice, **[employers who have furnished particulars to a designated inspector under section fifty-nine of the Industrial Conciliation Act, 1937 (Act No. 36 of 1937), or under section twenty-eight of the Wage Act, 1937 (Act No. 44 of 1937), or employers referred to in subsection (1) of section seventy] employers referred to in section 70 (1)."]**".
- 20 29.** The following section is hereby substituted for section 105 of the principal Act: Substitution of section 105 of Act 30 of 1941, as amended by section 21 of Act 7 of 1961.
- "Penalties. **105. (1)** Any person who is convicted of an offence in terms of section 73 (3), shall be liable to a fine not exceeding R500 or in default of payment to imprisonment for a period not exceeding one year, or to both that fine and that imprisonment. (2) Any person who is convicted of an offence in terms of this Act for which no penalty is otherwise provided, shall be liable to a fine not exceeding R200 or in default of payment to imprisonment for a period not exceeding three months, or to both that fine and that imprisonment."
- 35 30.** Section 106 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words: Amendment of section 106 of Act 30 of 1941, as amended by section 37 of Act 36 of 1949.
- "For the purpose of giving effect to any convention with a foreign State **[or with the Government of any member of the British Commonwealth of Nations or of any part of His Majesty's Dominions]** providing for reciprocity in matters relating to compensation to workmen for accidents causing dis-

Wet No. 29, 1984

ONGEVALLEWYSIGINGSWET, 1984

arbeidsongesiktheid of dood veroorsaak, kan die **[Goewerneur-generaal]** Staatspresident by proklamasie in die *Staatskoerant* reëls neerlê, insluitende reëls—”.

Wysiging van artikel 107 van Wet 30 van 1941, soos gewysig deur artikel 29 van Wet 51 van 1956 en artikel 22 van Wet 7 van 1961.

Vervanging van sekere woorde.

Kort titel en inwerkingtreding.

31. Artikel 107 van die Hoofwet word hierby gewysig—

- (a) deur die volgende paragraaf by subartikel (1) te voeg:
“(k) enige aangeleenthed wat hy nodig of dienstig ag om voor te skryf ten einde die doelstellings van hierdie Wet te bevorder.”; en
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
“(3) Enige regulasie kragtens subartikel (1) uitgevaardig, kan strafbepalings voorskryf vir enige oortreding daarvan of versuim om daaraan te voldoen van 'n boete van hoogstens **[honderd rand]** R200 of gevangesstraf van hoogstens ses maande.”.

32. Die Hoofwet word hierby gewysig deur die woorde “Gekonsolideerde Inkomstefonds”, die woorde “Unie”, die woorde “Unie-skip”, die woorde “Unie-lugvaartuig” en die woorde “Goewerneur-generaal”, waar hulle ook al voorkom, deur onderskeidelik die woorde “Staatsinkomstefonds”, die woorde “Republiek”, die woorde “Suid-Afrikaanse skip”, die woorde “Suid-Afrikaanse lugvaartuig” en die woorde “Staatspresident” te vervang.

33. (1) Hierdie Wet heet die Ongevallewysigingswet, 1984, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat die wysigings aangebring deur artikels 2, 3, 12, 13, 14, 15, 24, 25 en 27 nie van toepassing is met betrekking tot ongevalle wat voor die aldus bepaalde datum plaasgevind het nie.

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

WORKMEN'S COMPENSATION AMENDMENT ACT, 1984

Act No. 29, 1984

ablement or death the **[Governor-General]** State President may make rules by proclamation in the *Gazette* including rules—”.

31. Section 107 of the principal Act is hereby amended—
5 (a) by the addition to subsection (1) of the following paragraph:
“(k) any matter which he may deem necessary or expedient to prescribe in order to further the objects of this Act.”; and
- 10 (b) by the substitution for subsection (3) of the following subsection:
“(3) Any regulations made under subsection (1) may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of **[hundred rand]** R200 or imprisonment for a period of six months.”.
32. The principal Act is hereby amended by the substitution for the words “Consolidated Revenue Fund”, the word “Union”, the words “Union ship”, the words “Union aircraft” and the word “Governor-General”, wherever they occur, of the words “State Revenue Fund”, the word “Republic”, the words “South African ship”, the words “South African aircraft” and the words “State President”, respectively.
- 20 Substitution of certain words.
25 33. (1) This Act shall be called the Workmen's Compensation Amendment Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*: Provided that the amendments effected by sections 2, 3, 12, 13, 14, 15, 24, 25 and 27 shall not apply with reference to accidents which occurred prior to the date so fixed.
- 30 (2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.
- Amendment of section 107 of Act 30 of 1941, as amended by section 29 of Act 51 of 1956 and section 22 of Act 7 of 1961.

