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PRESIDENT'S OFFICE

KANTOOR VAN DIE PRESIDENT

DL. 1814. 8 November 1996

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

DL. 68 of 1996: Integration Measures in respect of Labour Laws, Amendment and Adjustments Act, 1996.

No. 1814. 8 November 1996

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

No. 68 van 1996: Wysigings- en Aanpassingswet op Integreringsmaatreëls ten opsigte van Arbeids-wette, 1996.

Act No. 68, 1996

INTEGRATION MEASURES IN RESPECT OF LABOUR LAWS,
AMENDMENT AND ADJUSTMENTS ACT, 1996**GENERAL EXPLANATORY NOTE:**

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To provide for the cessation of the application of the Sefalana Employee Benefits Organisation Act, 1989, of the former Bophuthatswana, in relation to the operation, control, management and administration of the workmen's compensation funds and unemployment insurance fund of the former Bophuthatswana and to other matters relevant to those funds; to amend Schedule 1 to the Integration of Labour Laws Act, 1994, in order to provide for the repeal of the Gazankulu Apprenticeship Act, 1974, the KwaNdebele Apprenticeship Act, 1986, and the Manpower Development Authority of Bophuthatswana Act, 1988; to validate, with effect from 1 March 1995, Proclamation No. 13 of 1995 and the regulations promulgated under Government Notice No. 366 of 1995, certain putative functions and acts purporting to have been performed in terms of workmen's compensation laws of the former Transkei, Bophuthatswana, Venda and Ciskei after those laws had been repealed; to validate certain putative functions and acts in relation to the workmen's compensation funds and unemployment insurance fund of the former Bophuthatswana and other related workmen's compensation or unemployment insurance matters purporting to have been performed in terms of the said Sefalana Employee Benefits Organisation Act, 1989, after that Act ceased to apply to such funds and matters; and to provide for incidental matters.

(English text signed by the President.)
(Assented to 30 October 1996.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Cessation of application of Act 37 of 1989 of former Bophuthatswana in relation to the operation, control, management and administration of its workmen's compensation funds and unemployment insurance fund, and to related matters

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1. (1) The provisions of the Sefalana Employee Benefits Organisation Act, 1989 (Act No. 37 of 1989), of the former Republic of Bophuthatswana (hereinafter referred to as the Sefalana Act), will cease to be of force in so far as they apply, whether directly or indirectly, in relation to—

- (a) any matter connected with—
- (i) the operation, control, management and administration of, and responsibility and accountability for, the accident fund contemplated in section

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ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Om voorsiening te maak vir die beëindiging van die toepassing van die “Sefalana Employee Benefits Organisation Act, 1989” van die voormalige Bophuthatswana met betrekking tot die bedryf, beheer, bestuur en administrasie van die ongevallefondse en werkloosheidversekeringsfonds van die voormalige Bophuthatswana, en tot ander aangeleenthede wat by daardie fondse ter sake is; Bylae 1 by die Wet op die Integrering van Arbeidswette, 1994, te wysig ten einde vir die herroeping van die Gazankulu-wet op Vakleerlingskap, 1974, die KwaNdebele-Wet op Vakleerlingskap, 1986, en die “Manpower Development Authority of Bophuthatswana Act, 1988” voorsiening te maak; Proklamasie No. 13 van 1995 en die regulasies afgekondig by Goewermentskennisgewing No. 366 van 1995, en sekere putatiewe werksaamhede en handelingte wat heet ingevolge ongevallewette van die voormalige Transkei, Bophuthatswana, Venda en Ciskei verrig te gewees het nadat daardie wette herroep is, met ingang vanaf 1 Maart 1995 geldig te verklaar; sekere putatiewe werksaamhede en handelingte met betrekking tot die ongevallefondse en werkloosheidversekeringsfonds van die voormalige Bophuthatswana en ander verwante ongevalle- en werkloosheidversekeringsaangeleenthede wat heet ingevolge genoemde “Sefalana Employee Benefits Organisation Act, 1989” verrig te gewees het nadat dié Wet opgehou het om op sodanige fondse en aangeleenthede van toepassing te wees, geldig te verklaar; en om voorsiening te maak vir bykomstige aangeleenthede.

(Engelse teks deur die President geteken.)
(Goedgekeur op 30 Oktober 1996.)

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Beëindiging van toepassing van Wet 37 van 1989 van voormalige Bophuthatswana met betrekking tot bedryf, beheer, bestuur en administrasie van sy ongevalle-
5 fondse en werkloosheidversekeringsfonds en tot verwante aangeleenthede

1. (1) Die bepalings van die “Sefalana Employee Benefits Organisation Act, 1989” (Wet No. 37 van 1989), van die voormalige Republiek van Bophuthatswana (hieronder die Sefalana-wet genoem), hou op om van krag te wees vir sover dit van toepassing is, hetsy regstreeks of onregstreeks, met betrekking tot—

10 (a) enige aangeleentheid wat verband hou met—

 (i) die bedryf, beheer, bestuur en administrasie van, en verantwoordelikheid en rekenpligtigheid vir, die ongevallefonds beoog in artikel 62 van

Act No. 68, 1996**INTEGRATION MEASURES IN RESPECT OF LABOUR LAWS,
AMENDMENT AND ADJUSTMENTS ACT, 1996**

- 62 of the Workmen's Compensation Act, 1979 (Act No. 12 of 1979), of the former Republic of Bophuthatswana, and moneys of the reserve account contemplated in section 31 of the Sefalana Act;
- (ii) the utilisation of any moneys derived from that fund and that reserve account; 5
 - (iii) any property, assets, investments, rights, interests, obligations and liabilities of that fund;
 - (iv) claims against, benefits from and contributions to that fund, whether generally or specifically;
 - (v) employees who are contributors to that fund, and their employers; 10
- (b) any matter connected with—
- (i) the operation, control, management and administration of, and responsibility and accountability for, the unemployment insurance fund contemplated in section 5 of the Unemployment Insurance Act, 1978 (Act No. 17 of 1978), of the former Republic of Bophuthatswana; 15
 - (ii) the utilisation of any moneys derived from that fund;
 - (iii) any property, assets, investments, rights, interests, obligations and liabilities of that fund;
 - (iv) claims against, benefits from and contributions to that fund, whether generally or specifically; 20
 - (v) employees who are contributors to that fund, and their employers.
- (2) For the purposes of subsection (1) but without derogating from the generality thereof, the following provisions of the Sefalana Act are deemed to have ceased to be of force, namely sections 2(2), (3) and (4), 4, 13, 22, 25, 26, 27, 28, 29(2), (3) and (4), 30, 31, 32, 33, 34, 36 and 40. 25
- (3) When the Sefalana Act ceases to be of force as contemplated in subsection (1)(a) or (b) of this section, the matters referred to in subparagraphs (i) to (v) of—
- (a) subsection (1)(a), will be governed and regulated by and dealt with in accordance with the apposite provisions of the said Workmen's Compensation Act, 1979, by competent functionaries designated by or in terms of the last-mentioned Act; 30
 - (b) subsection (1)(b), will be governed and regulated by and dealt with in accordance with the apposite provisions of the said Unemployment Insurance Act, 1978, by competent functionaries designated by or in terms of the last-mentioned Act. 35
- (4) This section will be deemed to have come into operation—
- (a) on 28 February 1995, with regard to the matters referred to in subsection (1)(a)(i) to (v);
 - (b) on 30 June 1996, with regard to the matters referred to in subsection (1)(b)(i) to (v). 40

Amendment of Schedule 1 to Act 49 of 1994

2. Schedule 1 to the Integration of Labour Laws Act, 1994 (Act No. 49 of 1994), is hereby amended—

- (a) by the addition to the laws listed under item 2 of the following:
“Act No. 26 of 1988 . . . Manpower Development Authority of Bophuthatswana Act, 1988”; 45
- (b) by the addition to the laws listed under item 7 of the following:
“Act No. 6 of 1974 . . . Gazankulu Apprenticeship Act, 1974”; and
- (c) by the addition to the law specified under item 8 of the following:
“Act No. 4 of 1986 . . . KwaNdebele Apprenticeship Act, 1986”. 50

Validation of Proclamation 13 of 1995

3. Proclamation No. 13 of 1995 issued by the President under section 4 of the Integration of Labour Laws Act, 1994, and published in *Government Gazette* No. 16293 on 10 March 1995 will be deemed duly to have been so published on 1 March 1995 and to have become of force and binding on the latter date. 55

WYSIGINGS- EN AANPASSINGSWET OP INTEGRERINGSMAATREËLS **Wet No. 68, 1996**
TEN OPSIGTE VAN ARBEIDSWETTE, 1996

- die Ongevallewet, 1979 (Wet No. 12 van 1979), van die voormalige Republiek van Bophuthatswana, en geld van die reserwerekening beoog in artikel 31 van die Sefalana-wet;
- 5 (ii) die aanwending van enige geld verkry of afkomstig van daardie fonds en daardie reserwerekening;
- (iii) enige eiendom, bates, beleggings, regte, belange, verpligtinge en skulde van daardie fonds;
- (iv) eise teen, voordele uit en bydraes tot daardie fonds, hetsy in die algemeen of in die besonder;
- 10 (v) werknemers wat bydraers is tot daardie fonds, en hul werkgewers;
- (b) enige aangeleentheid wat verband hou met—
- (i) die bedryf, beheer, bestuur en administrasie van, en verantwoordelikheid en rekenpligtigheid vir, die werkloosheidversekeringsfonds beoog in artikel 5 van die Werkloosheidversekeringswet, 1978 (Wet No. 17 van
- 15 1978), van die voormalige Republiek van Bophuthatswana;
- (ii) die aanwending van enige geld verkry of afkomstig van daardie fonds;
- (iii) enige eiendom, bates, beleggings, regte, belange, verpligtinge en skulde van daardie fonds;
- (iv) eise teen, voordele uit en bydraes tot daardie fonds, hetsy in die
- 20 algemeen of in die besonder;
- (v) werknemers wat bydraers is tot daardie fonds, en hul werkgewers.
- (2) By die toepassing van subartikel (1) maar sonder afbreuk aan die algemeenheid daarvan, word die volgende bepalings van die Sefalana-wet geag op te gehou het om van krag te wees, naamlik artikels 2(2), (3) en (4), 4, 13, 22, 25, 26, 27, 28, 29(2), (3)
- 25 en (4), 30, 31, 32, 33, 34, 36 en 40.
- (3) Wanneer die Sefalana-wet ophou om van krag te wees soos in subartikel (1)(a) of (b) van hierdie artikel beoog, word die aangeleenthede bedoel in subparagrafe (i) tot (v) van—
- (a) subartikel (1)(a), beheers en gereël deur, en word daarmee gehandel ooreenkomstig, die toepaslike bepalings van genoemde Ongevallewet, 1979,
- 30 deur bevoegde funksionaris aangewys deur of ingevolge laasgenoemde Wet;
- (b) subartikel (1)(b), beheers en gereël deur, en word daarmee gehandel ooreenkomstig, die toepaslike bepalings van genoemde Werkloosheidversekeringswet, 1978, deur bevoegde funksionaris aangewys deur of ingevolge laasgenoemde Wet.
- 35 (4) Hierdie artikel word geag—
- (a) op 28 Februarie 1995 in werking te getree het met betrekking tot die aangeleenthede bedoel in subartikel (1)(a)(i) tot (v);
- 40 (b) op 30 Junie 1996 in werking te getree het met betrekking tot die aangeleenthede bedoel in subartikel (1)(b)(i) tot (v).

Wysiging van Bylae 1 by Wet 49 van 1994

2. Bylae 1 by die Wet op die Integrering van Arbeidswette, 1994 (Wet No. 49 van 1994), word hierby gewysig—
- 45 (a) deur by die wette wat onder item 2 gelys word die volgende te voeg:
 “Wet No. 26 van 1988 . . . “Manpower Development Authority of Bophuthatswana Act, 1988”;
- (b) deur by die wette wat onder item 7 gelys word die volgende te voeg:
 “Wet No. 6 van 1974 . . . Gazankulu-wet op Vakleerlingskap, 1974”; en
- 50 (c) deur by die wet wat onder item 8 vermeld word die volgende te voeg:
 “Wet No. 4 van 1986 . . . KwaNdebele-Wet op Vakleerlingskap, 1986”.

Geldigverklaring van Proklamasie 13 van 1995

3. Proklamasie No. 13 van 1995 uitgereik deur die President kragtens artikel 4 van die Wet op die Integrering van Arbeidswette, 1994, en gepubliseer op 10 Maart 1995
- 55 in *Staatskoerant* No. 16293, word geag na behore op 1 Maart 1995 aldus gepubliseer te gewees het en op laasgenoemde datum van krag en bindend te geword het.

Act No. 68, 1996

INTEGRATION MEASURES IN RESPECT OF LABOUR LAWS,
AMENDMENT AND ADJUSTMENTS ACT, 1996**Validation of regulations promulgated by Government Notice 366 of 10 March 1995**

4. The regulations regarding the rationalisation of workmen's compensation administrations of the former TBVC States, made by the Minister of Labour under section 3 of the Integration of Labour Laws Act, 1994, and promulgated by Government Notice No. 366 of 1995 on 10 March 1995, will be deemed duly to have been so promulgated on 1 March 1995 and to have come into operation on the latter date. 5

Validation of certain functions and acts performed in terms of certain repealed or inoperative laws before promulgation of this Act

5. (1) Any thing which, at any time after 28 February 1995 but before the day of the promulgation of this Act in the *Gazette*, is or was done purportedly in the performance of any function or act under or by virtue of— 10

(a) the Workmen's Compensation Act, 1977 (Act No. 20 of 1977), of the former Republic of Transkei, the Workmen's Compensation Act, 1979, of the former Republic of Bophuthatswana, the Workmen's Compensation Act, 1980 (Act No. 9 of 1980), of the former Republic of Venda, and the Workmen's Compensation Act, 1982 (Act No. 11 of 1982), of the former Republic of Ciskei, where such thing could be or would have been done lawfully under or by virtue of any such law had such law not been repealed by section 1 of the Integration of Labour Laws Act, 1994; or 15 20

(b) those provisions of the Sefalana Act contemplated in section 1(1)(a) of this Act, where such thing could be or would have been done lawfully under or by virtue of those provisions had their application not been terminated in accordance with section 1(1)(a) of this Act, 25

will be deemed to have been done lawfully and validly. 25

(2) Any thing which, at any time after 30 June 1996 but before the day of the promulgation of this Act in the *Gazette*, is or was done purportedly in the performance of any function or act under or by virtue of those provisions of the Sefalana Act contemplated in section 1(1)(b) of this Act, where such thing could be or would have been done lawfully under or by virtue of those provisions had their application not been terminated in accordance with section 1(1)(b) of this Act, will be deemed to have been done lawfully and validly. 30

Short title

6. This Act will be called the Integration Measures in respect of Labour Laws, Amendment and Adjustments Act, 1996. 35

Geldigverklaring van regulasies afgekondig by Goewermentskennisgewing 366 van 10 Maart 1995

4. Die regulasies betreffende die rasionalisering van ongevalle-administrasies van die voormalige TBVC State, uitgevaardig deur die Minister van Arbeid kragtens artikel 3 van die Wet op die Integrering van Arbeidswette, 1994, en afgekondig op 10 Maart 1995 by Goewermentskennisgewing No. 366 van 1995, word geag na behore op 1 Maart 1995 aldus afgekondig te gewees het en op laasgenoemde datum in werking te getree het.

Geldigverklaring van sekere werksaamhede en handeling wat voor afkondiging van hierdie Wet verrig is ingevolge sekere wette wat herroep of sonder werking is

5. (1) Enigiets wat te eniger tyd na 28 Februarie 1995 maar voor die dag waarop hierdie Wet in die *Staatskoerant* afgekondig word, heet gedoen te word of te gewees het by die verrigting van enige werksaamheid of handeling kragtens of uit hoofde van—
- 15 (a) die Ongevallewet, 1977 (Wet No. 20 van 1977), van die voormalige Republiek van Transkei, die Ongevallewet, 1979, van die voormalige Republiek van Bophuthatswana, die Ongevallewet, 1980 (Wet No. 9 van 1980), van die voormalige Republiek van Venda, en die Ongevallewet, 1982 (Wet No. 11 van 1982), van die voormalige Republiek van Ciskei, waar so iets regtens gedoen sou kon word of sou gewees het kragtens of uit hoofde van enige sodanige wet indien sodanige wet nie deur artikel 1 van die Wet op die Integrering van Arbeidswette, 1994, herroep was nie; of
- 20 (b) die bepalings van die Sefalana-wet wat in artikel 1(1)(a) van hierdie Wet beoog word, indien so iets regtens gedoen sou kon word of sou gewees het kragtens of uit hoofde van daardie bepalings indien die werking daarvan nie ooreenkomstig artikel 1(1)(a) van hierdie Wet beëindig was nie,
- 25 word geag wettiglik en regsgeldiglik gedoen te gewees het.
- (2) Enigiets wat te eniger tyd na 30 Junie 1996 maar voor die dag waarop hierdie Wet in die *Staatskoerant* afgekondig word, heet gedoen te word of te gewees het by die verrigting van enige werksaamheid of handeling kragtens of uit hoofde van die bepalings van die Sefalana-wet wat in artikel 1(1)(b) van hierdie Wet beoog word, indien so iets regtens gedoen sou kon word of sou gewees het kragtens of uit hoofde van daardie bepalings indien die werking daarvan nie ooreenkomstig artikel 1(1)(b) van hierdie Wet beëindig was nie, word geag wettiglik en regsgeldiglik gedoen te gewees
- 30 het.
- 35

Kort titel

6. Hierdie Wet heet die Wysigings- en Aanpassingswet op Integreringsmaatreëls ten opsigte van Arbeidswette, 1996.

