

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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THE PRESIDENCY

No. 1505

5 July 1991

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

No. 110 of 1991: Transnet Limited Second Amendment Act, 1991.



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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 amend section 9 of the Legal Succession to the South African Transport Services Act, 1989, in order to clarify the provisions thereof and to provide for the registration of an industrial council or industrial councils and incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 27 June 1991.)

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

Amendment of section 9 of Act 9 of 1989

1. Section 9 of the Legal Succession to the South African Transport Services Act, 1989, is hereby amended— 5

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

“(3) Subsection (2) shall **[be repealed]** lapse two years after the operative date of this Act.”;

(b) by the substitution for subsection (6) of the following subsection: 10

“(6) Subject to the provisions of subsections (7) and (8) as well as section 10(1), the South African Transport Services Conditions of Service Act, 1988, shall **[be repealed]** lapse two years after the operative date of this Act.”; and

(c) by the addition of the following subsections: 15

“(9) Should the Company and the trade unions recognized by the Company, prior to the lapsing of the South African Transport Services Conditions of Service Act, 1988, in terms of subsection (6)—

(a) agree to form one or more industrial councils; and

(b) agree to and sign the constitution or constitutions of such industrial council or industrial councils, 20

the industrial council or industrial councils shall, after approval of such constitution or constitutions by the industrial registrar in terms of subsection (11), immediately after the lapsing of the South African Transport Services Conditions of Service Act, 1988, be deemed to be registered in terms of the Labour Relations Act, 1956, in respect of the areas and undertakings, industries, trades or occupations of the Company provided for in such constitution or constitutions. 25

(10) The industries, trades or occupations referred to in subsection (9) shall be deemed not to be industries, trades or occupations for which any other industrial council has been registered in terms of the Labour Relations Act, 1956. 30

- (11) The industrial registrar shall consider a constitution agreed upon by the Company and trade unions in terms of subsection (9) and satisfy himself that it—
- (a) is consistent with the Labour Relations Act, 1956;
 - (b) does not contain provisions which are contrary to the provisions of any law; and
 - (c) is not calculated to hinder the attainment of the objects of any law,
- and, if so satisfied, grant his approval of the constitution.
- (12) With regard to the execution of his duties in terms of subsection (11), the industrial registrar shall be deemed to have been acting in terms of section 19(3)(b) of the Labour Relations Act, 1956.
- (13) The industrial registrar shall on the registration of an industrial council in terms of subsection (9)—
- (a) enter the particulars of the industrial council in his register of industrial councils in respect of the relevant area and undertaking, industry, trade or occupation, as if the industrial council had been registered in terms of the Labour Relations Act, 1956;
 - (b) forward to the industrial council a certificate of its registration, together with one copy of the constitution with a certificate signed by him stating the fact that he has approved thereof;
 - (c) vary the area and undertaking, industry, trade or occupation in respect of which any other industrial council is registered accordingly.
- (14) With regard to the execution of the duties referred to in subsection (13), the industrial registrar shall be deemed to have been acting in terms of sections 3(1), 19(6) and 19(8) of the Labour Relations Act, 1956.
- (15) Upon the registration of an industrial council in terms of subsection (9), the Labour Relations Act, 1956, shall apply to the industrial council as if it had been registered in terms of that Act.
- (16) No agreement, award or order which, but for this section, would have become binding upon the Company and its employees in terms of the Labour Relations Act, 1956, upon the lapsing of the period referred to in subsection (6), shall bind the Company and its employees in respect of whom an industrial council has been registered under subsection (9).
- (17) For the purposes of this section the 'industrial registrar' shall mean the industrial registrar appointed or deemed to have been appointed under section 3 of the Labour Relations Act, 1956."

Short title

2. This Act shall be called the Transnet Limited Second Amendment Act, 1991.