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THE PRESIDENCY

No. 119 22 January 2003

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

No. 60 of 2002: Occupational Diseases in Mines and Works Amendment Act, 2002.



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Act No. 60, 2002 OCCUPATIONAL DISEASES IN MINES AND WORKS
AMENDMENT ACT, 2002

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.

*(English text signed by the President.)
(Assented to 30 December 2002.)*

ACT

To amend the Occupational Diseases in Mines and Works Act, 1973, so as to provide that if a person was medically examined within a period of 24 months immediately preceding an application for medical examination, the Director of the Medical Bureau for Occupational Diseases may refuse that person's application for medical examination; and to provide for matters incidental thereto.

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

Amendment of section 32 of Act 78 of 1973

1. Section 32 of the Occupational Diseases in Mines and Works Act, 1973 (hereinafter referred to as the principal Act), is amended by the substitution for subsection (3) of the following subsection: 5

“(3) The director may [**in his discretion**] refuse such application if the person concerned was medically examined under this Act within the period of [**six**] 24 months immediately preceding the date on which such application is received, unless the application is supported in writing by a medical practitioner.”. 10

Amendment of section 36A of Act 78 of 1973, as amended by section 11 of Act 208 of 1993

2. Section 36A of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) The owner of a controlled mine or a controlled works shall [**for a period of not more than two years**] from the date of the commencement of a compensatable disease pay the [**reasonable**] legitimate and proven cost incurred by or on behalf of a person in his or her service, or who was in his or her service at the commencement of a compensatable disease, in respect of medical aid necessitated by such disease.”. 15
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Amendment of section 124 of Act 78 of 1973, as amended by section 43 of Act 208 of 1993

3. Section 124(1) of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) Any person who— 25

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- (a) knowingly makes a false statement or misrepresentation or conceals any fact of material importance with intent to obtain for himself or herself, or assist any other person to obtain, a certificate of fitness or any other document or advantage under this Act; [or]
- (b) forges, or alters with intent to deceive, any certificate of fitness or any other document for which provision was made in the previous Act or is made in this Act, or which was issued under the previous Act or this Act[.]; or
- (c) in exchange for services rendered in respect of assistance in claiming any benefit in terms of this Act, charges a fee or claims remuneration from a person who is claiming such benefit in terms of this Act which is in excess of 0.5% of the benefit awarded to such person or any amount stipulated by the Director-General.
- shall be guilty of an offence and liable on conviction to any penalty which may in law be imposed on a conviction of fraud.”.

Amendment of Act 78 of 1973

4. The principal Act is amended by the addition—
- (a) after “he”, wherever it appears in the Act, of “or she”;
- (b) after “him”, wherever it appears in the Act, of “or her”; and
- (c) after “himself”, wherever it appears in the Act, of “or herself”,
- unless the context indicates otherwise.

Short title

5. This Act is called the Occupational Diseases in Mines and Works Amendment Act, 2002.