



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 377

CAPE TOWN, 8 NOVEMBER 1996

KAAPSTAD, 8 NOVEMBER 1996

No. 17563

PRESIDENT'S OFFICE

No. 1814.

8 November 1996

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

No. 68 of 1996: Integration Measures in respect of Labour Laws, Amendment and Adjustments Act, 1996.

KANTOOR VAN DIE PRESIDENT

No. 1814.

8 November 1996

Hierby word bekend gemaak dat die President sy goedkeuring geheg 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terms of workmen's compensation laws of the former Transkei, Bophuthatswana, Venda and Ciskei after those laws had been repealed; to validate certain putative functions and acts in relation to the workmen's compensation funds and unemployment insurance fund of the former Bophuthatswana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 5

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 10

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

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

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.

(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