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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1115.

23 Mei 1990

No. 1115.

23 May 1990

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

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

No. 39 van 1990: Wysigingswet op Mannekragopleiding, 1990.

No. 39 of 1990: Manpower Training Amendment Act, 1990.

MANPOWER TRAINING AMENDMENT ACT, 1990

Act No. 39, 1990

GENERAL EXPLANATORY NOTE:

[] 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 Manpower Training Act, 1981, so as to delete certain definitions and define or further define certain expressions; to delete the provision that the chairman and vice-chairman of the National Training Board hold their offices on a full-time basis; to further define the functions and powers of the said board, and to regulate such functions and powers anew in certain respects; to make new provision regarding the establishment of committees by the said board; to provide for the establishment, accreditation, constitutions and functions of training boards; to make new provision regarding the designation of trades and conditions of apprenticeship; to delete certain provisions pertaining to the conditions of training of persons in specific trades or occupations who are not apprentices or minors; to provide for regional training centres in the place of group training centres; for the establishment and functions of an advisory committee for regional training centres; for the adjustment of registration requirements of private training centres to incorporate training schemes, and the extension of the training powers of such centres also to include persons other than employees; and for the registration of industry training centres which may be conducted by training boards; to delete the authorization for the awarding of grants-in-aid to certain training schemes, and make new provision for grants-in-aid in respect of training in labour relations; to provide for the establishment of a fund for the training of unemployed persons; for the noting of appeals also to the registrar of manpower training and in certain new cases to the Minister; and for new provisions for the keeping of records; to regulate anew the appointment of training advisers; and to regulate anew the matters for which the Minister may make regulations; and to provide for matters connected therewith.

*(Afrikaans text signed by the Acting State President.)
(Assented to 15 May 1990.)*

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

Amendment of section 1 of Act 56 of 1981, as amended by section 1 of Act 88 of 1982

1. Section 1 of the Manpower Training Act, 1981 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion before the definition of “apprentice” of the following definition:

“‘advisory committee’ means the advisory committee for regional training centres which has been established under section 31B;”

10 (b) by the substitution for the definition of “area of jurisdiction” of the following definition:

“‘area of jurisdiction’, in relation to any [committee] training board, means the area in respect of which that [committee has been established] training board has in terms of this Act been accredited by the registrar

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- [and, in relation to any sub-committee established under section 7, means the area designated in terms of subsection (2) (a) of the said section as the area in respect of which the sub-committee has been established];”;
- 5 (c) by the substitution for the definition of “authorized person” of the following definition:
 “authorized person” means any person referred to in section 12D (1) (f) who has been authorized [in terms of the provisions of section 45 (2)] by an accredited training board to perform any of the functions [or to exercise any of the powers] of [a] that training [adviser] board;”;
- 10 (d) by the substitution for the definition of “committee” of the following definition:
 “committee” means a committee established [or deemed to have been established] in terms of the provisions of section [5 (1)] 6 (1) by the board [, and includes the officer or officers to whom the powers and functions of a committee have been assigned or are deemed to have been assigned in terms of the provisions of section 9];”;
- 15 (e) by the deletion of the definition of “group training centre”;
- (f) by the insertion after the definition of “industry” of the following definition:
 20 “industry training centre” means a training centre which has been registered as an industry training centre in terms of section 34 (2);”;
- (g) by the deletion of the definition of “National Manpower Commission”;
- 25 (h) by the insertion after the definition of “private training centre” of the following definition:
 “regional training centre” means a centre which has in terms of section 31 (2) of this Act been registered as a regional training centre or which is deemed to have been registered thereunder as such;”;
- (i) by the deletion of the definition of “sub-committee”;
- 30 (j) by the deletion of the definition of “the committee in question”;
- (k) by the insertion after the definition of “training adviser” of the following definitions:
 “training board” or ‘accredited training board’ means a training board referred to in section 12A which has in terms of section 12B been accredited by the registrar in respect of a specific industry and a specific area;
 35 ‘training committee’ means a committee established by an accredited training board by virtue of section 12C (1) (n) under its constitution as a training committee or, if no such committee has been established, the training board concerned;”;
- 40 (l) by the deletion of the definition of “training scheme”;
- (m) by the substitution for paragraph (c) of the definition of “wage regulating measure” of the following paragraph:
 45 “(c) a notice [served] issued or deemed to have been [served] issued in terms of section 30 [(3) or 30 (3) read with 30 (4)];”;
- (n) by the substitution for the definition of “workseeker” of the following definition:
 50 “workseeker” and ‘unemployed person’ means a person over the age of fifteen years who is unemployed, is not required by law to attend school, is not a pupil or a student at an educational institution, is not awaiting admission to an educational institution and who is seeking work.”.

Amendment of section 3 of Act 56 of 1981

2. Section 3 of the principal Act is hereby amended—
- 55 (a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
 “(a) two members, appointed by the Minister, who shall be the chairman and the vice-chairman, respectively, of the board [and who shall hold office as such on a full-time basis]; and”;

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

“(10) There shall be paid to the chairman and vice-chairman, a member, including any member referred to in subsection (5), and an alternate member of the board, and a member (including a co-opted member) of a committee, who are not in the full-time service of the State, the remuneration determined from time to time by the Minister with the concurrence of the Minister of Finance, as well as the allowances, if any, so determined.”.

Amendment of section 4 of Act 56 of 1981

3. Section 4 of the principal Act is hereby amended—

10 (a) by the substitution for subsection (2) of the following subsection:

“(2) The board [shall perform its functions with a view to the co-ordination, encouragement and facilitation, or the promotion in any other manner, of training and] may—

15 (a) [by itself or in collaboration with the National Manpower Commission do research work in connection with training and the needs in the field of training;] with a view to the performance of its functions, do the research and conduct the investigations which it deems necessary; and

(b) [take steps for the establishment of uniform standards of training with a view to the control of and the promotion of the effectiveness of training;

(c) investigate the desirability and feasibility of a system according to which different grades of training are provided and persons are subjected to testing at different stages of their training;

25 (d) collaborate with the Department and other Departments of State and statutory bodies in connection with matters pertaining to manpower training;

(e) make rules relating to the calling of, the fixing of a quorum for and the procedure at a meeting of the board, and generally relating to all matters which may be necessary for the effective performance of the functions or the exercising of the powers of the board or, subject to section 6 (2), of a committee [;

30 (f) in writing under the hand of the chairman or the vice-chairman or of an officer authorized thereto by the chairman, direct any person who in its opinion will be able to furnish any information which the board desires to obtain for the purposes of or in connection with any investigation or research work being conducted or done by it under this Act, and which such person could have been compelled to furnish if he had appeared before the board in terms of a subpoena issued under section 10, to furnish the board with such information within such period and in such form as it may require].”;

40 (b) by the substitution for subsection (3) of the following subsection:

45 “(3) The board may, for the purposes of the performance of any of its [function] functions [referred to in subsection (1) or the attainment of any object referred to in subsection (2)], with the approval of the Minister [granted] and with the concurrence of the Minister of Finance, enter into any agreement for the performance of a particular act or of particular work or for the rendering of particular services, on such conditions and at such remuneration as may be agreed upon, with [any person] anybody who [or organization which] is in the opinion of the board fit to perform such act or work or to render such services.”; and

50 (c) by the addition of the following subsection:

55 “(4) (a) The board shall as soon as possible after 31 December of each year furnish the Minister with a report in respect of its activities during the year ending on that date, and the general state of affairs as regards training in the Republic as at that date.

(b) The Minister may, if he deems it desirable in the public interest, table such report in Parliament.”.

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Substitution of section 5 of Act 56 of 1981

4. The following section is hereby substituted for section 5 of the principal Act:

“Investigations by board

5. (1) Subject to the provisions of this section and with a view to the effective performance of the functions of the board—

5 (a) the board or any member of the board may at any reasonable time enter upon or enter any premises or place where training is provided in terms of section 31, 32, 34, 36 or 37, for the purpose of acquiring information which the board desires to obtain for the purposes of or
10 in connection with any investigation or research being conducted or done by it in terms of this Act, and the owner or occupier of any such premises or place, and every person in his employment, shall at all times furnish such reasonable facilities as may be necessary in order to enable the board or such member to enter upon such premises or
15 enter such place, and shall so furnish all reasonably requested information;

(b) the board may by notice summon any person who in its opinion may be able to furnish it with any relevant information regarding any matter which is being investigated, or who it suspects has any book, document or thing relating to the matter which is being investigated in his possession or custody or under his control, to appear as a witness before the board at the time and the place specified in the notice, to be questioned or to produce such book, document or thing: Provided that in the event of his convincing the board that there are reasonable grounds to believe that any other person is capable of furnishing the board with such information or of producing such book, document or thing in his possession or custody or under his control, the board shall, where the identity of such other person is known, so summon that person as a witness.

30 (2) A notice referred to in subsection (1) (b) shall be signed by the chairman or the vice-chairman of the board or by an officer authorized thereto by the chairman, and shall be served in the prescribed manner on any witness.

(3) At proceedings contemplated in subsection (1) (b) the chairman, the vice-chairman or any other member of the board present may—

35 (a) administer an oath to or accept an affirmation from any person summoned as a witness, or any other person who is present and who is willing to give evidence; and

(b) thereafter put any reasonable question to him.

40 (4) (a) Any person who has been summoned under subsection (1) (b) as a witness and who without sufficient cause fails to attend at the appointed time and place, shall be guilty of an offence.

(b) Any person to whom an oath has been administered or from whom an affirmation has been taken under subsection (3) (a) and who refuses or fails to answer fully and satisfactorily to the best of his knowledge and belief all lawful and reasonable questions put to him, or to produce any book, document or thing in his possession or custody or under his control when lawfully required to do so, or who fails to remain in attendance until excused from further attendance by the board, shall be guilty of an offence: Provided that in connection with the questioning of any such person or the production of any such book, document or thing, the rules of law relating to privilege as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

55 (5) The questioning of any witness by the board shall be conducted in private, unless the board decides otherwise: Provided that at the request of any witness the questioning of that witness shall be conducted in private: Provided further that the board may in its discretion and with the

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consent of the witness authorize the presence of any specified person at the questioning of that witness.

5 (6) Any person summoned to appear before the board may, if the board is satisfied that he has by reason of his appearance suffered any pecuniary loss or has been put to any expense, be paid from moneys appropriated by Parliament such allowances as the Minister may with the concurrence of the Minister of Finance from time to time determine or the amount of such loss and expense, whichever is the lesser: Provided that if the person summoned is in the full-time employment of the State, 10 the allowances or the amount payable to him shall be determined in accordance with the laws governing his employment.

15 (7) Any person who wilfully hinders the board or a committee, or a member of the board or a committee, in the exercise of any power or performance of any function conferred or entrusted by or under this section, shall be guilty of an offence.”.

Substitution of section 6 of Act 56 of 1981

5. The following section is hereby substituted for section 6 of the principal Act:

“Establishment of committees by board

20 6. (1) The board may establish committees, including an executive committee, to assist it in the performance of its functions and may appoint persons who are not members of the board as members of the committees, but excluding the executive committee: Provided that any committee, excluding the executive committee, may with the consent of the chairman of the board co-opt one or more other persons as a member or members of the committee for a particular period or a particular purpose.

25 (2) (a) The board shall in respect of each committee appoint a member of the committee to be chairman.

30 (b) If the chairman is absent from a meeting, the members present shall elect one from among their number to act as chairman at that meeting.

(c) A co-opted member of a committee who is not a member of the board, shall not be entitled to vote.

35 (3) The board may, subject to such conditions as it may deem fit, delegate or transfer any of its powers or duties in terms of this Act, excluding powers or duties conferred or imposed under this section, to any of its committees, but shall not be divested of a power or duty so delegated or transferred, and may at any time withdraw such delegation or transfer: Provided that the board may at any time vary or set aside any decision made by such a committee.

40 (4) The board may at any time terminate the membership of the chairman, or of a member or a co-opted member, of a committee.

45 (5) The provisions of section 3 (9) (b) shall *mutatis mutandis* apply in respect of a decision taken by a committee or any act performed under the authority of a committee.

(6) The provisions of section 5 shall *mutatis mutandis* apply to the performance of the functions of a committee.”.

Repeal of sections 7, 8, 9, 10 and 11 of Act 56 of 1981

6. Sections 7 to 11, inclusive, of the principal Act are hereby repealed.

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Insertion of headings before section 12 of Act 56 of 1981

7. The following headings are hereby inserted before section 12 of the principal Act:

“CHAPTER 2

5 **REGISTRAR OF MANPOWER TRAINING, TRAINING BOARDS, TRAINING OF APPRENTICES
AND ATTAINMENT OF ARTISAN STATUS”.**

Insertion of sections 12A, 12B, 12C and 12D in Act 56 of 1981

8. The following sections are hereby inserted in the principal Act after section 12:

“Establishment of training boards

- 10 **12A. (1) Any—**
 (a) employer, if the registrar so approves; or
 (b) employers' organization; or
 (c) group of employers; or
 (d) group of employers' organizations; or
 (e) group of one employer and one or more employers' organizations;
 or
 (f) group of employers and one or more employers' organizations; or
 (g) one or more industrial councils; or
 (h) trade union; or
 (i) group of trade unions; or
 (j) group of employees,
 may, with a view to accreditation, establish a training board in respect of
 an industry and an area by signing a constitution referred to in section
 12C for the training board, or causing it to be signed on their behalf.
- 15 (2) The employer, employers' organization, industrial council, trade
 union or group of employees, as the case may be, by or on behalf of
 whom or which the constitution of the training board is signed, and any
 other employer, employers' organization, industrial council, trade union
 or group of employees who or which in terms of that constitution is from
 time to time admitted to participation in the training board and who or
 which has not withdrawn from the training board, are in this Act referred
 to as the parties to the training board.
- 20 (3) Any group of employees has the right to negotiate with its
 employer with regard to the establishment of a training board.

Accreditation of training boards

- 35 **12B. (1) A training board desiring accreditation shall submit to the
registrar—**
 (a) its constitution, signed by or on behalf of the parties to the training
 board; and
 (b) its application for accreditation,
 and shall furnish to the registrar such information as he may require.
- 40 (1A) If the constitution of the training board does not provide for the
 representation of employees on the training board, the registrar shall—
 (a) if in his opinion there is no trade union which has an interest in the
 training board, appoint a person or persons to represent employees
 on the training board;
 (b) if a trade union in his opinion has an interest in the training board—
 (i) request such trade union to submit to him within 30 days, in the
 prescribed form, the name of the person or persons who will
 represent the trade union on the training board;
 (ii) appoint one or more of the persons nominated in subpara-
 graph (i) to represent the employees on the training board
 and he may nominate any other person to represent em-
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ployees who are not members of the trade union on the training board.

(2) If the registrar, after considering the application and any other relevant information requested by him, is satisfied that—

- 5 (a) the main objective of the training board is to promote training; and
10 (b) the constitution is consistent with this Act and does not contain provisions which are contrary to the provisions of any law or which are calculated to hinder the attainment of the objects of any law; and
15 (c) there is not in existence a training board which is accredited in respect of the industry and in respect of the area concerned, he may accredit the training board concerned in respect of the industry and area concerned.

20 (3) (a) If the registrar intends not to accredit the training board or to accredit it in respect of a smaller area or an industry other than that applied for, he shall, by registered mail, notify the training board thereof and of the reasons therefor and shall afford it an opportunity of submitting written representations to him or of amending the application for accreditation, as the case may be.

(b) (i) Upon receipt of any such amended application, the registrar may, if he is satisfied in respect of the matters referred to in subsection (2), accredit the training board in accordance with the amended application.

25 (ii) If the registrar, in the case where representations are submitted to him under paragraph (a), finally decides not to accredit the training board, he shall as soon as possible notify such training board of the decision.

30 (4) After the registrar has accredited a training board, he shall forward by registered mail to the training board a certificate of its accreditation, together with one copy of the constitution signed by the registrar.

35 (5) With the issuing of a certificate of accreditation referred to in subsection (4), all the powers which by virtue of this Act vest in an accredited training board are conferred upon such a training board, and that training board thereby accepts all the duties so imposed upon it.

40 (6) The registrar may, subject to the provisions of subsection (2), of his own motion and after consultation with a relevant training board, or at the request of such training board, amend the industry or area in respect of which the training board is accredited, with effect from a date determined by him.

45 (7) If the registrar has amended the industry or area in respect of which a training board is accredited, the training board shall transmit to the registrar the certificate of accreditation issued to the training board within 14 days of being called upon by him to do so, and if the training board without reasonable excuse fails to do so, the training board and each member of the training board shall be guilty of an offence.

50 (8) The registrar shall upon receipt by him of the certificate of accreditation make the necessary alterations therein and return it to the training board, or issue a fresh certificate.

55 (9) (a) If the registrar has in respect of an accredited training board reason to believe that any duty imposed on or any power conferred upon that training board by its constitution or by this Act is not being carried out or exercised by such training board to the satisfaction of the registrar, he may give notice by registered mail to that training board to rectify the deficiencies within a period which shall not be less than 30 days, and to submit proof, as the registrar may require, of such rectification to him.
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- 5 (b) If the training board refuses or fails to comply with the notification referred to in paragraph (a) within the period determined, the registrar may by registered mail give notice to the training board in question to show cause within a period which shall not be less than 30 days, why its accreditation shall not be withdrawn.
- 10 (c) At the expiration of the period determined in terms of paragraph (b) the registrar may, unless cause to the contrary and to his satisfaction has been shown, withdraw the accreditation of the training board in question.
- (d) Upon the withdrawal of the accreditation of a training board in terms of paragraph (c), that training board shall—
- 15 (i) transmit to the registrar the certificate of accreditation issued to that training board within 14 days of being called upon to do so;
- (ii) forthwith cease to carry out the duties and exercise the powers which are imposed on or conferred upon an accredited training board by this Act; and
- 20 (iii) hand over, when required to do so by the registrar or an officer authorized by the registrar for that purpose, the records and documentation relating to the duties imposed on and powers conferred upon that training board by this Act,
- and if the training board in question without reasonable explanation fails to do so, the training board and each member of the training board shall be guilty of an offence.
- 25 (10) The registrar may, where the accreditation of a training board has been withdrawn in terms of subsection (9) (c), take all the steps which he deems necessary or expedient for the continuation of the activities, rights and obligations of the training board.

Constitutions of training boards

- 30 **12C. (1)** The constitution of a training board desiring accreditation shall, subject to the provisions of this section, provide for—
- (a) the composition of the training board;
- (b) the appointment of members of the training board and their alternates from the ranks of representatives of the parties to the training board;
- 35 (c) the industry and area of jurisdiction of the training board;
- (d) the legal personality of the training board;
- (e) the extent to which the liability of the parties to the training board shall be limited;
- 40 (f) the financing of the activities of the training board in the relevant industry and area and the appointment, if necessary, of a body to manage the funds of the training board;
- (g) the appointment, removal, duties and powers of office-bearers, officers and authorized persons;
- 45 (h) the occasions when or the circumstances in which members shall vacate their offices;
- (i) the procedure at meetings;
- (j) the procedure for the handling of disputes in connection with training in the relevant industry and area;
- 50 (k) the admission of additional employers, employers' organizations, industrial councils or trade unions as parties to the training board;
- (l) the keeping of proper books of account, and the auditing thereof and of related documents at least once every calendar year by a person registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and the making available by the training board to the parties or to their representatives, and to the registrar, of copies of the accounts and statements and the auditor's report thereon;
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- (m) subject to the provisions of subsection (3), the manner of investment of funds which are not required for immediate use;
- (n) the establishment of an executive committee, training committees and other committees, to which the training board may delegate or assign any of its powers and functions set out in its constitution or in this Act, to perform on its behalf, which delegation or assignment may in the discretion of the relevant training board at any time be varied or withdrawn;
- (o) amendments of the constitution, copies of which must be submitted to the registrar for approval not less than 14 days prior to the date of coming into operation thereof;
- (p) the dissolution and winding-up of the training board and its funds; and
- (q) such other matters as may be prescribed.

(2) If the training board without reasonable explanation fails to furnish the registrar with copies of the accounts and statements and auditor's report referred to in subsection (1) (l) within three months after the date of expiry of the financial year of the training board, the training board shall be guilty of an offence.

(3) The moneys referred to in subsection (1) (m) shall only be invested in—

- (a) internal registered stock within the meaning of section 21 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975);
- (b) National Savings Certificates;
- (c) Post Office savings accounts or certificates;
- (d) savings accounts, permanent shares or fixed deposits in building societies or banks,

or in such other manner as may be approved by the registrar after consultation with the relevant training board.

(4) Every training board shall make its constitution available in both official languages to the parties to the training board.

Functions of training boards

12D. (1) An accredited training board shall, unless the registrar determines otherwise, perform in the industry and in the area in respect of which it has been accredited, the following functions:

- (a) Carry out the duties and exercise the powers which are by this Act imposed on or conferred upon it, with due consideration of the training needs of the Republic;
- (b) frame conditions of apprenticeship and other formalised training schemes which will best serve the training needs of the industry in respect of which the training board has been accredited;
- (c) accept responsibility for the administration of apprenticeship training;
- (d) on request of the registrar inquire into and make recommendations to him with regard to any matter which in terms of the provisions of this Act falls within the functions of the registrar;
- (e) inquire into any dispute arising out of—
- (i) any contract of apprenticeship;
 - (ii) the application of the proviso to section 13 (11), and which has been referred to it by a party to the dispute or by the registrar or a training adviser, and endeavour to settle the dispute;
- (f) appoint persons whom it may authorize to perform any of its functions in terms of this Act;
- (g) in consultation with the registrar evaluate trade qualifications obtained outside the Republic;
- (h) in consultation with the registrar establish a system for the governing and controlling of trade testing;
- (i) make available training in the principles and techniques of evaluation to trade test officers and all persons evaluating the training and conducting the testing of apprentices;
- (j) by a continuous process of training and retraining upgrade the work proficiencies of qualified artisans;

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- (k) counter any limiting factors on the flow of sufficient candidates for training as artisans;
- (l) in collaboration with the Department frame guidelines on the selection of candidates for apprenticeship and encourage employers to provide persons doing the selection with the necessary training;
- 5 (m) in collaboration with the Department furnish prospective apprentices with vocational guidance on career selection and career content;
- (n) furnish the Department on a continuous basis with information regarding technical professions and the career opportunities which they offer;
- 10 (o) in consultation with the board promote closer co-operation between formal education and training in respect of the design and content of curricula;
- (p) take the necessary steps, especially during downswings in the economy, for the promotion of training, including the training of apprentices;
- 15 (q) initiate and monitor training programmes;
- (r) provide out of its own funds financial incentives for the training of apprentices and, where applicable, of other employees;
- 20 (s) furnish the registrar with such statistics as he may require from time to time,
- and may accredit training centres as contemplated in sections 31, 32 and 34 to provide training on behalf of employers in the industry and area concerned.
- 25 (2) (a) In the carrying out of any duty or the exercise of any power imposed on or conferred upon it under this Act, an accredited training board and a training committee shall, in respect of the industry and area for which the training board is accredited, be vested with all the powers conferred upon the board by subsections (1), (2), (3), (5) and (6) of section 5, and the provisions of subsections (4), (5) and (7) of that section shall *mutatis mutandis* apply to the exercising of those powers by the training board or any such training committee: Provided that a person shall not be summoned under subsection (1) of section 5, as applied by the foregoing provisions of this paragraph, if the object or one of the objects is to investigate whether such person has committed any offence: Provided further that any amount payable under subsection (6) of section 5, as so applied, shall be paid from the funds of the training board.
- 30 (b) The oath may be administered to or an affirmation may be taken from any witness by the person presiding over the meeting of the training board or training committee at which the witness appears."
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Deletion of headings before section 13 of Act 56 of 1981

- 45 9. The headings before section 13 of the principal Act are hereby deleted.

Amendment of section 13 of Act 56 of 1981

10. Section 13 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- 50 "The Minister may, subject to the provisions of subsection (4) and on the recommendation of the training board concerned, [and after consultation with the committee in question] by notice in the *Gazette*—";
- (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:
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- 5 “(b) the **[period of apprenticeship and the extent to which and the circumstances under which such period may be curtailed or extended]** standard of proficiency, including the level of theoretical training and the minimum period of practical training in actual production and maintenance circumstances, which is required before an apprentice is permitted to undergo a trade test;”;
- (c) by the insertion after paragraph (b) of the said subsection (2) of the following paragraph:
- 10 “(bA) the basis on which recognition, in the form of exemption from a specific module or specific modules provided for in the conditions of apprenticeship of the training board concerned and which have already been completed, will be granted—
- 15 (i) in the case where a prospective apprentice has attained theoretical or practical experience before entering into a contract of apprenticeship;
- (ii) in the case of the rescission of an apprentice’s contract of apprenticeship for any reason whatsoever before attaining the standard of proficiency which is prescribed in terms of paragraph (b) of this subsection;”;
- 20 (d) by the substitution in paragraph (c) of the said subsection (2) for the words preceding the first proviso of the following words:
- “the rates according to which apprentices shall be remunerated, the circumstances under which those rates may be reduced or shall be increased, **[and]** the extent of the reduction or increase and the basis of recognition, by means of higher wages, for a first period of training or service in terms of the provisions of the Defence Act, 1957 (Act No. 44 of 1957), or section 34A (11) of the Police Act, 1958 (Act No. 7 of 1958);”;
- 25 (e) by the substitution for paragraph (d) of the said subsection (2) of the following paragraph:
- 30 “(d) the classes which apprentices shall attend during their **[period of apprenticeship]** training, the number of days on which, the hours within which and the number of hours during which they shall attend such classes during any week in any year and, subject to the provisions of subsection (11), the number of hours, if any, during which and the circumstances under which apprentices shall be released from work by the employer for the purpose of attending classes on any day;”;
- 35 (f) by the substitution for paragraph (f) of the said subsection (2) of the following paragraph:
- 40 “(f) the full-time **[technical]** training courses **[or other courses]** which apprentices shall attend, the period or periods of the attendance, and the intervals at which those courses shall be attended;”;
- (g) by the substitution for paragraph (g) of the said subsection (2) of the following paragraph:
- 45 “(g) the types of work in which the employer shall provide practical training to apprentices, and the proportion of the working hours during which and the stages during the **[apprenticeship period]** training at which he shall provide such training in each type of work;”;
- 50 (h) by the substitution for paragraph (h) of the said subsection (2) of the following paragraph:
- “**(h)** the modular tests **[or examinations]**, either practical or theoretical or both, **[including]** as well as **[qualifying]** trade tests, which apprentices shall **[or may]** undergo, the stage or stages during the **[apprenticeship period]** training at which such tests **[or examinations]** shall **[or may]** be undergone, **[and]** the circumstances in which an apprentice may be exempted from any such test **[or examination]** or from any part thereof, the repetition of modules failed and the number of repetitions of modular tests an apprentice will be entitled to in order to continue with his apprenticeship;”;
- 55 (i) by the substitution for paragraph (i) of the said subsection (2) of the following paragraph:
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- “(i) the fees payable in respect of any test **[or examination]** prescribed in terms of paragraph (h), and the persons by whom such fees shall be paid;”;
- 5 (j) by the substitution for paragraph (m) of the said subsection (2) of the following paragraph:
“(m) the number of paid holidays to be allowed to apprentices during any year of **[apprenticeship]** their training, and the rates according to which they shall be remunerated in respect of such holidays;”;
- 10 (k) by the substitution for paragraph (n) of the said subsection (2) of the following paragraph:
“(n) the conditions, including the payment of extra remuneration, subject to which an employer may require or permit any apprentice to perform any work outside the area of jurisdiction of the **[committee]** training board in question, or outside any area or class of areas specified in the notice or at a place beyond a distance so specified, from the employer’s workshop or place of business or from a given point;”;
- 15 (l) by the substitution for subsection (6) of the following subsection:
“(6) The Minister may, in any notice published under subsection (2) or (3), declare that the conditions of apprenticeship prescribed therein or such of the said conditions as may be specified therein shall, as from a date so specified, apply in respect of apprentices who, at the date of such publication, are employed in the area to which the notice relates in any trade which is or was a designated trade in the industry in respect of which the **[committee]** training board in question **[was established]** is accredited, under contracts of apprenticeship registered in terms of section 16 (3) (d) or 25 18 (1) (c) or (3) or, by virtue of the provisions of section 58 (3), deemed to be registered in terms thereof, and no such contract shall cease to be binding upon the parties thereto by reason of the fact that as a result of the notice the conditions of apprenticeship applicable in respect of those apprentices have changed.”;
- 30 (m) by the substitution for subsection (8) of the following subsection:
“(8) **[The registrar]** A training board may, subject to such conditions as **[he]** it may determine **[after consultation with the committee in question]**, approve of the training of apprentices by or on behalf of any employer in accordance with any system under which the apprentices will receive **[their training for]** a specified portion of their **[periods of apprenticeship]** training under the continuous supervision of instructors.”;
- 35 (n) by the substitution in subsection (11) for the words preceding the proviso of the following words:
40 “The employer of any apprentice who is in terms of any condition prescribed under subsection (2) (d) or (e), or of any exemption under section 47, required to attend for the purposes of study at any place determined by the **[registrar]** training board, shall not require or permit the apprentice, if the hours during which he is so required to attend, fall on any one day of the week, to work on that day, or if the said hours fall on more than one day of the week, to work during those hours, and the employer shall pay him in respect of any such day remuneration at a rate not less than his ordinary rate of remuneration, as if he had on such day worked his average ordinary hours for that day.”;
- 45 (o) by the substitution for subsection (12) of the following subsection:
“(12) If an apprentice passes a **[qualifying]** trade test **[or examination]** prescribed under subsection (2) (h), the registrar shall in collaboration with the training board in question issue to him a certificate to that effect **[in the prescribed form]** and his contract of apprenticeship shall be deemed to be terminated **[by effluxion of time,]** with effect from **[a date twenty-one days after]** the last day of the test **[or examination]**.”; and
- 55 (p) by the addition of the following subsection:
“(13) The Minister may in writing and on the conditions which he determines, delegate any power conferred upon him in terms of subsection
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(1) or (2) of this section to an officer in the service of the Department, and may at any time withdraw such delegation.”

Substitution of section 14 of Act 56 of 1981

11. The following section is hereby substituted for section 14 of the principal Act:

5 “Demarcation of trades

14. Whenever in connection with any area in respect of which two or more **[committees]** training boards have been **[established]** accredited in respect of different industries, there is in the opinion of the Minister doubt as to whether any operation falls within the scope of a designated trade in an industry in respect of which one of those **[committees]** training boards has been **[established]** accredited, or within the scope of a designated trade in an industry in respect of which any other of those **[committees]** training boards has been **[established]** accredited, the Minister shall, after consultation with the board and the **[committees]** training boards in question, determine the matter, and the Minister may in the same manner vary any such determination.”

Amendment of section 15 of Act 56 of 1981

12. Section 15 of the principal Act is hereby amended—

20 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) has any minor who is not an apprentice or a trainee in his employment in a designated trade at the commencement of **[this Act]** the Manpower Training Amendment Act, 1990;”

25 (b) by the substitution in the said subsection (1) for the words following upon subparagraph (iii) of the following words:

“in the prescribed manner and **[on]** in the **[prescribed]** form determined by the relevant training board notify the training committee in question of the fact that a minor is so in employment or of the employment or of the termination of employment, as the case may be.”; and

30 (c) by the substitution for subsection (3) of the following subsection:

“(3) Every minor employed under this section shall be employed in accordance with conditions which are not less favourable to him than the conditions, if any, prescribed or deemed to have been prescribed under section 13 (2), in so far as they relate to the rates of remuneration and hours of work **[, during the first year of the normal prescribed period of apprenticeship,]** of apprentices employed in the trade in question, and in accordance with any other conditions which are applicable in respect of such employment by virtue of the provisions of subsection (4).”

40 Amendment of section 16 of Act 56 of 1981

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

45 (a) by the substitution in paragraph (a) of subsection (2) for the words following upon subparagraph (ii), before the proviso, of the following words:

“unless a contract of apprenticeship has been entered into in accordance with this Act and with the conditions of apprenticeship applicable to that trade in the area in which the minor is employed, and **[as nearly as may be]** in the **[prescribed]** form determined by the training board in question, and has been lodged with the **[registrar]** training committee in question for registration **[in the prescribed manner]**.”;

50 (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) if the **[registrar]** training board in question has refused to register a contract of apprenticeship entered into between that person and the minor.”;

55 (c) by the substitution for subsection (3) of the following subsection:

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- 5 “(3) (a) If at the time of the designation the minor is employed under a written contract of apprenticeship entered into prior to the publication, in terms of section 13 (1) or (3), of the notice relating to such designation, the employer shall, within three months after the designation, [on] in the [prescribed] form determined by the training board in question, lodge the contract with the [registrar] training committee in question for registration.
- 10 (b) The [registrar] training board in question shall register any contract lodged [with him] under paragraph (a), but the provisions of this Act, other than the provisions of paragraph (a), shall not apply in respect of the contract or of the minor concerned while he is employed under the contract.
- 15 (c) If the minor has without a written contract of apprenticeship been employed in that trade continuously during a period of not less than twelve months immediately prior to the publication, in terms of section 13 (1) or (3), of the notice relating to the designation, and enters, within two months after the date of the designation, into such a contract with his employer in accordance with the provisions of this Act and the conditions of apprenticeship applicable to that trade in the area in which he is employed, and [as nearly as may be] in the [prescribed] form determined by the training board in question, the employer shall, within one month after the date upon which it was entered into, [in the prescribed manner] lodge the contract with the [registrar] training committee in question for registration.
- 20 (d) The [registrar] training board concerned shall register any contract lodged [with him] under paragraph (c), and the prospective apprentice may be exempted in the discretion of the training board from any module or modules or any part thereof completed by him during the period [during which the minor] he was employed without a written contract of apprenticeship [, or any part thereof, may, with the approval of the registrar, given after consultation with the committee in question, be reckoned as part of the period of apprenticeship prescribed under section 13 in respect of that trade in the area in question].”; and
- 25 (d) by the substitution for paragraph (a) of subsection (4) of the following paragraph:
- 30 “(a) any minor who has completed the relevant [period of apprenticeship] training in the trade in question under a contract of apprenticeship registered or deemed to be registered under this Act; or”; and
- 35 (e) by the substitution for the proviso to paragraph (b) of the said subsection (4) of the following proviso:
- 40 “Provided that no contract of apprenticeship in a designated trade in that industry, or in that designated trade, shall be binding in the area so declared unless it has been entered into in accordance with this Act and with the conditions of apprenticeship applicable to that trade in the area in question, and [as nearly as may be] in the [prescribed] form determined by the training board in question, and has been registered under section 18.”.
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Amendment of section 17 of Act 56 of 1981

14. Section 17 of the principal Act is hereby amended by the substitution for
50 subsections (3) and (4) of the following subsections, respectively:

“(3) [A] Any minor may so bind himself so as to complete the [period of apprenticeship] training prescribed under section 13 in respect of the designated trade in question, after his majority.

55 (4) With the approval of the [registrar] training board in question any person who may bind himself as an apprentice in terms of subsection (1), (2) or (3) may so bind himself with more than one employer, subject to the inclusion in the contract of apprenticeship of such conditions as to the respective obligations of the different employers as may be determined by [the registrar] that training

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board after consultation with the training committee in question or, if there be none, with the employers in question."

Substitution of section 18 of Act 56 of 1981

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

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"Registration of contracts of apprenticeship

18. (1) No contract of apprenticeship in a designated trade entered into **[after]** before the commencement of **[this Act]** the Manpower Training Amendment Act, 1990, but not registered immediately prior to such commencement, or entered into after such commencement shall be valid unless—

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- (a) at the time it was entered into, it was reduced to writing; and
- (b) it has been signed by or on behalf of the employer and by the apprentice and, in the case of an apprentice who is a minor, by his guardian; and

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- (c) it has been registered by the **[registrar]** relevant training board.

(2) The employer shall lodge the contract **[on]** in the **[prescribed]** form determined by the relevant training board and within one month after the date on which it was entered into, with the **[registrar]** training committee concerned for registration.

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(3) Notwithstanding anything to the contrary contained in this Act **[the registrar]** a training board may, **[after consultation with the committee in question and]** upon the application of an employer in an industry and area in respect of which the training board in question has been accredited but no trade has been designated under this Act, register a contract of apprenticeship entered into by such employer and his employee or prospective employee employed or to be employed by the said employer in a trade which corresponds to a trade which has been designated under this Act, as if the trade has been so designated, and after registration such a contract shall be binding on the employer and employee concerned provided the contract—

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- (a) was reduced to writing at the time it was entered into; and
- (b) has been signed by or on behalf of the employer and by the employee and, in the case of an employee who is a minor, by his guardian.

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(4) Any contract registered in terms of subsection (3), shall be deemed to be a contract entered into in terms of the provisions of this Act, and the employer and apprentice concerned shall comply with such conditions of apprenticeship and other conditions as may be determined by the **[registrar]** relevant training board and specified in the contract.

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(5) Subject to the provisions of section 16 (3) (d) **[the registrar]** a training board may, when considering the registration of a contract of apprenticeship, in addition to any other ground on which **[he]** it may lawfully grant or refuse such registration, take into account any other circumstance, including a report by the training committee in question to the effect that in its opinion registration will not be in the interests of the prospective apprentice, as well as the prospective apprentice's prospects of obtaining employment in the trade in question at the expiry of the contract.

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[(6) If a prospective apprentice has at any time prior to the registration of his contract of apprenticeship—

- (a) been employed in the trade in which he is to be indentured or in any related trade or occupation;
- (b) received training in such trade or occupation at any educational or training institution;
- (c) undergone training or rendered service in terms of the provisions of the Defence Act, 1957 (Act No. 44 of 1957), or of section 34A (3) of the Police Act, 1958 (Act No. 7 of 1958),

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the registrar may, after consultation with the committee in question, take steps whereby, in the case of the prospective apprentice concerned, the period of apprenticeship prescribed in terms of section 13 (2) in respect of

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the trade in which the said apprentice is to be indentured, is reduced with a period equal to the whole or any part of the period during which the said prospective apprentice has so been employed, received or undergone training or rendered service.]”.

5 Amendment of section 19 of Act 56 of 1981

16. Section 19 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

10 “(1) If in the opinion of [the registrar] a training board any apprentice is not receiving adequate training, [the registrar] that training board may [, after consultation with the committee in question,] order the employer of the apprentice to take such steps, specified in the order, as the [registrar] training board deems necessary to ensure that the apprentice will receive adequate training at the expense of the employer, and the [registrar] training board may withdraw or amend any such order.”; and

15 (b) by the substitution for subsection (2) of the following subsection:

20 “(2) The [registrar] training board in question may in any such order specify the classes of work in which the apprentice is to be trained, the periods during which, the intervals at which or the dates between which he shall be so trained, the conditions relating to supervision, the method or place of work, and any other matter or condition relating to the training of the apprentice.”.

Amendment of section 20 of Act 56 of 1981

17. Section 20 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

25 “(1) If, in the opinion of the [registrar] training board concerned, the employer of an apprentice is, for any reason beyond the control of the employer, unable to provide the apprentice with work or training during the full period of his ordinary working hours, [he] it may [, after consultation with the committee in question,] authorize in writing, for such period and subject to such conditions as [he] it may determine, the employment of the apprentice for a specified number of hours on any day or in each week, or on a specified number of days in each week, which is less than the number of such hours or days, as the case may be, ordinarily worked by the apprentice, against payment of the ordinary wages of the apprentice or of wages according to a specified rate of wages which is less than the rate of his ordinary wages.”; and

(b) by the substitution for subsection (2) of the following subsection:

30 “(2) The [registrar] training board concerned may [, after consultation with the committee in question,] authorize in writing, for such period and subject to such conditions as [he] it may determine, the loan of the services of an apprentice to another employer, if in [his] its opinion it would be in the interest of the apprentice to do so.”.

Repeal of section 21 of Act 56 of 1981

18. Section 21 of the principal Act is hereby repealed.

45 Amendment of section 22 of Act 56 of 1981

19. Section 22 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

50 “An employer may send or transfer an apprentice from one place to another in the course of the ordinary practising of the trade in question by such apprentice, but shall not without the prior consent of the [registrar] training board concerned so send or transfer an apprentice—”;

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- (b) by the substitution for paragraph (b) of the said subsection (1) of the following paragraph:
 “(b) from the area of jurisdiction of one training committee [or sub-committee] to the area of jurisdiction of another training committee [or sub-committee, respectively].”;
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- (c) by the substitution for subsection (2) of the following subsection:
 “(2) The rights and obligations of an employer under any contract of apprenticeship may, with the prior consent of the [registrar] training board concerned, be transferred to another employer, but no such transfer shall be complete until it has been registered by [the registrar] that training board.”;
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- (d) by the substitution for subsection (3) of the following subsection:
 “(3) (a) The [registrar] training board may in [his] its discretion grant or withhold [his] its consent referred to in subsection (1) or (2), and may when granting [his] its consent referred to in subsection (1), impose such conditions as [he] it may deem necessary.
 (b) The [registrar] training board shall not grant [his] its consent referred to in subsection (1) (b) or (2) unless—
 (i) [he] it is satisfied that all parties to the contract of apprenticeship have agreed to the proposed action; and
 (ii) [he] it has consulted the [committee] training committees in question.”;
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- (e) by the substitution for subsection (4) of the following subsection:
 “(4) If an apprentice is transferred in terms of this section from the area of jurisdiction of one training committee [or sub-committee] to the area of jurisdiction of another training committee [or sub-committee, respectively], any conditions of apprenticeship applicable in respect of the trade in question within the last-mentioned area of jurisdiction shall, with effect from the date of the transfer, apply in respect of the apprentice and any such conditions applicable to him in the first-mentioned area of jurisdiction shall as from such date cease to be so applicable.”; and
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- (f) by the substitution for paragraph (b) of subsection (5) of the following paragraph:
 “(b) The person or partnership, referred to in paragraph (a), continuing the business, shall in the prescribed manner and within one month of the date of such death or retirement, lodge the contract with the [registrar] training committee in question for registration of the transfer.”;
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Amendment of section 23 of Act 56 of 1981

- 40 20. Section 23 of the principal Act is hereby amended—
- (a) by the substitution for subsections (1), (2) and (3) of the following subsections, respectively:
 “(1) If an employer is satisfied that an apprentice bound to him by contract in terms of this Act has committed a serious breach of the terms of the contract or of any condition of apprenticeship, he may forthwith suspend the apprentice in his service for a period not exceeding the number of days ordinarily worked in a week in the industry in question, or such further period as the [committee] training board in question may from time to time allow.
 (2) (a) If in the opinion of the [registrar] training board an apprentice has acted in a manner justifying his suspension in terms of subsection (1), and he has not been suspended by the employer concerned, the [registrar] training board may at any time [, after consultation with the committee in question,] by written notice order the suspension of the apprentice in the service of the employer concerned as from such date and for such period, not exceeding [thirty] 30 working days, as the [registrar] training board may determine.
 (b) [The registrar] A training board may in writing and subject to such conditions as [he] it may determine, delegate the powers conferred upon [him] it by paragraph (a) to any [committee or sub-committee] of its training committees to be exercised, subject to the directions of the [registrar] training board, by [the] that training committee [or
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sub-committee in respect of apprentices within **[the] that training committee's [or sub-committee's]** area of jurisdiction.

(c) Any such delegation may at any time be withdrawn by the **[registrar] training board**.

5 (3) Any employer who has so suspended an apprentice shall report the matter in writing to the training committee in question within three days of the date on which he suspended the apprentice.”;

(b) by the substitution in subsection (4) for the words preceding the proviso of the following words:

10 “The **training committee** in question shall, as soon as may be, inquire into and **[confirm, amend or set aside]** submit any suspension in terms of subsection (1) to the training board concerned for confirmation, amendment or setting aside:”;

(c) by the substitution for subsection (5) of the following subsection:

15 “(5) If the **[committee] training board [in question]** amends or sets aside the suspension of an apprentice in terms of subsection (4), it may order that any or all of the remuneration which may have been withheld from the apprentice during the period of suspension, be paid to a specified officer within such period as the **[committee] training board may direct.**”;

20 (d) by the substitution for subsection (7) of the following subsection:

25 “(7) If an employer or an apprentice feels aggrieved by any decision of a **[committee or a sub-committee] training board** in terms of this section, or if a **[committee or sub-committee] training board** fails to give any decision within **[the prescribed period] 30 days**, he may at any time within **[thirty] 30 days** of the decision, appeal to the registrar or submit the matter, after the expiration of the said **[prescribed] period**, to the registrar, as the case may be, and the registrar may thereupon, after consultation with the **[committee or sub-committee] parties** in question, confirm the decision of the **[committee or sub-committee] training board** or give such other decision as, in his opinion, the **[committee or sub-committee] training board** ought to have given, or decide the matter, as the case may be.”.

Amendment of section 24 of Act 56 of 1981

21. Section 24 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

35 “(a) with the consent of the **[registrar] training board concerned**, by agreement of the parties thereto; or”;

(b) by the substitution for paragraph (b) of the following paragraph:

40 “(b) by the **[registrar] training board**, after consultation with the **training committee** in question, on **[his]** its own initiative or at the instance of any party thereto, if **[he]** it is satisfied that it is expedient to do so.”.

Amendment of section 25 of Act 56 of 1981

22. Section 25 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

45 “(1) Whenever it appears that the facts relating to any apprentice are incorrectly recorded in his contract of apprenticeship or have changed after the conclusion thereof and that by reason thereof prejudice is caused to a party to the contract, the **[registrar] training board** may, if **[he]** it is satisfied that it is desirable to do so, on the application of the prejudiced party and after consultation with the other party and the **training committee** in question, modify the terms of the contract by affixing thereto a statement setting out the correct facts or the facts as they have so changed, as the case may be, and the relevant terms of the contract as amended in pursuance of those facts.”;

50 (b) by the substitution in subsection (2) for the words preceding the proviso of the following words:

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“Any such statement shall be signed by the [registrar] training board and thereafter the relevant terms as set out therein shall form part of the contract of apprenticeship and the [registrar] training board shall adjust [his] its records in accordance therewith.”.

5 Amendment of section 26 of Act 56 of 1981

23. Section 26 of the principal Act is hereby amended by the deletion of the proviso thereto.

Repeal of section 27 of Act 56 of 1981

24. Section 27 of the principal Act is hereby repealed.

10 Substitution of section 28 of Act 56 of 1981

25. The following section is hereby substituted for section 28 of the principal Act:

“Trade tests

15 28. (1) Whenever in the opinion of [the registrar] a training board adequate provision has been made in the industry and area in respect of which it has been accredited, for a [qualifying] trade test to be undergone in any trade in accordance with standards recognized by the [board] registrar and the training board concerned, [the registrar] that training board may, on the application [on the prescribed form] of any person
20 who has been trained as a trainee in terms of this Act or the Training of Artisans Act, 1951 (Act No. 38 of 1951), or any other person who has not passed a [qualifying] trade test as contemplated in section 13 (2) (h) of this Act or section 16 (2) (h) of the Apprenticeship Act, 1944 (Act No. 37 of 1944), but who satisfies the [registrar] training board that he has undergone training or gained experience in the trade in question of a
25 nature and for a period [or aggregate period] which reasonably concurs with the conditions of apprenticeship for the trade in question and in the opinion of the [registrar] training board is adequate, and on payment by such person of the prescribed fee, admit him to a trade test in accordance with the said standards.

30 (2) A trade test referred to in subsection (1) shall be undergone at such time and place as the [registrar] training board concerned may determine.

35 (3) If any such trade test is passed by the applicant, a certificate to that effect shall be issued to him by the registrar in [the prescribed form] collaboration with the training board concerned.”.

Substitution of section 29 of Act 56 of 1981

26. The following section is hereby substituted for section 29 of the principal Act:

“Consultation with registrar by training boards

40 29. [The registrar] Training boards shall from time to time consult the [board] registrar as to the standards to be applied in determining the training and experience which are for the purposes of section [27 necessary for proficiency in any particular trade, or the experience which is for the purposes of section] 28 adequate for admission to a trade test referred to in that section.”.

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Substitution of section 30 of Act 56 of 1981

27. The following section is hereby substituted for section 30 of the principal Act:

“Training of persons who are not apprentices or minors

5 **30.** Whenever the Minister is satisfied that it is necessary in the public
 interest to do so, he may, after consultation with the board and any other
 Minister which in his opinion has any interest therein, and with the
 concurrence of the Minister of Finance, make such arrangements as he
 may deem expedient to provide for the training in a particular trade or
 10 occupation of persons who are not apprentices or minors, and he may for
 that purpose by notice in the *Gazette* issue such directives as he may
 deem necessary for such training: Provided that the Minister may after
 consultation with the board provide, in terms of the foregoing provi-
 sions of this section, for the training of persons who are minors but who
 15 have completed a first period of training or service in terms of the
 provisions of the Defence Act, 1957 (Act No. 44 of 1957), or section 34A
 (11) of the Police Act, 1958 (Act No. 7 of 1958).”

Amendment of heading before section 31 of Act 56 of 1981

28. The words “AND SCHEMES” in the second heading before section 31 of the principal Act are hereby deleted.

20 Substitution of section 31 of Act 56 of 1981, as amended by section 1 of Act 1 of 1983

29. The following section is hereby substituted for section 31 of the principal Act:

“Regional training centres

25 **31.** (1) Any group or association of employers engaged in [a particular
 industry in a particular] an area determined in terms of subsection (9)
 and who have [made provision for the training of employees and other
 persons at a centre established or to be established by the said group or
 association, may, if it has], subject to section 31A, by means of a
 constitution made provision for the [control and management of that
 30 centre by a governing body constituted as provided in that constitution]
establishment, management and operation of a centre for the training of
employees and other persons by a governing body, may apply to the
registrar for the registration of that centre as a [group] regional training
centre.

35 (2) (a) The registrar may, on such conditions as he may deem fit,
 register a centre to which an application contemplated in subsec-
 tion (1) relates, as a [group] regional training centre.

40 (b) On the registration in terms of paragraph (a) of a centre as a [group]
 regional training centre, [the governing body established for] that
 centre [in terms of subsection (1)] shall become a juristic person [and
 the group or association of employers in question may conduct the
 group training centre through that governing body].

45 (3) (a) The conditions contemplated in subsection (2) (a) may also
 relate to—

(i) the courses of training which may be provided at the [group]
 regional training centre in question;

(ii) the nature, duration and standard of such courses;

50 (iii) the standard of education or practical experience which shall
 have been achieved or gained by employees and other
 persons before they may be permitted to undergo training of
 a particular nature at the [group] regional training centre in
 question;

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- (iv) the requirements relating to their qualifications and experience with which persons who will provide instruction at the **[group] regional training centre** in question, shall comply;
- 5 (v) **[any other matter connected with such a group training centre or such training] the premises, equipment, facilities and materials** which shall be used or provided for the purposes of training by the regional training centre in question; and
- (vi) any other matter connected with such regional training centre or training provided there.
- 10 (b) The registrar may withdraw or from time to time amend any condition imposed or deemed to have been imposed in terms of this section.
- (4) The governing body of a **[group] regional training centre** shall furnish the registrar with such information relating to that centre or the control, management or functioning thereof as the registrar may from time to time require.
- 15 (5) The Minister may, at the request of the governing body of a **[group] regional training centre**, [—
- (a) for the purpose of raising money required to defray the expenses arising from the conduct of such group training centre, impose, in accordance with the provisions of section 39, a levy for the benefit of that group training centre; and
- 20 (b) on such conditions as the Minister may deem fit and on such basis as he may determine with the concurrence of the Minister of Finance, out of money appropriated by Parliament for that purpose, provide financial assistance to **[the group] that regional training centre**.
- 25 (6) (a) **[Any employer not engaged in the area in question in the industry in respect of which a group training centre is registered or deemed to be registered, and any employee or other person who is not employed in such an area in such an industry, may, with the consent of the governing body of that group training centre and subject to such conditions as the governing body may determine—**
- 30 (a) cause employees or other persons to be trained at the said centre; or
- 35 (b) undergo training at the said centre, as the case may be] Whenever the registrar, in respect of a regional training centre, has reason to believe that—
- (i) the regional training centre has been liquidated; or
- 40 (ii) any condition imposed on that centre in terms of subsection (2) (a) or deemed to have been imposed in terms thereof, has not been complied with; or
- (iii) training in accordance with the provisions of this Act is no longer being provided at that centre,
- 45 he may send a registered letter to the head office or last known head office of that centre requiring the centre to show cause within the period determined in that letter, not being less than 30 days, why its registration shall not be withdrawn.
- 50 (b) At the expiry of the period determined in terms of paragraph (a) the registrar may, unless cause to the contrary to his satisfaction has been shown, withdraw the registration of the centre.
- (c) Upon the withdrawal of the registration of a centre in terms of paragraph (b), that centre shall cease to be a juristic person: Provided that the liability (if any) of every person charged with the winding-up of the centre, shall continue and may be enforced as if
- 55 the registration of the centre had not been withdrawn.
- (7) The registrar **[may at any time withdraw the registration of a group training centre if he is of the opinion that any condition imposed or deemed to have been imposed in respect of that centre in terms of**

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subsection (2) has not been complied with or if he is satisfied that training is no longer provided at that centre] shall from time to time inform the board of all applications received by him in terms of subsection (1).

5 (8) The [registrar shall from time to time report to the board on all applications received by him in terms of subsection (1)] provisions of this section shall not apply in respect of training in connection with which the provisions of any agreement have in terms of section 48 of the Labour Relations Act, 1956 (Act No. 28 of 1956), been declared

10 binding.
(9) The [provisions of this section shall not apply in respect of training in connection with which the provisions of any agreement have in terms of section 48 of the Labour Relations Act, 1956 (Act No. 28 of 1956), been declared binding] Minister may for the purposes of

15 subsection (1) determine areas, and may determine different areas in respect of different categories of work determined by him for this purpose.

(10) [Any levy imposed in terms of subsection (5) shall be payable to the governing body in question] A regional training centre shall be established at the place or places determined by the governing body concerned

20 with the approval of the registrar.

(11) Any training in terms of this section the cost of which is intended to be considered for the purposes of an employees training allowance as referred to in section 11sept of the Income Tax Act, 1962 (Act No. 58 of 1962), shall take place in accordance with courses approved by the

25 registrar.

(12) From the date of commencement of the Manpower Training Amendment Act, 1990—

30 (a) any centre which was registered as a group training centre immediately prior to the said date shall be deemed to be a regional training centre which has been registered in terms of this section, as amended by the said Act, and any conditions, if any, which applied to the group training centre shall, subject to subsection (3) (b), remain applicable in respect of the regional training centre;

35 (b) every person in the employ of the governing body of the group training centre immediately prior to the said date, shall become an employee of the regional training centre;

40 (c) all movable or immovable property which immediately prior to the said date vested in the governing body of the group training centre shall, without payment of transfer duty, stamp duty or other fees, accrue to and vest in the regional training centre, subject to any charge with which such property may be burdened: Provided that all funds which immediately prior to the said date were vested in the said governing body by trust, donation or bequest, shall be applied by the regional training centre in accordance with the conditions of the trust, donation or bequest;

45 (d) the regional training centre shall assume and be liable for all lawful debts and liabilities of the governing body of the group training centre, subject to all lawful conditions under which those debts and liabilities were incurred;

50 (e) a registrar of deeds shall, at the written request of the regional training centre, record on any title deed, document or record registered or kept in the deeds registry concerned, the fact that the regional training centre is the successor in law of the governing body of the former group training centre; and

55 (f) any reference in any law or document to a group training centre or to the governing body of a group training centre, shall be deemed to be a reference to a regional training centre or to the governing body thereof, respectively.”

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Insertion of sections 31A and 31B in Act 56 of 1981

30. The following sections are hereby inserted in the principal Act after section 31:

“Constitutions of regional training centres

5 **31A. (1)** A constitution of a regional training centre referred to in section 31 (1), shall provide for—

- (a) the composition of its governing body;
 (b) the election or appointment of the members of its governing body;
 (c) the term of office of and vacation of office by such members;
 10 (d) the convening of, the quorum for and the procedure at meetings of its governing body;
 (e) the financial year of the centre;
 (f) the liquidation of the centre: Provided that after all liabilities and obligations of the centre have been discharged, any remaining assets which cannot be disposed of in terms of the constitution of the centre shall be disposed of in accordance with directions of the registrar;
 15 and
 (g) any other matter necessary for the effective performance, carrying out or exercise of the functions, duties and powers of its governing body.

20 (2) The governing body of a regional training centre may, in consultation with the registrar, from time to time amend or substitute the constitution of the centre.

(3) The governing body of a regional training centre may, subject to the provisions of this Act and any condition imposed in terms of section 31 (2)—

- 25 (a) determine the staff establishment of the centre;
 (b) appoint, promote or discharge any person at the centre;
 (c) determine the conditions of service, leave and other privileges, salaries, salary scales, retirement and pension benefits and other service benefits of persons employed at the centre;
 30 (d) acquire movable and immovable property required for the management and conduct of the centre, and sell or otherwise dispose of such property no longer required for such purposes;
 (e) open an account with a banking institution registered in terms of the Banks Act, 1965 (Act No. 23 of 1965);
 35 (f) invest moneys not required for immediate use only in—
 (i) internal registered stock within the meaning of section 21 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975);
 (ii) National Savings Certificates;
 40 (iii) Post Office savings accounts or certificates;
 (iv) savings accounts, permanent shares or fixed deposits in building societies or banks,
 or in any other manner approved by the registrar;
 (g) borrow money;
 45 (h) generally, do anything which can reasonably be regarded as necessary or desirable for the effective management or control of the centre.

Establishment of advisory committee for regional training centres

50 **31B. (1)** The Minister shall establish a committee to be known as the advisory committee for regional training centres.

(2) The advisory committee shall consist of—

- (a) one person nominated by each of the regional training centres;
 (b) one person nominated by the board; and
 (c) one person nominated by the Department.

55 (3) The Minister shall appoint the members referred to in subsection (2), of whom one member shall be designated by him as chairman and another member as vice-chairman of the advisory committee.

(4) A member of the advisory committee shall hold office for such period as the Minister may determine at the time of the appointment

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of such member, but may be reappointed at the expiration of that period: Provided that the Minister may at any time terminate the membership of a member if in his opinion there is sufficient reason for doing so.

5 (5) If a member of the advisory committee dies or for any reason vacates his office, the vacancy shall, subject to the provisions of subsections (2) and (3), be filled by the appointment of another person as member of the advisory committee, and the member so appointed shall hold office for the unexpired portion of the period for which his predecessor was appointed.

10 (6) The chairman of the advisory committee shall, in the event of an equality of votes on any matter considered at any meeting of the advisory committee, have a casting vote in addition to his deliberative vote.

15 (7) When the chairman of the advisory committee is absent from a meeting of the committee, the vice-chairman shall act as chairman, and when both the chairman and vice-chairman are absent after due notice of such meeting has been given to them, the members of the advisory committee present at that meeting shall elect one from among their number to preside at that meeting, and the person acting as chairman in terms of this subsection shall, while so acting, have all the powers and perform all the functions of the chairman.

20 (8) The advisory committee may make rules as to—
(a) the convening of, the fixing of a quorum for and the procedure at meetings;

25 (b) any other matter which may be necessary for the efficient performing, carrying out or exercise of its functions, duties and powers.

(9) The advisory committee shall advise the registrar on—

30 (a) matters contemplated in section 31 (3); and

(b) any other matter relating to the training of employees or other persons which the registrar refers to it.

(10) There shall be paid to a member of the advisory committee who is not in the full-time service of the State, the remuneration determined from time to time by the Minister with the concurrence of the Minister of Finance, as well as the allowances (if any) so determined.

35 (11) The secretarial work of the advisory committee shall be performed by officers or employees serving in the Department who have been designated for this purpose by the Director-General.”

Amendment of section 32 of Act 56 of 1981

31. Section 32 of the principal Act is hereby amended—

40 (a) by the substitution for subsection (1) of the following subsection:

45 “(1) Any employer or other person who conducts or intends to conduct a training centre, excluding a [group] regional training centre, industry training centre or a training centre for which provision is made in an agreement which has in terms of section 48 of the Labour Relations Act, 1956 (Act No. 28 of 1956), been declared binding, at which training is provided or will be provided to [the] employees [of] or other persons, may[, regardless of whether, in the case where such first-mentioned person is an employer, training is provided at such training centre also to his own employees,] apply to the registrar for the registration of such training centre as a private training centre.”;

50 (b) by the substitution for subsection (4) of the following subsection:

55 “(4) The employer or person on whose application a private training centre has been registered as such, shall furnish the registrar with such information relating to that centre or the control, management or functioning thereof as the registrar may from time to time require.”;

(c) by the substitution for subsection (5) of the following subsection:

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“(5) The provisions of section 31 (3) (b), (6) (a) and (b), (7) [(8)] and (11) shall *mutatis mutandis* apply in respect of a private training centre.”; and

(d) by the addition of the following subsection:

“(6) Any scheme which immediately prior to the date of commencement of the Manpower Training Amendment Act, 1990, was registered as a training scheme in terms of section 34 of this Act as it existed immediately prior to that date shall, as from that date, be deemed to be registered under this section as a private training centre, and any conditions, if any, on which that registration was effected under subsection (2) of the said section 34 shall be deemed to have been imposed under this section in respect of the private training centre.”.

Substitution of section 33 of Act 56 of 1981

32. The following section is hereby substituted for section 33 of the principal Act:

“Requirements for provision of training in labour relations

33. No person, excluding a trade union, employers' organization, federation, industrial council or educational institution, may conduct a training centre referred to in section 31 (1), 32 (1) or 34 (1) where training in labour relations is provided, unless that training centre has been registered in terms of section 31 (2), 32 (2) or 34 (2) as a regional training centre, private training centre or industry training centre, as the case may be, and the said training is provided in accordance with courses approved by the registrar: Provided that this section shall not apply to an employer who provides training in labour relations to his own employees.”.

Substitution of section 34 of Act 56 of 1981

33. The following section is hereby substituted for section 34 of the principal Act:

“Industry training centres

34. (1) Any training board which conducts or intends to conduct a training centre, excluding a regional training centre, private training centre or a training centre for which provision is made in an agreement which has in terms of section 48 of the Labour Relations Act, 1956 (Act No. 28 of 1956), been declared binding, in a particular industry and area in which training is provided or will be provided to employees or other persons, may apply to the registrar for the registration of such a training centre as an industry training centre.

(2) The registrar may on such conditions as he may deem fit, register a training centre to which an application contemplated in subsection (1) relates, as an industry training centre.

(3) The conditions contemplated in subsection (2) may also relate to any matter specified in section 31 (3) (a) and to the fees which may be charged in respect of training provided at the training centre in question.

(4) The training board on whose application an industry training centre has been registered as such, shall furnish the registrar with such information relating to that centre or the control, management or functioning thereof as the registrar may from time to time require.

(5) The provisions of section 31 (3) (b), (6) (a) and (b), (7) and (11) shall *mutatis mutandis* apply in respect of an industry training centre.”.

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Substitution of section 35 of Act 56 of 1981

34. The following section is hereby substituted for section 35 of the principal Act:

“Grants-in-aid in respect of training in labour relations

35. (1) The Minister may on such conditions as he may deem fit and on such basis as he may determine with the concurrence of the Minister of Finance, out of moneys appropriated by Parliament for the purpose, award grants-in-aid to—

- (a) **[any employer who conducts a training scheme in any area designated as an economic development area by the Minister with the concurrence of the Minister of Industries, Commerce and Tourism;**
- (b) **any trade union or employers' organization which [conducts a training scheme under which] is registered in terms of the Labour Relations Act, 1956 (Act No. 28 of 1956), and which provides training in labour relations [is provided] to its office-bearers, employees or members or, in the case of such an employers' organization, to the employees of its members;**
- [(c)] **(b) any federation which [conducts a training scheme under which] is registered in terms of the Labour Relations Act, 1956 (Act No. 28 of 1956), and which provides training in labour relations [is provided] to its employees or to the office-bearers, employees or members of its affiliated unions or organizations or, in the case of a federation of employers' organizations, to the employees of the members of its affiliated organizations.**

(2) Any grant-in-aid awarded in terms of subsection (1) shall be utilized exclusively to defray costs arising from the **[conduct of the training scheme in question] presentation of such training.**

(3) The Minister may at any time and without furnishing any reason therefor suspend, reduce or withdraw any grant-in-aid awarded in terms of subsection (1).

(4) For the purposes of subsection (1) 'office-bearer' means an office-bearer as defined in section 1 of the Labour Relations Act, 1956 (Act No. 28 of 1956).”

Insertion of section 36A in Act 56 of 1981

35. The following section is hereby inserted in the principal Act after section 36:

“Fund for Training of Unemployed Persons

36A. (1) There is hereby established a fund to be known as “the Fund for the Training of Unemployed Persons”, hereinafter in this section referred to as the fund, into which shall be paid—

- (a) money appropriated by Parliament for the fund from time to time;
- (b) money appropriated by interest groups in the private sector for the fund from time to time;
- (c) any other money which may accrue to the fund from any other source; and
- (d) interest earned in terms of subsection (9).

(2) The money in the fund shall be utilized for financing training whereby unemployed persons are equipped with working skills to facilitate their entry into the labour market.

(3) The control and administration of the fund shall be vested in the Director-General, who shall in this regard be advised by a committee consisting of 11 members appointed by the Minister, and which shall be constituted as follows:

- (a) The Director-General or an officer of the Department designated by him for that purpose, who shall be the chairman;
- (b) seven members representing the private sector;
- (c) two officers from the Department; and
- (d) the chairman of the board.

(4) The said committee shall, in relation to training whereby unemployed persons may be equipped with working skills to enter the labour market, advise the Director-General on—

- (a) work categories in which unemployed persons should be trained;

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- (b) the granting of contracts for the training of unemployed persons;
- (c) the standards that should apply to the training of unemployed persons;
- (d) the placement in employment of trained unemployed persons; and
- 5 (e) any other matter connected with the training of unemployed persons and their placement in lucrative employment in the labour market.
- (5) The period of office of members of the committee mentioned in subsection (3) (b) and (c) shall be one year, and such members may at the expiry of their period of office be reappointed by the Minister.
- 10 (6) A vacancy which occurs in the committee shall be filled by a person appointed by the Minister, which person shall hold office for the unexpired portion of the period of office of his predecessor, and may on the expiry of his period of office be re-appointed by the Minister.
- (7) The chairman of the committee shall determine in consultation with the other members of the committee the times and venues of meetings of the committee and the procedure to be followed at meetings, and he shall report at each meeting of the committee on—
- 15 (a) payments from the fund; and
- (b) the collection of money appropriated or owed to the fund, or which accrues to the fund.
- 20 (8) (a) The Director-General shall for the purposes of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), be the accounting officer in relation to the affairs of the fund, and shall keep a proper record of all money paid into and out of the fund.
- 25 (b) The accounts relating to the fund shall be audited by the Auditor-General.
- (9) Any money in the fund which is not required for immediate use shall be invested with the Corporation for Public Deposits and may be withdrawn when required for use.
- 30 (10) Any unexpended balance in the fund at the end of any financial year shall be carried forward as a credit in the fund to the ensuing financial year.
- (11) The committee shall furnish the Minister on a six-monthly basis with a report on its activities and the balance of the fund.
- 35 (12) The secretarial work of the committee shall be performed by officers and employees serving in the Department who shall be designated for this purpose by the Director-General.
- (13) The provisions of section 31B (8) and (10) shall *mutatis mutandis* apply in respect of a committee appointed in terms of this section.”.

40 Amendment of section 37A of Act 56 of 1981, as inserted by section 3 of Act 88 of 1982

36. Section 37A of the principal Act is hereby amended by the substitution for paragraphs (a) and (c) of subsection (1) of the following paragraphs, respectively:

- “(a) a **[group]** regional training centre;
- (c) **[a training scheme]** an industry training centre”.

45 Amendment of section 38 of Act 56 of 1981

37. Section 38 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

- 50 “(4) The money in the fund shall be utilized for the granting of loans, on such conditions as the Minister may after consultation with the board determine, to be utilized for the purposes of a **[group]** regional training centre, private training centre, **[training scheme]** industry training centre or scheme referred to in section 39 (4), or of a scheme for the training of employees to which the

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provisions of an agreement which has in terms of section 48 of the Labour Relations Act, 1956 (Act No. 28 of 1956), been declared binding, relate.”.

Substitution of section 41 of Act 56 of 1981

38. The following section is hereby substituted for section 41 of the principal Act:

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“Appeals

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41. (1) (a) Any employer, prospective employer, apprentice, prospective apprentice or minor (hereinafter referred to as the appellant) who feels aggrieved by a decision of [the registrar] a training board in terms of section 13 (8), 16 (3) (d), 17 (4), 18 (3) or (5) [or (6)], 19, 20 (1) or (2), [21,] 22 [(3)], 23 (2) (a) or (7), 24 or 25 (1) [or 37], may within 30 days after the date of the decision appeal in writing to the [Minister] registrar, and the [Minister] registrar may, after consultation with the [board and the committee] training board in question, confirm the [registrar's] training board's decision or give such other decision as in the opinion of the [Minister the] registrar the training board [ought to] should have given.

(b) An appellant who feels aggrieved by a decision of the registrar on an appeal in terms of paragraph (a), may within 30 days after the date of the decision appeal in writing to the Minister, and the Minister may, after consultation with the board, confirm the decision of the registrar or give such other decision as the registrar should in the opinion of the Minister have given.

(2) Any [person] applicant whose application in terms of section 12B (3) (a) or (b), 31 (1), [or] 32 (1), 34 (1) or 37 for accreditation as a training board or the registration of a [group] regional training centre [or], a private training centre or an industry training centre, or for the approval of training referred to in section 37, as the case may be, has been refused by the registrar, or any [employer whose application in terms of section 34 (1) for the registration of a training scheme has been refused by the registrar] training board whose accreditation has been withdrawn in terms of section 12B (9), may within 30 days after the date of the refusal or withdrawal, as the case may be, appeal in writing to the Minister, and the Minister may, after consultation with the board [and the committee in question], confirm or set aside the registrar's decision and may, if he sets aside that decision, direct the registrar to [register] accredit the training board in question or, subject to the provisions of section 31 (2), 32 (2) or 34 (2), as the case may be, to register the [group] regional training centre, private training centre or [training scheme] industry training centre in question, or to approve the training referred to in section 37.”.

Amendment of section 42 of Act 56 of 1981

39. Section 42 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

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“(b) any trainee to pay or repay to him any remuneration or amount payable or paid to that trainee in terms of [a notice] any directive [served] issued [or deemed to have been served] in terms of section 30 [(3) or 30 (3) read with 30 (4)] or deemed to have been issued in terms thereof.”.

Substitution of section 43 of Act 56 of 1981

40. The following section is hereby substituted for section 43 of the principal Act:

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“Application of wage regulating measures

43. Notwithstanding anything to the contrary contained in any law, the provisions of any wage regulating measure shall, in so far as they are not

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5 inconsistent with any provision of this Act or of any notice published or
 deemed to have been published in terms of section 13 or **[served]** any
 directive issued or deemed to have been **[served]** issued in terms of
 section 30 **[(3) or 30 (3) read with 30 (4)]** and which applies to any
 10 employer, apprentice, minor or trainee, or with any provision of a
 contract of apprenticeship entered into or deemed to have been entered
 into by any apprentice in accordance with the provisions of this Act and
 registered or deemed to be registered in terms of section 16 (3) (d) or 18
 (1) (c) or (3), apply in respect of such employer, apprentice, minor or
 15 trainee.”.

Amendment of section 44 of Act 56 of 1981

41. Section 44 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following
 paragraph:

15 “(a) at all times keep in respect of every apprentice or trainee concerned
 and every such minor a record of the remuneration paid, of the time
 worked, of any unauthorized absence from work or the attendance of
 compulsory training courses and of such other particulars as may be
 20 **[prescribed]** determined from time to time by the training board
 concerned, including, without prejudice to the generality of the
 provisions of this subsection, particulars of the progress made by such
 apprentice, trainee or minor in any prescribed course of training and
 the steps taken by the employer to carry out any conditions prescribed
 in terms of section 13 (2) (g); and”;

25 (b) by the substitution for paragraph (b) of the said subsection (1) of the
 following paragraph:

“**(b)** furnish to every apprentice or trainee concerned and every such minor
 so employed a logbook in the **[prescribed]** form determined from time
 to time by the training board concerned.”;

30 (c) by the substitution for subsection (2) of the following subsection:

“**(2) (a)** The records referred to in subsection (1) (a) shall be kept in the
[prescribed] form and manner determined from time to time by the
 training board concerned **[: Provided that a training adviser may in
 writing authorize the keeping of such records in some other form,
 35 provided the records kept in such latter form will in his opinion enable
 him to ascertain therefrom the required particulars].**

(b) Any apprentice, trainee or minor referred to in subsection (1) (b) shall
 at the **[prescribed]** stages determined from time to time by the training
 board concerned enter in the logbook furnished to him in terms of the
 40 said subsection, such particulars of the practical training received by
 him as may be **[prescribed]** required.”;

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

“**(3)** Every person who is or has been an employer referred to in
 subsection (1) shall **[, subject to the provisions of subsection (4),]** retain any
 45 record made in terms of that subsection for a period of three years
 subsequent to the date of the record, and shall on demand by a training
 adviser or authorized person made at any time during the said period of
 three years produce the said record for inspection.”; and

(e) by the deletion of subsections (4) and (5).

50 Substitution of section 45 of Act 56 of 1981

42. The following section is hereby substituted for section 45 of the principal Act:

“Appointment of training advisers

45. (1) The Minister may appoint any suitably qualified officer as a
 training adviser for the purposes of this Act.

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5 (2) [The Minister may, after consultation with the committee in question and subject to such conditions and restrictions as he may impose, authorize any person to perform such functions or to exercise such powers of a training adviser as the Minister may determine, in respect of a specified industry and area] Every training adviser shall be furnished with a certificate, signed by the Director-General or an official duly appointed by him for this purpose, stating that he has been appointed as a training adviser in terms of this Act.

10 (3) [Every training adviser and authorized person shall be furnished with a certificate, signed by the registrar, stating that he has been appointed as a training adviser or authorized person, as the case may be, in terms of this Act, and setting forth, in the case of an authorized person, any conditions or restrictions imposed in terms of subsection (2), the functions or powers which he may perform or exercise, and the industry and area in respect of which he may perform or exercise those functions or powers] The Minister may in writing and subject to such conditions as he may deem fit delegate his power under subsection (1) to the Director-General or any other officer.

20 [(4) The Minister may in writing and subject to such conditions as he may deem fit delegate his powers under this section to the Director-General or any other officer.]”.

Amendment of section 46 of Act 56 of 1981

43. Section 46 of the principal Act is hereby amended—

25 (a) by the substitution for paragraphs (a), (b) and (c) of subsection (2) of the following paragraphs, respectively:

30 “(a) in order to ascertain whether any provision of this Act, or any condition of apprenticeship, or any [provision of a notice] directive [served] issued or deemed to have been [served] issued in terms of section 30 [(3) or 30 (3) read with 30 (4)] or any provision of a notice published or deemed to have been published in terms of section 39 or 47 (1), or any condition specified in a certificate referred to in section 47 (3), or any condition imposed or deemed to have been imposed in terms of section 31 (2) (a), 32 (2) or 34 (2), is being or has been complied with;

35 (b) into the effectiveness of the training provided at any [group] regional training centre or private training centre or [under any training scheme] industry training centre or by any employer to apprentices or trainees in his employ;

40 (c) into any other matter connected with any [group] regional training centre, private training centre or [training scheme] industry training centre or with the training of apprentices, trainees or other persons and which in the opinion of the registrar should be investigated,”;

(b) by the substitution for subsection (4) of the following subsection:

45 “(4) A training adviser who exercises any power conferred upon him by this section shall, at the request of any person affected by the exercise of such power, produce the certificate issued to him in terms of section 45 [(3) (2)].”;

(c) by the deletion of subsection (5).

Amendment of section 47 of Act 56 of 1981

50 44. Section 47 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding the proviso of the following words:

“Notwithstanding anything contained in this Act the Minister may, if in his opinion special circumstances exist which justify exemption, [on

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- 5 the recommendation of] after consultation with the board and [after
consultation with the committee] the training board in question and by
notice in the *Gazette* exempt any class, group, section or type of
employers or employees specified in the notice, either generally or
with such restrictions as he may deem fit, and subject to such
conditions, if any, as he may impose in the notice, from any of or all
the provisions of this Act, or from any [provision of a notice] directive
[served] issued or deemed to have been [served] issued in terms of
10 section 30 [(3) or 30 (3) read with 30 (4)], or from any provision of a
notice published or deemed to have been published [by virtue of the
provisions of section 31 (5) or] in terms of section 39, or from any
condition of apprenticeship, and the Minister may, in so specifying any
such class, group, section or type, [apply any method of differentiation]
differentiate on any ground he may deem advisable.”;
- 15 (b) by the substitution for subsection (3) of the following subsection:
“(3) The Minister may, on the recommendation of the board and after
consultation with the [committee] training board in question, if in his
opinion special circumstances exist which justify exemption, by means of a
certificate signed by an officer, exempt any person, either generally or with
20 such restrictions as he may deem fit and subject to such conditions as he
may impose and for such period as he may specify, from any of or all the
provisions of this Act, or from any [provision of a notice] directive [served]
issued or deemed to have been [served] issued in terms of section 30 [(3) or
30 (3) read with 30 (4)], or from any provision of a notice published or
25 deemed to have been published [by virtue of the provisions of section 31 (5)
or] in terms of section 39, or from any condition of apprenticeship, or from
any condition prescribed in a notice published under subsection (1).”; and
- (c) by the substitution for subsection (5) of the following subsection:
30 “(5) The Minister may at any time, on the recommendation of the board
and after consultation with the [committee] training board in question,
withdraw any exemption granted in terms of subsection (3) or amend the
conditions on which it was granted.”.

Amendment of section 48 of Act 56 of 1981

45 45. Section 48 of the principal Act is hereby amended by the substitution for
paragraph (a) of subsection (1) of the following paragraph:

- 40 “(a) that person has given to the Minister, [or] the board, [or] a training board,
a training adviser, an officer, an authorized person or a training committee
[or sub-committee any] information which he is by or in terms of this Act
required to give, or which relates to his conditions of service or those of
other persons employed by his employer, or has complied with any lawful
requirement of the board, a training board, a training adviser, an autho-
rized person or a training committee [or a sub-committee], or has given
evidence before a court of law or the industrial court;”.

Amendment of section 49 of Act 56 of 1981, as amended by section 2 of Act 1 of 1983

45 46. Section 49 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a)
of the following words:
50 “No member or alternate member of the board, a committee of the
board, a training board, a training committee or the advisory commit-
tee for regional training centres [or a sub-committee], no training
adviser, authorized person or officer and no person allowed to be
present at any meeting of the board, a committee of the board, a

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5 training board or a [sub-committee] training committee, or at any
interrogation [by an investigating officer] referred to in section [10] 5,
shall disclose to any person any information in relation to the financial
or business affairs of any person, firm or business which came to his
knowledge in the course of the performance of any function or the
exercise of any power in terms of this Act or as the result of his
attendance at such a meeting or interrogation, as the case may be,
except—"; and

10 (b) by the substitution for subsection (2) of the following subsection:
“(2) Notwithstanding the provisions of subsection (1), the registrar may,
in such manner as he may deem fit, disclose any information in relation to
the name of any [group] regional training centre, private training centre,
[training scheme] industry training centre, or a training centre or scheme
15 for which provision is made in an agreement which has in terms of section
48 of the Labour Relations Act, 1956 (Act No. 28 of 1956), been declared
binding, or of any person or employer who applied for the registration
thereof, or in relation to the place where such centre or scheme is
conducted, or the title and duration of the training courses taken in any
20 such centre or under such scheme, if such courses have been approved by
him for the purposes of section 11sept of the Income Tax Act, 1962 (Act
No. 58 of 1962), and section 37A of this Act, respectively.”.

Amendment of section 50 of Act 56 of 1981

47. Section 50 of the principal Act is hereby amended—

25 (a) by the substitution for paragraphs (b) and (e) of subsection (1) of the
following paragraphs, respectively:

30 “(b) any [provision of a notice] directive [served] issued or deemed to have
been [served] issued in terms of section 30 [(3) or 30 (3) read with 30
(4)], or any provision of a notice published or deemed to have been
published [by virtue of the provisions of section 31 (5) or] in terms of
section 39 or 47 (1);

(e) the provisions of section [10 (8), (10) or (11)] 5 (4) (a) or (b), 5 (7), 12B
(7), 12C (2), 13 (11), 15 (1), (2) or (3), 16 (2), 16 (3) (a) or (c), 18 (2)
or (4), 20 (4), [21 (1) (b),] 22 (1) or (5) (b), 23 (3), [30 (5) (a),] 31 (4)
or (11), 32 (4), 33, 34 (4), 39 (7), 40 (1), 42, 44, 46 (3) or 49.”;

35 (b) by the substitution in the said subsection (1) for the words following upon
paragraph (e) of the following words:

40 “shall [, subject to the provisions of subsection (4),] be guilty of an
offence and liable on conviction to a fine not exceeding [two] five
hundred rand or to imprisonment for a period not exceeding three
months or to both such fine and such imprisonment.”;

(c) by the substitution for paragraph (a) of subsection (2) of the following
paragraph:

45 “(a) fails to comply with any conditions imposed in terms of section 22 (3)
(a), 31 (2) (a), 32 (2) or 34 (2), or with an order given in terms of
section 19 (1) [, 21 (1) (c)] or 23 (2) (a) or (5), or with a direction
referred to in section 4 [(2) (f) or which has been issued in terms of
section 30 (4) or (5) (b)] (1) (b);”;

(d) by the substitution for subsection (4) of the following subsection:

50 “(4) [The provisions of subsection (1) (a) and (d) shall not apply in respect
of a failure to attend any class or course or to attend at any place, and in
connection with which an order in terms of section 21 (1) (c) has been given]
Any training board which or a member of any training board who
contravenes or fails to comply with any provision of section 12B (9) (d),
shall be guilty of an offence and liable on conviction to a fine not exceeding
55 two thousand rand, and the court shall order the training board so
convicted to forthwith comply with the provision in question.”; and

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(e) by the substitution for subsection (5) of the following subsection:

“(5) The provisions of section 57 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall not apply in respect of an offence referred to in subsection (3) (a) or in respect of an offence which consists of a failure to make any payment to any apprentice or trainee or of a failure to pay any levy imposed or deemed to have been imposed **[by virtue of the provisions of section 31 (5) or]** in terms of section 39.”

Amendment of section 52 of Act 56 of 1981

48. Section 52 of the principal Act is hereby amended—

10 (a) by the substitution for subsection (1) of the following subsection:

“(1) Whenever any person is convicted under section 50 (1) (b) of a failure to pay a levy imposed or deemed to have been imposed **[by virtue of the provisions of section 31 (5) or]** in terms of section 39, the court convicting him shall, in addition to any punishment imposed in respect of the offence in question, summarily inquire into and assess the amount of the levy payable by that person **[to the governing body of the group training centre in question or]** to any person or officer referred to in section 39 (2) (b) or to **[any]** a body referred to in section 39 (4), as the case may be, and order that person to pay that amount, in instalments or otherwise, as the court may determine, to the **[governing body in question or the]** person, officer or body concerned, as the case may be, within such period as the court may determine.”; and

20 (b) by the substitution for subsection (4) of the following subsection:

25 “(4) Any employer who is notified by **[the governing body of a group training centre,]** a person or officer referred to in section 39 (2) (b) or a body referred to in section 39 (4) that any amount of money as determined by that **[governing body,]** person, officer or body is payable by the employer by virtue of any notice in terms of this Act whereby a levy is imposed, and who admits that the amount so determined is payable by him, may pay that amount to the **[governing body,]** person, officer or body concerned for the purposes of the levy in question.”

Amendment of section 54 of Act 56 of 1981

49. Section 54 of the principal Act is hereby amended—

35 (a) by the substitution for subsection (1) of the following subsection:

“(1) Proof of publication in the *Gazette* of a notice in terms of section 13, 16, 30, **[31,]** 39 or 47 shall be conclusive proof that all the provisions of this Act in respect of matters precedent or incidental to the publication of the notice have been complied with.”;

40 (b) by the substitution for paragraph (c) of subsection (8) of the following paragraph:

“(c) any **[notice served]** directive issued or deemed to have been **[served]** issued in terms of section 30 **[(3) or 30 (3) read with 30 (4)]**; or”;

(c) by the substitution for subsection (11) of the following subsection:

45 “(11) Any record purporting to be the minutes of a meeting of the board, **[any] a committee, a training board or a training committee [or sub-committee]** and purporting to have been signed by a person describing himself as the chairman or acting chairman of the board or the **committee, training board or training committee [or sub-committee]** in question shall, on its mere production by any person, be *prima facie* proof of the proceedings recorded therein.”;

50 (d) by the substitution for subsection (12) of the following subsection:

“(12) Whenever any person is charged in terms of the provisions of section 50 (1) (e) with a contravention of section 20 (4), it shall be presumed, unless the contrary is proved, that the reduction in the hours or

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days of employment, or the lending or borrowing of the services of an apprentice, as the case may be, to which the charge relates, has not been authorized by the [registrar] training board in question as required by section 20.”;

- 5 (e) by the substitution in paragraph (a) of subsection (13) for the words preceding subparagraph (i) of the following words:

“In any proceedings under this Act, an affidavit purporting to have been made by the Minister, an officer to whom the Minister has or is deemed to have delegated any of his powers in terms of section 47 (6),

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the registrar or the secretary of any training board or training committee [or sub-committee], as the case may be, in which it is stated that on the date or between the dates specified in the affidavit—”;

- (f) by the substitution in the said paragraph (a) of subsection (13) for subparagraphs (i), (iv), (v), (vii) and (ix) of the following paragraphs, respectively:

15

“(i) the Minister or the registrar, as the case may be, reached a decision on an appeal in terms of section 41; or

(iv) the [said secretary received a notice in terms of section 15 (1) from any person and in connection with any employment so specified] training board concerned in terms of this Act, its constitution or its conditions of apprenticeship reached a decision or gave any authority or issued or varied any direction or order, as the case may be; or

20

(v) the said secretary received a notice in terms of section [30 (3) or 30 (3) read with 30 (4) was served on an employer] 15 (1) from any person and in connection with any employment so specified; or

25

(vii) the [registrar] training board concerned withdrew or amended any order issued by [him] it in terms of section 19 [or 21]; or

(ix) an apprentice so specified did not attend any class prescribed in terms of section 13 (2) (d) and so specified, or did not complete any paper, so specified, in connection with correspondence courses prescribed in terms of section 13 (2) [(a)] (e).”

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Amendment of section 57 of Act 56 of 1981

50. Section 57 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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“(1) The Minister may make regulations regarding—

- (a) any matter which in terms of this Act is required or permitted to be prescribed; and
(b) generally, any matter which he considers necessary or expedient to prescribe in order that the objects of this Act may be achieved.”.

40 Amendment of section 58 of Act 56 of 1981

51. Section 58 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of [subsections (2) to (8), inclusive] this section, the laws specified in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.”; and

45

- (b) by the deletion of subsections (4) and (6) to (9), inclusive.

Substitution of long title of Act 56 of 1981

52. The following long title is hereby substituted for the long title of the principal Act:

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To provide for the promotion and regulation of the training of manpower and for that purpose to provide for the establishment of a [board, to be known as the] National Training Board, [and] a [fund, to be known as the] Manpower Development Fund and a Fund for the Training of Unemployed Persons; to provide for the [recognition of skilled persons as artisans] establishment, accreditation, functions and powers of training boards; the registration of [contracts of apprenticeship, group] regional training centres, private training centres and [training schemes] industry training centres; and the imposition on certain employers of a levy in aid of training; and to provide for matters connected therewith."

Savings and transitional provisions

53. (1) Any committee of the National Training Board which was in terms of section 5 (2) of the principal Act established immediately prior to the date of commencement of this Act for a particular industry in a particular area and which immediately prior to that date was functioning, and any sub-committee which was in terms of section 7 (2) of the principal Act so established by such committee and was functioning, shall notwithstanding the commencement of this Act continue so to function, and the applicable provisions of the principal Act which, had this Act not been passed, would have been applicable in respect of such committee or sub-committee shall continue to be so applicable as if this Act had not been passed: Provided that any such committee and any sub-committee established by it, shall dissolve with effect from the date on which a training board is accredited in terms of the principal Act, as amended by this Act, for an industry in the area in respect of which such committee was established.

(2) In the event of such dissolution of a committee, any reference to the committee in any condition of apprenticeship or contract of apprenticeship which is then still applicable or deemed to be applicable, shall be construed as a reference to the training board concerned.

(3) If no training board is accredited before a date fixed by the Minister of Manpower by notice in the *Gazette* in respect of an industry in the area for which a committee of the said National Training Board has been established, such committee and any sub-committee established by it shall be dissolved as from that date, in which event any notice published in terms of section 13 (1) and (2) of the principal Act and which is applicable to an industry in the area falling under the jurisdiction of such a committee, shall as from the same date be regarded as having been withdrawn.

(4) Any contract of apprenticeship registered or deemed to be registered under section 16 (3) (d) or section 18 (1) (c) or (3) of the principal Act before the date of commencement of this Act and which immediately prior to that date is in force, shall after that date continue to be binding on the parties thereto, and any notice so published in terms of section 13 (1) and (2) of the principal Act and which applies to such parties shall after that date continue to be applicable, but the parties thereto shall not later than 90 days after the accreditation of a training board as contemplated in the proviso to subsection (1) of this section, notify the relevant training board in writing whether they prefer that the applicable provisions of the principal Act and of any notices applying to them which, had this Act not been passed and had there been no notice published in terms of section 13 (3) of the principal Act, would have been applicable, shall continue to be applicable as if this Act had not come into operation and any such notice had not been published, and, if so, whether the contract should be deemed to have been registered under the corresponding provisions of the principal Act as amended by this Act.

(5) In the case of a notice contemplated in subsection (4) that the relevant contract of apprenticeship must be deemed to have been registered in terms of the corresponding provisions of the principal Act, as amended by this Act, the contract concerned shall be deemed with effect from the date of the notice to have been so registered.

(6) The provisions of the principal Act relating to the powers and duties conferred upon or imposed on the registrar of manpower training, as they existed immediately

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prior to the date of commencement of this Act, and which by virtue of the principal Act, as amended by this Act, are conferred or imposed upon or on a training board or training committee, shall remain in force in respect of a relevant industry and area as if this Act had not been passed, until the day immediately prior to the date on
5 which a training board is in terms of the principal Act, as amended by this Act, accredited in respect of that industry and area: Provided that the said powers and duties shall as regards the industry and area concerned and to the extent determined by the said registrar at such accreditation be deemed to have been conferred upon or imposed on the training board in terms of section 12D of the principal Act, as
10 inserted by section 8 of this Act, with effect from the date on which that training board is accredited: Provided further that if no such training board is accredited before the date of the notice contemplated in subsection (3) of this section, the said powers and duties of the said registrar shall lapse.

(7) Subject to the provisions of the principal Act, as amended by this Act, and of
15 this Act, anything done prior to the date of commencement of this Act under or pursuant to a provision of the principal Act which is amended or substituted by this Act, and which immediately prior to such commencement is in force, shall, if such thing could be done under or pursuant to any such amended or substituted provision, and unless it is clearly inappropriate, be deemed to have been done under or by
20 virtue of such amended or substituted provision.

Short title and commencement

54. This Act shall be called the Manpower Training Amendment Act, 1990, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.