



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

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### REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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[No. 7764

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1823.

9 September 1981.

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

No. 58 van 1981: Tweede Loonwysigingswet, 1981.

No. 1823.

9 September 1981.

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

No. 58 of 1981: Second Wage Amendment Act, 1981.

Act No. 58, 1981

SECOND WAGE AMENDMENT ACT, 1981

**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 provisions of the Wage Act, 1957, so as to further define certain expressions, to delete the definition of "Industrial Conciliation Act" and to define the expression "Labour Relations Act"; to make further provision with regard to the limitation, in certain cases, of the application of determinations; to empower the Minister to withdraw or amend certain requests made by him to the board to adjust certain fines with regard to corresponding periods of imprisonment; and to effect certain textual changes; and to provide for matters connected therewith.

(English text signed by the State President.)  
(Assented to 18 August 1981.)

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

Amendment of  
section 1 of  
Act 5 of 1957,  
as amended by  
section 1 of  
Act 48 of 1981.

1. Section 1 of the Wage Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of "employers' organization" of the following definition:
 

"'employers' organization' means an employers' organization registered or deemed to have been registered under the **[Industrial Conciliation] Labour Relations Act**";
- (b) by the deletion of the definition of "Industrial Conciliation Act";
- (c) by the insertion after the definition of "inspector" of the following definition:
 

"'Labour Relations Act' means the Labour Relations Act, 1956 (Act No. 28 of 1956)";
- (d) by the substitution for the definition of "Minister" of the following definition:
 

"'Minister' means the Minister of Manpower **[Utilization]**";
- (e) by the substitution for the definition of "trade union" of the following definition:
 

"'trade union' means a trade union registered or deemed to have been registered under the **[Industrial Conciliation] Labour Relations Act**."

Amendment of  
section 2 of  
Act 5 of 1957,  
as amended by  
section 2 of  
Act 48 of 1981.

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

- "(3) A determination shall not apply—
- (a) to any person in respect of any matter regulated by any agreement, notice, determination or award

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- which is binding on such person in terms of the **[Industrial Conciliation] Labour Relations Act**; or
- (b) to any **[apprentice to whom the Apprenticeship Act, 1944 (Act No. 37 of 1944), applies]** person in respect of any matter regulated by or in terms of—
- (i) any provision of the Manpower Training Act, 1981;
  - (ii) any notice published in terms of section 13, or served in terms of section 30 (3) or 30 (3) read with 30 (4), of the said Act, or any notice deemed to have been so published or served, and which is applicable to such person; or
  - (iii) any contract of apprenticeship entered into by such person in accordance with the provisions of the said Act or any law repealed thereby, and which is registered or deemed to be registered in terms of the provisions thereof.”.

Amendment of section 3 of Act 5 of 1957, as amended by section 3 of Act 48 of 1981.

3. Section 3 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (8) of the following paragraph:

“(c) Any such assessor shall be entitled to such allowances as **[may be prescribed]** the Minister may, with the concurrence of the Minister of Finance, from time to time determine.”.

Amendment of section 7 of Act 5 of 1957, as amended by section 6 of Act 48 of 1981.

4. Section 7 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

“(c) any information made available to it in relation to the trade concerned, by the Board of Trade and Industries, the industrial court established under the **[Industrial Conciliation] Labour Relations Act**, any department of State or any similar authority;”.

Amendment of section 10 of Act 5 of 1957.

5. Section 10 of the principal Act is hereby amended by the substitution for subsection (9) of the following subsection:

“(9) Any person subpoenaed to appear before the board or a member of the board or an officer designated in terms of subsection (8), may, if the board, member or officer, as the case may be, is satisfied that he has by reason of his appearance in obedience to the subpoena suffered any pecuniary loss or been put to any expense, be paid out of moneys appropriated by Parliament **[the prescribed]** 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 subpoenaed is in the full-time employment of the State the allowances or amount payable to him shall be determined in accordance with the laws governing his employment.”.

Amendment of section 12 of Act 5 of 1957, as amended by section 9 of Act 48 of 1981.

6. Section 12 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person who is or was a member of the board or any officer or any assessor appointed in terms of section 3 (8) or any interpreter or assistant referred to in section 27 (1) who discloses, except to the Minister or to an officer or to the board or to the Board of Trade and Industries or to the industrial court established under the **[Industrial Con-**

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**ciliation]** Labour Relations Act or any similar body which is concerned with the matter or to a court of law, or, save for the purposes of this Act or any other law, to any other person, any information in regard to the affairs of any person, firm or business acquired in the exercise of his powers or the performance of his duties under this Act, shall be guilty of an offence.”. 5

Amendment of section 15 of Act 5 of 1957, as amended by section 12 of Act 48 of 1981.

7. Section 15 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Minister may at any time request the board to consider the advisability of amending any determination generally, or of amending any particular provision of a determination otherwise than under subsection (1), and the provisions of section 4 (5) shall *mutatis mutandis* apply in respect of such a request.”. 10 15

Amendment of section 20 of Act 5 of 1957, as amended by section 14 of Act 48 of 1981.

8. Section 20 of the principal Act is hereby amended by the substitution in subsection (8) for the words “Director-General: Manpower Utilization”, where they occur in paragraphs (b) and (c), of the words “Director-General: Manpower”.

Amendment of section 25 of Act 5 of 1957, as amended by section 19 of Act 48 of 1981.

9. Section 25 of the principal Act is hereby amended— 20

- (a) by the substitution in subsection (1) for the expression “R600” of the expression “R2 000”; and
- (b) by the substitution for subsection (2) of the following subsection:

“(2) For the purposes of this section ‘trade union’ has the meaning assigned thereto in section 1 of the [Industrial Conciliation] Labour Relations Act.”. 25

Amendment of section 36 of Act 5 of 1957, as amended by section 25 of Act 48 of 1981.

10. Section 36 of the principal Act is hereby amended by the substitution in subsection (3) for the words “fifty pounds” of the expression “R500”. 30

Amendment of section 37 of Act 5 of 1957, as amended by section 26 of Act 48 of 1981.

11. Section 37 of the principal Act is hereby amended by the substitution for the expression “R200” of the expression “R1 000”.

Short title and commencement.

12. This Act shall be called the Second Wage Amendment Act, 1981, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 35