

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



STAATSKOERANT

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 376. 15 Maart 1974.

No. 376. 15 March 1974.

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

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

No. 27 van 1974: Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1974.

No. 27 of 1974: Occupational Diseases in Mines and Works Amendment Act, 1974.

OCCUPATIONAL DISEASES IN MINES AND WORKS
AMENDMENT ACT, 1974.

Act No. 27, 1974

ACT

To amend the Occupational Diseases in Mines and Works Act, 1973, so as to effect an alteration to the definition of "compensatable disease"; to empower the Minister to make regulations prescribing or providing for the repatriation or return of Bantu persons recruited also by or for a contractor; to increase the amounts payable by the owner of a controlled mine or a controlled works for the purposes of research; to make new provision for the liability of the Minister to make good payments from the compensation fund in connection with work performed at certain mines or works; to further regulate the benefits to be awarded in respect of certain diseases; and to effect textual improvements in sections 37 and 127 of the said Act; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 1 March 1974.)

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

1. Section 1 of the Occupational Diseases in Mines and Works Act, 1973 (hereinafter referred to as the principal Act), is hereby amended by the insertion, in subsection (1), of the following paragraph after paragraph (e) of the definition of "compensatable disease":

Amendment of
section 1 of
Act 78 of 1973.

"(eA) progressive systemic sclerosis which, in the opinion of the certification committee, is attributable to the performance of risk work; or".

2. Section 37 of the principal Act is hereby amended by the substitution in subsection (3) for the expression "section 28" of the expression "section 32".

Amendment of
section 37 of
Act 78 of 1973.

3. Section 38 of the principal Act is hereby amended by the substitution for paragraph (1) of subsection (2) of the following paragraph:

Amendment of
section 38 of
Act 78 of 1973.

"(1) the repatriation or return of Bantu persons recruited by the owner of a controlled mine or a controlled works, or by a contractor or by any organization acting for or on behalf of such owner or contractor, for employment at or in connection with a controlled mine or a controlled works, and the payment of the cost of such repatriation or return;"

4. Section 63 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of
section 63 of
Act 78 of 1973.

"(2) The amount so determined shall not exceed—

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- (a) in the case of a White person, three cents per shift; and
- (b) in the case of any person other than a White person, one cent per shift."

5. Section 74 of the principal Act is hereby amended by the substitution for paragraph (e) of the following paragraph: Amendment of section 74 of Act 78 of 1973.

- "(e) any amount paid from the compensation fund under a provision of this Act to or in respect of a person in connection with work performed at a mine or works which has ceased operations and at the time of such cessation was not a controlled mine or a controlled works."

6. Section 79 of the principal Act is hereby amended— Amendment of section 79 of Act 78 of 1973.

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

"(2) A person who is entitled to a pension under subsection (1) (a), (b) or (c), may apply on a form provided by the commissioner, to the commissioner for the conversion of that pension into a one-sum benefit."; and

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

"(4) Where the commissioner grants such an application, he shall award to the person concerned a one-sum benefit which—

- (a) in the case of a person who is entitled to a pension under subsection (1) (a), shall be equal to the difference (if any) between twelve thousand rand and such smaller total amount as has been received by that person by way of a one-sum benefit (if any) and monthly pension in respect of himself and his dependants under this Act and the previous Act up to the date on which the commissioner received his application: Provided that if there is no such difference or if such difference is less than four thousand rand, the commissioner shall pay to the person concerned a one-sum benefit of four thousand rand;

- (b) in the case of a person who is entitled to a pension under subsection (1) (b) or (c), shall be equal to the difference (if any) between eighteen thousand rand and such smaller total amount as has been received by that person by way of a one-sum benefit (if any) and monthly pension in respect of himself and his dependants under this Act and the previous Act up to the date on which the commissioner received his application: Provided that if there is no such difference or if such difference is less than nine thousand rand, the commissioner shall pay to the person concerned a one-sum benefit of nine thousand rand."

7. Section 82 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 82 of Act 78 of 1973.

- "(2) If the certification committee has found that a deceased White person to whom a one-sum benefit was awarded under section 79 (4) in lieu of a monthly pension,

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AMENDMENT ACT, 1974.

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or to whom a one-sum benefit was awarded under section 80 (1), was at the time of his death suffering from a compensatable disease in the second degree, the commissioner shall award to his widow, if there is one, or if there is no widow, to his dependent children, if any, a one-sum benefit of six thousand rand."

8. The following section is hereby substituted for section 90 of the principal Act:

Substitution of section 90 of Act 78 of 1973.

"Benefits or additional benefits to dependants of Coloured person who did not become entitled to benefit before death, or who before death became entitled to a one-sum benefit.

90. (1) When the certification committee has found that a deceased Coloured male who did not before his death become entitled to any benefit under the previous Act or this Act, was at the time of his death suffering from a compensatable disease in respect of which he would have been entitled to a benefit had he not died, or when the certification committee has found that a deceased Coloured male who before his death became entitled to a one-sum benefit under section 87 (1) or (4), was at the time of his death suffering from a compensatable disease in the second degree, the commissioner shall award to his widow, if there is one, or, if there is no widow, to his dependent children, if any, a one-sum benefit which shall be equal to the benefit or to the additional one-sum benefit, as the case may be, to which the deceased would have been entitled had he not died.

(2) If a benefit cannot be awarded under subsection (1) because there is no widow or dependent child, the commissioner shall award the benefit to which the deceased would have been entitled had he not died to any person or persons for whose maintenance the deceased was, in the opinion of the commissioner, responsible or towards whose maintenance he contributed or, if there is no such person, to the estate of the deceased.

(3) When the certification committee has found that a deceased Coloured female who legally performed risk work at a controlled mine or a controlled works and who did not before her death become entitled to any benefit under the previous Act or this Act, or who before her death became entitled to a one-sum benefit, was at the time of her death suffering from a compensatable disease in respect of which she would have been entitled to a benefit, or an additional one-sum benefit, as the case may be, had she not died, the commissioner shall award to her husband, if there is one, or to her dependent children, if any, or in part to her husband and in part to her dependent children, a one-sum benefit *mutatis mutandis* in accordance with the provisions of subsection (1).

(4) If a benefit cannot be awarded under subsection (3) because there is no husband or dependent child, the commissioner shall act in accordance with the provisions of subsection (2) as if the deceased were a person referred to in subsection (1)."

9. Section 127 of the principal Act is hereby amended by the substitution in subsection (2) for the expression "section 126 (1) (d)" of the expression "section 124 (3) (d)".

Amendment of section 127 of Act 78 of 1973.

10. This Act shall be called the Occupational Diseases in Mines and Works Amendment Act, 1974, and shall be deemed to have come into operation on the first day of October, 1973.

Short title and commencement.