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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 576.

22 Maart 1978.

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

No. 30 van 1978: Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1978.

No. 576.

22 March 1978.

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

No. 30 of 1978: Occupational Diseases in Mines and Works Amendment Act, 1978.

OCCUPATIONAL DISEASES IN MINES AND WORKS
AMENDMENT ACT, 1978.

Act No. 30, 1978

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 Occupational Diseases in Mines and Works Act, 1973, so as to effect an alteration to the definition of "compensatable disease" and to the definition of "pneumoconiosis"; to abolish compulsory consultation with an actuary while determining certain amounts payable for the benefit of the compensation fund and while determining certain interest rates; to further regulate the cessation of pensions awarded to certain dependants; to effect a textual improvement; and to further regulate the making of payments by post to the Compensation Commissioner for Occupational Diseases; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 10 March 1978.)

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

- 5 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 substitution in subsection (1)—
 - (a) for paragraph (d) of the definition of "compensatable disease" of the following paragraph:

10 “(d) permanent obstruction of the airways which, in the opinion of the certification committee, is attributable to **[the inhalation of dust in the course of]** the performance of risk work;” and
 - (b) for the definition of "pneumoconiosis" of the following definition:

15 “'pneumoconiosis' means a permanent lesion, excluding a calcified lesion, of the cardio-respiratory organs caused by the inhalation of dust in the course of the performance of risk work;”.
- Amendment of section 1 of Act 78 of 1973, as amended by section 1 of Act 27 of 1974 and section 2 of Act 45 of 1975.
- 20 2. Section 62 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 62 of Act 78 of 1973.

25 “(1) The commissioner shall determine in respect of each controlled mine or controlled works, in such manner as he deems fit **[after consultation with an actuary designated by the Minister,]** and **[on the basis of]** with due regard to

30 the risk of the mine or works in question as determined under section 20 or 21, an amount payable by the owner of that mine or works to the commissioner, for the benefit of the compensation fund, in respect of each shift worked by any person at or in connection with that mine or works during which such person performed risk work, in order to enable

OCCUPATIONAL DISEASES IN MINES AND WORKS
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5 the commissioner to pay to or in respect of every person who performs risk work at or in connection with that mine or works and who is after the commencement of this Act found to be suffering from a compensatable disease, such amounts as may be or are likely to become payable under this Act."

3. Section 94 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

Amendment of section 94 of Act 78 of 1973.

10 "(4) The commissioner shall add interest to any one-sum benefit or any other amount awarded under the previous Act or this Act to a White person or a Coloured person, or to the balance of any such benefit or amount, as the case may be, at a rate determined from time to time by the commissioner after consultation **[with an actuary designated by the Minister and]** with the advisory committee, as from the first
15 day of the month following the month in which such benefit or amount was awarded until the last day of the month preceding the month in which such benefit or amount or the final instalment thereof was paid: Provided that no interest shall be paid on any amount which has remained in the
20 possession of the commissioner for less than thirty days."

4. Section 98 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

Amendment of section 98 of Act 78 of 1973, as amended by section 8 of Act 45 of 1975.

25 "(b) in the case of a dependent child, on the last day of the month in which that child reaches the age of eighteen years, marries or dies, but subject to the provisions of section 84 (2) or section 92 (2), as the case may be."

5. Section 99 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 99 of Act 78 of 1973.

30 "(1) No person shall be entitled to any benefit or other amount under this Act in respect of any compensatable disease which, in the opinion of the certification committee, is attributable exclusively to work other than work at a mine
35 or works."

6. The following section is hereby substituted for section 129 of the principal Act:

Substitution of section 129 of Act 78 of 1973.

40 "Notice, demand, direction or payment by registered post. 129. Any notice, demand **[or]**, direction or payment under this Act shall be deemed, unless the contrary is proved—
45 (a) to have been properly given **[or]**, served or made if **[it]** the notice, demand, direction or amount in question was sent in a correctly addressed, registered envelope; and
(b) to have been given **[or]**, served or made at the time when the said envelope may be expected to have reached the address in question in normal circumstances."

7. This Act shall be called the Occupational Diseases in Mines
50 and Works Amendment Act, 1978.

Short title.