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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1060.

28 May 1975.

No. 1060.

28 Mei 1975.

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

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

No. 45 of 1975: Occupational Diseases in Mines and Works Amendment Act, 1975.

No. 45 van 1975: Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1975.

Act No. 45, 1975

OCCUPATIONAL DISEASES IN MINES AND WORKS
AMENDMENT ACT, 1975.**ACT**

To provide for the increase of benefits and special awards payable in terms of the Occupational Diseases in Mines and Works Act, 1973; to amend that Act, so as to effect an alteration to the definition of "compensatable disease"; to make new provision for the investment of moneys in the Research Account; to further regulate the disposal of unpaid benefits at the death of certain beneficiaries; and to further regulate the awarding of benefits to certain beneficiaries, and the cessation of pensions awarded to certain dependants; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 22 May 1975.)

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

Increase of benefits and special awards.

1. (1) Subject to the provisions of subsection (2), a benefit as defined in section 1, and a special award referred to in section 101 or 115, of the Occupational Diseases in Mines and Works Act, 1973 (Act No. 78 of 1973) (hereinafter referred to as the principal Act), which are payable in terms of the principal Act, whether they became or become payable before or after the commencement of this section, shall be increased—

- (a) in the case of any such benefit, by ten per cent;
- (b) in the case of a special award referred to in section 101 of the principal Act, by an amount which the commissioner may in his discretion determine, but not exceeding ten per cent of any such special award payable immediately prior to the commencement of this section; and
- (c) in the case of a special award referred to in section 115 of the principal Act, by an amount which the Bantu affairs authority may in its discretion determine, but not exceeding ten per cent of any such special award payable immediately prior to the commencement of this section:

Provided that any pension or any such special award so increased shall be calculated to the next complete rand.

(2) The provisions of this section shall not apply with reference to any one-sum benefit, as defined in section 1 of the principal Act, to which a person became entitled before the commencement of this section.

Amendment of section 1 of Act 78 of 1973, as amended by section 1 of Act 27 of 1974.

2. Section 1 of the principal Act is hereby amended by the substitution for paragraph (f) of the definition of "compensatable disease" of the following paragraph:

"(f) any other disease which the Minister, acting on the advice of a committee consisting of the director and not fewer than three other medical practitioners designated by the Minister, has, subject to the provisions of subsection (2), by notice in the *Gazette* de-

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clared to be a compensatable disease and which, in the opinion of the certification committee, is attributable to the performance of risk work at a mine or works;”.

Amendment of
section 75 of Act
78 of 1973.

3. Section 75 of the principal Act is hereby amended—

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

“(1) The commissioner shall invest with the Public Debt Commissioners any moneys in the State Account which are available for investment.”; and

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

“(a) invest any moneys in the Mines Account, the Works Account or the Research Account which are available for investment, in Government stock, Treasury bills, any stock guaranteed by the Government or any stock of a municipal or divisional council or public utility company, or with any commercial bank, building society or other financial institution approved by the Minister in consultation with the Minister of Finance;”.

Substitution of
section 81 of
Act 78 of 1973.

4. The following section is hereby substituted for section 81 of the principal Act:

“Unpaid benefits at death of White beneficiary.

81. (1) If a person who became entitled to a one-sum benefit under section 79 or 80 and to whom such benefit was not paid in full, has died, the commissioner may in his discretion award to his widow or to his dependent children, if any, a benefit which shall be equal to not more than the unpaid balance of such one-sum benefit.

(2) If a benefit equal to such unpaid balance has not been awarded in terms of subsection (1), or if any portion of such unpaid balance has not been so awarded, the commissioner may, in his discretion and after consultation with the advisory committee, award a benefit equal to such unpaid balance, or such portion thereof, as the case may be, to any person or persons for whose maintenance the deceased, in the opinion of the commissioner, was responsible before his death, and where there is no such person, the commissioner shall pay such benefit to the estate of the deceased.”.

Amendment of
section 82 of Act
78 of 1973, as
amended by section
7 of Act 27 of
1974.

5. Section 82 of the principal Act is hereby amended—

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

“(ii) in respect of each dependent child, a benefit determined by the commissioner after consultation with the advisory committee: Provided that the benefits so determined in respect of all such children shall in the aggregate equal the amount to which the deceased would have been entitled had he not died; or”;

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

“(b) in the case of a finding of tuberculosis only in respect of which he did not receive a benefit but would have been entitled to a benefit had he not died, to his widow or to his dependent children a one-sum benefit of five thousand rand.”; and

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- (c) by the substitution for subsections (2) and (3) of the following subsections, respectively:

“(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, 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 or to his dependent children, if any, a one-sum benefit of six thousand rand.

(3) If a benefit has not been awarded under subsection (1) or (2) the commissioner may in his discretion and after consultation with the advisory committee, award such benefit to any person or persons for whose maintenance the deceased, in the opinion of the commissioner, was responsible before his death, and where there is no such person, the commissioner shall pay such benefit to the estate of the deceased.”.

Amendment of section 83 of Act 78 of 1973.

6. Section 83 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) in respect of each dependent child, a benefit determined by the commissioner after consultation with the advisory committee: Provided that the benefits so determined in respect of all such children shall in the aggregate not exceed nine thousand rand.”.

Substitution of section 95 of Act 78 of 1973.

7. The following section is hereby substituted for section 95 of the principal Act:

“Gratuity payable on remarriage of widow entitled to pension. 95. If a widow who is entitled to a pension under this Act, remarries, her pension shall lapse and the commissioner shall pay to her an amount equal—

- (a) in the case of a widow who received a pension for a period of at least six years, to thirty times the amount of her monthly pension;
- (b) in the case of a widow who received a pension for a period of less than six years but more than three years, to forty times the amount of her monthly pension; and
- (c) in the case of a widow who received a pension for a period not exceeding three years, to fifty times the amount of her monthly pension.”.

Amendment of section 98 of Act 78 of 1973.

8. Section 98 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs, respectively:

- “(a) in the case of a widow who remarries, on the last day of the month in which she remarries; and
- (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, but subject to the provisions of section 84 (2) or section 92 (2), as the case may be.”.

Amendment of section 101 of Act 78 of 1973.

9. Section 101 of the principal Act is hereby amended by the substitution in paragraph (a) of subsection (4) for the word “or” of the word “and”.

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OCCUPATIONAL DISEASES IN MINES AND WORKS
AMENDMENT ACT, 1975.Amendment of
section 106 of
Act 78 of 1973.

10. Section 106 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

- „(c) in the case of tuberculosis with which the person concerned was in the opinion of the certification committee already affected while he was performing risk work at or in connection with a controlled mine or a controlled works, or with which he was in the opinion of the certification committee affected at any time within twelve months as from the date on which he performed risk work at or in connection with a controlled mine or a controlled works for the last time; if such person has worked not less than two hundred shifts as aforesaid and if a benefit was not previously awarded in respect of tuberculosis, a one-sum benefit of six hundred rand.”

Amendment of
section 133 of
Act 78 of 1973.

11. Section 133 of the principal Act is hereby amended—

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

“(1) Any person—

- (a) who from any date after 1 August 1946 continuously remained in the full-time service of the bureau or the council or the State and who has not contributed to the Public Service Pension Fund referred to in section 2 (1) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965), in respect of such service; and

- (b) who immediately before the commencement of this Act was eligible for a gratuity referred to in section 135 of the previous Act, but to whom such gratuity had not been awarded before such date, shall be eligible, in lieu of such gratuity, for a service gratuity which shall be equal to the salary (other than any temporary or personal allowance) which he received for the two months immediately preceding the date of termination of his service, multiplied by the number of years, including any fraction of a year, of his service and such service gratuity shall be increased by one per cent for each year, including any fraction of a year, by which the period of his service exceeds ten years: Provided that if his service is terminated by retirement before he has attained the age of sixty years in terms of subsection (4) on account of permanent poor health or any permanent physical or mental defect, or he dies before he has attained the age of sixty years, a period of five years shall be added to his service.”; and

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

“(4) If the service of a person who is eligible for a service gratuity referred to in subsection (1) or (2), is terminated before he has attained the age of sixty years, he shall not be awarded such service gratuity unless his service is terminated by retirement on account of permanent poor health or any permanent physical or mental defect, on the recommendation of two or more medical practitioners, and with the approval of the Minister, or he dies before he has attained the age of sixty years.”

Short title and
commencement.

12. This Act shall be called the Occupational Diseases in Mines and Works Amendment Act, 1975, and shall come into operation on 1 July 1975, except section 11, which shall be deemed to have come into operation on 1 October 1974.