

No. 46, 1964.]

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ACT

To amend the Mines and Works Act, 1956, and the Explosives Act, 1956.

*(Afrikaans text signed by the State President.)
(Assented to 21st May, 1964.)*

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

1. Section one of the Mines and Works Act, 1956 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion before the definition of "boiler" of the following definition:

"Assistant Government Mining Engineer" means an Assistant Government Mining Engineer appointed under section six of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908 of the Transvaal);";

(b) by the insertion after the definition of "boiler" of the following definitions:

"Deputy Government Mining Engineer" means a Deputy Government Mining Engineer appointed under section six of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908 of the Transvaal);";

(c) by the deletion of the definition of "inspector of explosives";

(d) by the amendment of the definition of "mine" by the insertion after the word "worked" where it occurs for the second time of the words "and any quarry.>";

(e) by the insertion after the definition of "mineral" of the following definition:

"mine safety committee" means the mine safety committee established under section two bis;"; and

(f) by the deletion in the definition of "works" of paragraphs (g), (h), (j) and (k).

Amendment of
section 1 of
Act 27 of 1956,
as amended by
section 1 of
Act 51 of 1959.

2. The following section is hereby substituted for section two Substitution of
of the principal Act: section 2 of
Act 27 of 1956.

"Official supervision of mines, works and machinery. 2. The Government Mining Engineer and, subject to his directions, the Deputy Government Mining Engineers, Assistant Government Mining Engineers, inspectors of mines, inspectors of machinery and other officers appointed by the State President under section six of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908 of the Transvaal), shall exercise supervision over all mines, works and machinery.".

3. The following section is hereby inserted in the principal Insertion of
Act after section two: section 2bis in
Act 27 of 1956.

"Establishment of mine safety committee. 2bis. (1) There shall be established a mine safety committee, whose functions shall be: (a) to advise the Government Mining Engineer on the supervision to be exercised over mines in terms of section two or on any thing or practice which affects or is likely to affect the safety or health of persons employed at mines; and (b) to perform such other functions as may be provided for in this Act.

(2) The mine safety committee shall consist of not more than ten members.

(3) The Minister shall appoint as members—

(a) the Government Mining Engineer, who shall ex officio be chairman;

(b) a Deputy Government Mining Engineer;

(c) the chief inspector of machinery;

(d) three persons nominated by an organization or organizations which, in the opinion of the Minister, is or are representative of the owners of mines;

- (e) three persons nominated by an organization or organizations which, in the opinion of the Minister, is or are representative of daily paid workers employed at mines; and
- (f) one person nominated by an organization or organizations which, in the opinion of the Minister, is or are representative of the officials employed at mines.

(4) The Minister may in his discretion refuse to appoint any person nominated under paragraph (d), (e) or (f) of sub-section (3) if he has reason to believe that such person is not a suitable person to be a member.

- (5) (a) For each member there shall be one or more alternates, and an alternate or alternates to a member appointed under paragraph (d), (e) or (f) of sub-section (3) shall be appointed in the same manner as such member and the provisions of sub-section (4) shall apply with reference to the appointment of any such alternate.
- (b) Whenever a member is unable to be present at any meeting of the mine safety committee an alternate appointed for that member may attend that meeting and take part in its proceedings in his stead.

(6) The Deputy Government Mining Engineer appointed as member under paragraph (b) of sub-section (3) shall act as chairman whenever the Government Mining Engineer is for any reason absent.

(7) A member who is not in the full-time employment of the State and an alternate to such member shall be appointed on such conditions of service and for such period, not exceeding three years, as the Minister in consultation with the Minister of Finance may determine: Provided that a member or alternate whose period of office has terminated, shall be eligible for re-appointment.

(8) A member who is not in the full-time employment of the State shall vacate his office if he absents himself from four consecutive meetings without the chairman's leave or if he becomes insolvent or of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine.

(9) (a) The Minister may, after consultation with the Government Mining Engineer and at such remuneration as he may determine in consultation with the Minister of Finance, appoint persons with specialized knowledge to advise the mine safety committee or the Government Mining Engineer or any other officer mentioned in this Act, on any matter with which the mine safety committee or the Government Mining Engineer or such other officer is required to deal under this Act.

(b) Any person appointed under paragraph (a) may, when authorized thereto in writing by the Government Mining Engineer, at any reasonable hour enter any mine or works and inspect or examine such mine or works or any part thereof or any machinery thereat, provided such entry, inspection or examination is necessary for the carrying out of his duties and provided further that he does not impede or obstruct the working of the mine or the carrying on of the works.”.

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

Substitution of
section 3 of
Act 27 of 1956.

“General powers of inspectors and officers.

3. (1) Any inspector of mines or machinery and any other officer referred to in section *two* may at any hour of the day or night enter any mine or works over which he exercises supervision in terms of the directions of the Government Mining Engineer and inspect or examine such mine or works or part thereof or any machinery thereat or any book, record, document, plan or drawing kept in terms of this Act, provided he does not impede or obstruct the working of the mine or the carrying on of the works.

(2) (a) Wanneer so 'n inspekteur by 'n myn of bedryf bevind dat enigets of 'n gebruik wat op enige wyse daarmee in verband staan, of die afwesigheid van enigets of 'n gebruik, daarop bereken is om iemand liggaamlike letsel te veroorsaak of nadelig vir sy gesondheid te wees, of om skade aan eiendom te veroorsaak, en daar geen bepaling in 'n wet of in 'n kragtens artikel *dertien* uitgevaardigde spesiale reël is wat so iets of so 'n gebruik vereis of so iets of so 'n gebruik verbied nie, moet hy skriftelik aan die bestuurder van die myn of bedryf kennis gee met vermelding van die besondere iets of gebruik wat na hy vereis gedoen of nagelaat moet word, of nagekom of gestaak moet word, en kan hy daarmee in verband staande opdragte gee wat hy wenslik ag, en so 'n kennisgewing kan 'n bevel bevat wat werksaamhede by 'n myn of bedryf of deel van 'n myn of bedryf opskort.

(b) 'n Afskrif van so 'n kennisgewing moet onmiddellik deur die inspekteur aan die Staatsmyningenieur gestuur word tesame met 'n verslag oor die omstandighede en die redes vir die kennisgewing.

(3) Teen 'n kragtens sub-artikel (2) gegewe kennisgewing of opdrag kan op die by regulasie voorgeskrewe wyse geappelleer word na 'n spesiale kommissie wat vir daardie doel op die by regulasie voorgeskrewe wyse saamgestel word.

(4) Behoorlike kennisgewing van appèl skort die werking van 'n kragtens sub-artikel (2) gegewe kennisgewing op, tensy die Staatsmyningenieur, of 'n ander deur hom daartoe gemagtigde beampete, van oordeel is dat enige versuim om aan die kennisgewing gevolg te gee onmiddellik gevaarlik sou wees en gelas dat onverwyld aan die kennisgewing gevolg gegee word.”.

Wysiging van artikel 4 van Wet 27 van 1956.

Vervanging van artikel 5 van Wet 27 van 1956.

5. Artikel vier van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „myne, masjinerie of ontplosbare stowwe” deur die woorde „myne of masjinerie” te vervang.

6. Artikel vyf van die Hoofwet word hierby deur die volgende artikel vervang:

„Ondersoek na ongelukke en ander aangeleenthede.

5. (1) Wanneer 'n ongeluk waardeur die dood of ernstige liggaamlike leed aan iemand veroorsaak word, by 'n myn of bedryf plaasvind, moet ondersoek na die oorsaak van die ongeluk ingestel word deur 'n inspekteur van myne of masjinerie, en wanneer enige ander ongeluk by 'n myn of bedryf plaasvind kan so 'n ondersoek deur so 'n inspekteur ingestel word.

(2) Wanneer 'n inspekteur van myne of masjinerie rede het om te vermoed dat 'n bepaling van hierdie Wet of 'n kragtens artikel *dertien* uitgevaardigde spesiale reël oortree is, kan hy ondersoek na so 'n vermoedelike oortreding instel.

(3) Wanneer dit om enige rede, volgens die oordeel van die Staatsmyningenieur, dienstig is dat ondersoek na 'n voorval by 'n myn of bedryf of na veiligheids- of gesondheidstoestande by 'n myn of bedryf, ingestel word, kan hy 'n inspekteur van myne of masjinerie of 'n regeringsbeampete magtig om ondersoek na daardie voorval of toestande in te stel.

(4) Wanneer 'n werksoorganisasie by 'n myn of bedryf of die hoof van 'n Staatsdepartement of die mynveiligheidskomitee 'n skriftelike versoek rig, met vermelding van redes, dat ondersoek ingestel word na 'n voorval of toestand by daardie myn of bedryf wat die veiligheid of gesondheid van persone raak of waarskynlik sal raak, moet die Staatsmyningenieur daardie voorval of toestand laat ondersoek en, as hy dit dienstig ag, kan hy 'n inspekteur van myne of masjinerie of 'n ander regeringsbeampete magtig om ondersoek na daardie voorval of toestand in te stel.

(5) Die Staatsmyningenieur kan voor die aanvang of op enige stadium van 'n ondersoek kragtens sub-artikel (1), (2), (3), (4) of (7), soveel en sodanige ander inspekteurs of ander regeringsbeamptes as wat hy dienstig ag aanstel om by die instel van die ondersoek behulpsaam te wees en kan 'n inspekteur van myne of masjinerie of 'n ander regeringsbeampete aanstel om by die ondersoek voor te sit.

(6) The inspector or other officer who holds any inquiry under this section or who presides at any such inquiry shall, if necessary with the assistance of an interpreter, take or cause to be taken down in writing or by mechanical means the evidence given thereat, and shall transmit a copy thereof with his report thereon, to the Government Mining Engineer, unless otherwise directed by him, and in the case of an accident causing death, shall also transmit a copy thereof to the Attorney-General of the province in which the mine or works in question is situate.

(7) Upon consideration of such evidence and report, the Government Mining Engineer may in his discretion depute another inspector of mines or machinery or Government officer to hold a further inquiry.

(8) (a) Nothing contained in this section shall affect any law requiring and regulating inquests or other inquiries in case of death from other than natural causes, and in every case of death caused by an accident, there shall be held, in addition to an inquiry rendered necessary by this section, such inquest or other inquiry as shall be provided for by any such law, but the inquiry to be held under sub-section (1) may be held jointly with an inquest held by a magistrate under the Inquests Act, 1959 (Act No. 58 of 1959).

(b) The magistrate shall preside at, and the provisions of the Inquests Act, 1959 shall apply to, any such joint inquiry and inquest but the inspector and the magistrate shall each make a report as required of them by sub-section (6) and that Act, respectively.”.

7. Section six of the principal Act is hereby amended— Amendment of section 6 of

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

“(1) The officer who is to hold, or holds, a trial or inquiry in terms of section four or five, respectively, or who is to preside, or presides, at such inquiry may, for the purpose of such trial or inquiry, summon any witness in the manner prescribed by regulation, or require any person present, to give evidence or to produce any document or thing which he may deem requisite for properly conducting the trial or inquiry.”; and

(b) by the insertion in paragraph (a) of sub-section (4) after the word “holding” of the words “or presiding at”.

8. The following section is hereby substituted for section seven of the principal Act: Substitution of section 7 of

Act 27 of 1956.

“Obstruction of or failure to assist officials.

7. Any person who—

(a) obstructs or hinders any officer referred to in section two, or any person referred to in sub-section (9) of section two bis, or any Government officer referred to in section five, in the discharge of his duty; or

(b) refuses or neglects to furnish any such officer or person with the means and assistance necessary for making any entry, inspection, examination or inquiry under this Act, or to attend, when required to do so by any such officer or person, any such inspection or examination, shall be guilty of an offence.”.

9. Section ten of the principal Act is hereby amended by the addition of the following sub-section: Amendment of section 10 of

Act 27 of 1956.

“(5) No person shall work, or cause or permit any other person to work, two or more shifts underground in any mine during any continuous period of twenty-four hours, except temporarily—

(a) on work necessitated by accident or other emergency, or
(b) in other cases of necessity permitted by the Government Mining Engineer.”.

Wysiging van artikel 11 van Wet 27 van 1956.

10. Artikel elf van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:

- „(4) (a) Behoudens die bepalings van paragraaf (c) van hierdie sub-artikel, mag geen vroupersoon in die nag werk, en mag niemand 'n vroupersoon in die nag laat werk of toelaat dat sy in die nag werk, by 'n myn of bedryf in verband met die werking van bedoelde myn of bedryf nie.
- (b) By die toepassing van hierdie sub-artikel beteken „nag“ die tydperk vanaf 'n halfuur na sonsondergang tot 'n halfuur voor sonsopgang.
- (c) Die bepalings van paragraaf (a) van hierdie sub-artikel is nie van toepassing nie op—
 - (i) vrouspersone wat verantwoordelike posisies van 'n bestuurders- of tegniese aard beklee; en
 - (ii) vrouspersone wat in mediese, gesondheids-, welsyns- of sosiale dienste werkzaam is.”.

Wysiging van artikel 12 van Wet 27 van 1956.

11. Artikel twaalf van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) van sub-artikel (1) deur die volgende paragraaf te vervang:
 - „(b) die verbod of beperking met betrekking tot die maak of gebruik van paaie of spoorweë of die oprigting of gebruik van geboue of ander bouwerke of voorwerpe oor of in die omgewing van delfplekke van myne;”;
- (b) deur paragraaf (f) van genoemde sub-artikel deur die volgende paragraaf te vervang:
 - „(f) die oorplasing en vervoer van ontplofbare stowwe van magasyne van myne na delfplekke van myne, die gebruik van ontplofbare stowwe op die oppervlakte van myne in verband met mynwerksaamhede, en die opberging, verspreiding, vervoer en gebruik van ontplofbare stowwe in delfplekke van myne, uitgesonderd steengroewe deur persone vir of namens plaaslike besture of Staatsdepartemente bewerk;”;
- (c) deur in paragraaf (m) van genoemde sub-artikel die woorde „myne, masjinerie of ontplofbare stowwe,” deur die woerde „myne of masjinerie” te vervang; en
- (d) deur by sub-artikel (4) die volgende voorbehoudsbepaling te voeg:
 - „Met dien verstande dat enige regulasie met betrekking tot die ongemagtigde verkrywing of besit van ontplofbare stowwe vir 'n oortreding daarvan 'n boete van hoogstens vyfhondred rand of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of sowel sodanige boete as sodanige gevangenisstraf kan voorskryf.”.

Wysiging van artikel 31 van Wet 26 van 1956, soos gewysig deur artikel 1 van Wet 79 van 1962.

12. Artikel een-en-dertig van die Wet op Ontplofbare Stowwe, 1956, word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

- „(c) op die oorplasing, vervoer, gebruik, opberging en verspreiding van ontplofbare stowwe vir sover hierdie werksaamhede beheer word deur enige regulasie uitgevaardig kragtens paragraaf (f) van sub-artikel (1) van artikel twaalf van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956);”.

Kort titel.

13. Hierdie Wet heet die Wysigingswet op Myne en Bedrywe en Ontplofbare Stowwe, 1964.

10. Section *eleven* of the principal Act is hereby amended by Amendment of section 11 of Act 27 of 1956.

- "(4) (a) Subject to the provisions of paragraph (c) of this sub-section, no female shall work at night, and no person shall cause or permit any female to work at night, at any mine or works, in connection with the operation of such mine or works.
- (b) For the purpose of this sub-section 'night' means that period of time from half-an-hour after sunset to half-an-hour before sunrise.
- (c) The provisions of paragraph (a) of this sub-section shall not apply to—
 - (i) females holding responsible positions of a managerial or technical character; and
 - (ii) females employed in medical, health, welfare or social services."

11. Section *twelve* of the principal Act is hereby amended— Amendment of section 12 of Act 27 of 1956.

- (a) by the substitution for paragraph (b) of sub-section (1) of the following paragraph:
 - "(b) the prohibition or restriction in relation to the making or use of roads or railways or the erecting or use of buildings or other structures or objects over or in the vicinity of workings of mines;";
- (b) by the substitution for paragraph (f) of the said sub-section of the following paragraph:
 - "(f) the transfer and transport of explosives from magazines of mines to workings of mines, the use of explosives on the surface of mines in connection with mining operations, and the storage, distribution, transport and use of explosives in the workings of mines, excluding quarries worked by persons for and on behalf of local authorities or State departments;";
- (c) by the substitution in paragraph (m) of the said sub-section for the words "mines, machinery or explosives," of the words "mines or machinery"; and
- (d) by the addition to sub-section (4) of the following proviso:
 - "Provided that any regulation in respect of the unauthorized acquisition or possession of explosives may for any contravention thereof prescribe a fine not exceeding five hundred rand or imprisonment for a period not exceeding twelve months or both such fine and such imprisonment.".

12. Section *thirty-one* of the Explosives Act, 1956, is hereby amended by the substitution for paragraph (c) of the following paragraph: Amendment of section 31 of Act 26 of 1956, as amended by section 1 of Act 79 of 1962.

- "(c) to the transfer, transport, use, storage and distribution of explosives in so far as these activities are governed by any regulation made under paragraph (f) of sub-section (1) of section *twelve* of the Mines and Works Act, 1956 (Act No. 27 of 1956);".

13. This Act shall be called the Mines and Works and Short title. Explosives Amendment Act, 1964.