

BUITENGEWONE
OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA.
OFFICIAL GAZETTE



UITGAWE OP GESAG.

OF SOUTH WEST AFRICA.

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BILL

To amend the Workmen's Compensation Act, 1941.

(To be introduced by the MINISTER OF LABOUR.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *two* of the Workmen's Compensation Act, 1941 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion after the definition of "contractor" of the following definition:

" 'date of commencement of this Act' in relation to the application of this Act in the territory, means the date of commencement of the Workmen's Compensation Amendment Act, 1956";
 - (b) by the addition to the definition of "employers' organization" of the words "or the Wage and Industrial Conciliation Ordinance, 1952 (Ordinance No. 35 of 1952 of the territory)";
 - (c) by the addition to the definition of "fixed date" of the words "and in relation to the application of this Act in the territory, means the date fixed by proclamation in terms of the proviso to section *thirteen* of the Workmen's Compensation Amendment Act, 1956";
 - (d) by the insertion after the definition of "fixed date" of the following definition:

" 'Gazette' in relation to any matter affecting the territory, includes the *Official Gazette* of the territory";
 - (e) by the insertion in the definition of "native" after the word "Griquas" of the word "Rehoboths";
 - (f) by the insertion after the definition of "principal" of the following definition:

" 'provincial or local division of the Supreme Court' in relation to the application of this Act in the territory, means the High Court of the territory";
 - (g) by the insertion after the definition of "temporary total disablement" of the following definition:

" 'territory' means the territory of South-West Africa";
 - (h) by the addition to the definition of "trade union" of the words "or the Wage and Industrial Conciliation Ordinance, 1952 (Ordinance No. 35 of 1952 of the territory)";
 - (i) by the insertion after the definition of "trade union" of the following definition:

" 'Union' includes the territory";

2. Section *three* of the principal Act is hereby amended by the addition to paragraph (g) of sub-section (2) of the words "or in section *three* of the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance No. 34 of 1952 of the territory), as the case may be".

3. Section *twenty-nine* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "or the administration" wherever they occur of the words "or the administration of the territory".

4. Section *thirty-three* of the principal Act is hereby amended by the addition to sub-section (5) of the words "or the administration of the territory, as the case may be".

5. Section *forty-three* of the principal Act is hereby amended—
 - (a) by the addition to sub-paragraph (iv) of paragraph (a) of sub-section (1) of the words "or the Mines, Works and Minerals Ordinance, 1954 (Ordinance No. 26 of 1954 of the territory)"; and

Amendment of section 2 of Act 30 of 1941 as amended by section 1 of Act 27 of 1945 and section 1 of Act 36 of 1949.

Amendment of section 3 of Act 30 of 1941 as amended by section 2 of Act 27 of 1945, section 28 of Act 48 of 1947 and section 2 of Act 36 of 1949.

Amendment of section 29 of Act 30 of 1941 as amended by section 12 of Act 27 of 1945.

Amendment of section 33 of Act 30 of 1941.

Amendment of section 43 of Act 30 of 1941 as amended by section 22 of Act 27 of 1945 and section 19 of Act 36 of 1949.

- (b) by the addition to sub-paragraph (v) of paragraph (a) of sub-section (1) of the words "or the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance No. 34 of 1952 of the territory)".
- 5 6. Section *seventy-four* of the principal Act is hereby amended by the insertion in sub-section (3) after the expression "(Act No. 1 of 1910)" of the words "or of that Act as applied to the territory by the Railway Management Proclamation, 1920 (Proclamation No. 70 of 1920 of the territory)". Amendment of section 74 of Act 30 of 1941 as amended by section 28 of Act 27 of 1945.
- 10 7. Section *seventy-five* of the principal Act is hereby amended by the insertion in sub-section (1) after the expression "(Act No. 22 of 1941)" of the words "or the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance No. 34 of 1952 of the territory) or the Mines, Works and Minerals Ordinance, 1954 (Ordinance No. 26 of 1954 of the territory)". Amendment of section 75 of Act 30 of 1941.
- 20 8. Section *ninety-nine* of the principal Act is hereby amended by the insertion in sub-section (1) after the expression "(Act No. 24 of 1936)" of the words "or in that Act as applied to the territory by section *thirty-seven* of the Insolvency Law Amendment Act, 1943 (Act No. 16 of 1943)". Amendment of section 99 of Act 30 of 1941 as amended by section 35 of Act 27 of 1945.
- 25 9. Section *one hundred and three* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "the said Act" of the words "and every insurance company and every mutual association which carried on business under the Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924 (Proclamation No. 27 of 1924 of the territory) immediately prior to the date of commencement of the Workmen's Compensation Amendment Act, 1956, shall,". Amendment of section 103 of Act 30 of 1941.
- 30 10. Section *one hundred and seven* of the principal Act is hereby amended by the insertion in paragraph (i) of sub-section (1) after the expression "(Act No. 59 of 1934)" of the words "or the Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924 (Proclamation No. 27 of 1924 of the territory)". Amendment of section 107 of Act 30 of 1941.
- 35 11. The following section is hereby inserted in the principal Act after section *one hundred and nine*:
- "Application of Act to territory of South-West Africa. **109bis.** (1) This Act shall apply also in the territory and in relation to all persons in the portion of the territory known as the 'Rehoboth Gebiet' and defined in the First Schedule to Proclamation No. 28 of 1923 of the territory.
- (2) Any proclamation or notice issued under this Act prior to the date of commencement of the Workmen's Compensation Amendment Act, 1956, and in force after that date, the operation of which is not expressly limited to any area within the Union (excluding the territory) shall apply also in the territory with effect from the date of publication thereof in the territory."
- 40 Insertion in Act 30 of 1941 of section 109bis.
- 45
- 50 12. The laws of the territory of South-West Africa set out in the Schedule to this Act are hereby repealed to the extent set out in the third column of the Schedule with effect from the date fixed by proclamation in terms of the proviso to section *thirteen* of this Act: Provided that any claim for compensation under
- 55 the said laws in respect of an accident which happened or a disease which was contracted prior to the date so fixed shall, save in so far as is otherwise provided in the principal Act as applied to the said territory by this Act, be dealt with thereunder as if this Act had not been passed. Repeal of laws.
- 60 13. This Act shall be called the Workmen's Compensation Amendment Act, 1956, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette* and the *Official Gazette* of the territory of South-West Africa: Provided that the provisions of the Workmen's Compensation Act, 1941, relating to the right to compensation shall
- 65 not come into operation in the said territory in terms of this Act until a date to be fixed in like manner. Short title and date of commencement.

Schedule.

No. and Year.	Title or description of law.	Extent of repeal.
Proclamation No. 3 of 1917.	Proclamation for the control and treatment of natives employed on mines and works, 1917.	Regulation No. 16.
Proclamation No. 27 of 1924.	The Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924.	The whole.
Ordinance No. 14 of 1930.	The Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924 Amendment Ordinance, 1930.	The whole.
Proclamation No. 7 of 1931.	Workmen's Compensation (Government Employees) Proclamation, 1931.	The whole.
Proclamation No. 29 of 1939.	Workmen's Compensation Amendment Proclamation, 1939.	The whole.
Proclamation No. 11 of 1945.	Workmen's Compensation Amendment Proclamation, 1945.	The whole.