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OF SOUTH WEST AFRICA.

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OFFISIELLE KOERANT

UITGawe OP GESAG.

VAN SUIDWES-AFRIKA.



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No. 55, 1967.]

ACT

To amend the provisions of the Merchandise Marks Act, 1941, relating to the unauthorized use of certain emblems, the prohibition relating to the sale of bottles marked with the owner's name and the application of the said Act.

(Afrikaans text signed by the State President.)
(Assented to 1st May, 1967.)

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

Amendment of section 14 of Act 17 of 1941, as amended by section 2 of Act 39 of 1952.

1. (1) Section 14 of the Merchandise Marks Act, 1941 (hereinafter referred to as the principal Act), is hereby amended—

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

“(ii) the name, portrait or effigy of any former State President or Minister of State of the Republic of South Africa or of any former Governor-General or Minister of State of the Union of South Africa or of any former President of ‘De Zuid-Afrikaansche Republiek’ or the republic of ‘De Oranjevrijstaat’”; or;

(b) by the substitution for subparagraph (iii) of subsection 1 (c) of the following subparagraph:

“(iii) a reproduction of the National Flag of the Union, or of any monument, relic or antique as defined in the Natural and Historical Monuments, Relics and Antiques Act, 1934 (Act No. 4 of 1934), or of the Union Building or of any official residence of the State President or the Prime Minister.”.

(2) The amendment effected by subsection (1) (b) shall not apply to the use by any person of anything which he lawfully used for a continuous period of one year immediately prior to the commencement of this Act.

Amendment of section 17 of Act 17 of 1941.

2. Section 17 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) who sells any goods contained in any such bottle without the consent in writing of the person so named, unless those goods are the property of or have been produced or manufactured by the person so named.”.

3. The following section is hereby substituted for section 21bis of the principal Act:

“Application of Act to South-West Africa. 21bis. This Act and any amendment thereof which may be made from time to time shall apply also in the Territory, including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the Territory known as the ‘Rehoboth Gebiet’ and defined in the First Schedule to Proclamation No. 28 of 1923 of the Territory.”.

Short title.

4. This Act shall be called the Merchandise Marks Amendment Act, 1967.

No. 55, 1967.]

WET

Tot wysiging van die bepalings van die Handelswaremerke-wet, 1941, met betrekking tot die ongemagtige gebruik van sekere embleme, die verbod op die verkoop van flesse met die naam van die eienaar gemerk en die toepassing van bedoelde Wet.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Mei 1967.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. (1) Artikel 14 van die Handelswaremerke-wet, 1941, (hieronder die Hoofwet genoem), word hierby gewysig— Wysiging van artikel 14 van Wet 17 van 1941, soos gewysig deur artikel 2 van Wet 39 van 1952.

(a) deur subparagraaf (ii) van subartikel (1) (c) deur die volgende subparagraaf te vervang:

„(ii) die naam, portret of afbeelding van 'n gewese Staatspresident of Staatsminister van die Republiek van Suid-Afrika of van 'n gewese Goewerneur-generaal of Staatsminister van die Unie van Suid-Afrika of van 'n gewese President van De Zuid-Afrikaansche Republiek of die republiek De Oranjevrystaat; of”;

(b) deur subparagraaf (iii) van subartikel 1 (c) deur die volgende subparagraaf te vervang:

„(iii) 'n weergawe van die Nasionale Vlag van die Unie, of van 'n gedenkwaardigheid, oudheidsoorblyfsel of antieke voorwerp soos omskrywe in die Wet op Natuurlike en Historiese Gedenkwaardighede en Oudhede, 1934 (Wet No. 4 van 1934), of van die Uniegebou of van 'n amptelike woning van die Staatspresident of die Eerste Minister.”.

(2) Die wysiging aangebring deur subartikel (1) (b) is nie van toepassing op die gebruik deur 'n persoon van enigets wat hy vir 'n onafgebroke tydperk van minstens een jaar onmiddellik voor die inwerkingtreding van hierdie Wet wettiglik gebruik het nie.

2. Artikel 17 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 17 van Wet 17 van 1941.

„(b) wat sonder die skriftelike toestemming van die aldus genoemde persoon, ware in so 'n fles vervat, verkoop, tensy bedoelde ware die eiendom is van, of vervaardig of geproduseer is deur, die aldus genoemde persoon.”.

3. Artikel 21bis van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 21bis van Wet 17 van 1941.

„Toepassing 21bis. Hierdie Wet en enige wysiging daarvan wat van Wet op van tyd tot tyd aangebring word, is ook van toepassing in die Gebied, met inbegrip van die Oostelike Caprivi Zipfel vermeld in artikel 3 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), en met betrekking tot alle persone in daardie gedeelte van die Gebied bekend as die 'Rehoboth Gebiet' en omskrywe in die Eerste Bylae by Proklamasie No. 28 van 1923 van die Gebied.”.

4. Hierdie Wet heet die Wysigingswet op Handelswaremerke, 1967. Kort titel.

No. 56, 1967.]

ACT

To amend the provisions of the Copyright Act, 1965, relating to the ownership of copyright.

*(English text signed by the State President.)
(Assented to 1st May, 1967.)*

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

Amendment of section 5 of Act 63 of 1965.

1. Section 5 of the Copyright Act, 1965, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Where a person commissions the taking of a photograph, the painting or drawing of a portrait or the making of a gravure and pays or agrees to pay for it in money or money's worth, and the work is made in pursuance of that commission such person shall, subject to the provisions of subsection (2), be entitled to any copyright subsisting therein by virtue of this Chapter.”.

Short title.

2. This Act shall be called the Copyright Amendment Act, 1967.

No. 56, 1967.]

WET

**Tot wysiging van die bepalings van die Wet op Outeursreg, 1965,
met betrekking tot die eiendomsreg op oueursreg.**

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Mei 1967.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat
en die Volksraad van die Republiek van Suid-Afrika, soos
volg:—

1. Artikel 5 van die Wet op Outeursreg, 1965, word hierby Wysiging van
gewysig deur subartikel (3) deur die volgende subartikel te artikel 5 van
vervang:
Wet 63 van 1965.

„(3) Indien iemand 'n opdrag vir die neem van 'n foto,
die skilder of teken van 'n portret of die maak van 'n
gravure gee en met geld of in geldswaarde daarvoor betaal
of hom daartoe verbind, en die werk ingevolge so 'n opdrag
vervaardig word, kom enige oueursreg wat ingevolge
hierdie Hoofstuk in die foto, portret of gravure bestaan,
behoudens die bepalings van sub-artikel (2), bedoelde
persoon toe.”

2. Hierdie Wet heet die Wysigingswet op Outeursreg, 1967. Kort titel.

No. 58, 1967.]

ACT

To amend section 3 (1) (b), (2) (b) and (i) of the Workmen's Compensation Act, 1941, in order to apply the provisions of that Act to certain classes of persons who are not workmen according to the present definition; sections 38 and 39 of the said Act in order to increase the maximum amount of compensation payable to White, Coloured and Asiatic workmen for temporary, partial, total and permanent disablement; section 40 (1) (a) of the said Act in order to increase the maximum amount of compensation payable upon the death of a White, Coloured or Asiatic workman; section 40 (2) of the said Act in order to increase the amount payable for the burial expenses of White, Coloured and Asiatic workmen; section 40 (4) (c) of the said Act in order to increase the amount payable to a widow or an invalid widower of a White, Coloured or Asiatic workman upon remarriage; section 84 of the said Act in order to increase the maximum amount of compensation payable to a Bantu workman for temporary disablement, and in order to delete certain provisions prescribing circumstances under which compensation is not payable to a Bantu workman; section 85 of the said Act in order to increase the maximum amount payable to a Bantu workman for permanent disablement; and section 86 (2) of the said Act in order to increase the maximum amount payable for the burial expenses of a Bantu workman.

(*English text signed by the State President.*)
(Assented to 1st May, 1967.)

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

Amendment of
section 3 of Act
30 of 1941, as
substituted by
section 1 of Act
21 of 1964.

1. Section 3 of the Workmen's Compensation Act, 1941 (hereinafter referred to as the principal Act) is hereby amended—
 - (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
“(b) any person or class of persons excluded from the scope of this Act by the provisions of subsection (2) (b), (f) (ii) or (g), if the employer of such person or class of persons has made special arrangements with the commissioner to that effect and complied with the conditions prescribed by the commissioner in regard thereto;”;
 - (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:
“(b) persons whose earnings calculated in the manner set forth in section 41 exceed five thousand four hundred and sixty rand a year;”; and
 - (c) by the deletion of paragraph (i) of the said subsection (2).

Amendment of
section 38 of Act
30 of 1941, as
amended by
section 18 of Act
27 of 1945, section
14 of Act 36 of
1949, section 13
of Act 51 of 1956
and section 4 of
Act 7 of 1961.

2. Section 38 of the principal Act is hereby amended—
 - (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
“(a) Compensation for temporary total disablement shall be periodical payments during such temporary disablement at a rate of seventy-five per cent of the monthly earnings of the workman up to one hundred and fifty rand of such earnings: Provided that the periodical payment shall not be less than thirteen rand per month or the rate of the workman's earnings at the time of the disablement.”;

No. 58, 1967.]

WET

Tot wysiging van artikel 3 (1) (b), (2) (b) en (i) van die Ongevallewet, 1941, om die bepalings van daardie Wet van toepassing te maak op sekere klasse persone wat volgens die huidige omskrywing nie werksmense is nie; van artikels 38 en 39 van gemelde Wet om die maksimum bedrag van skadeloosstelling betaalbaar aan blanke, Kleurling- en Asiatische werksmense vir tydelike gedeeltelike, algehele en blywende arbeidsongesiktheid te verhoog; van artikel 40 (1) (a) van gemelde Wet om die maksimum bedrag van skadeloosstelling betaalbaar by die afsterwe van 'n blanke, Kleurling- of Asiatische werksman te verhoog; van artikel 40 (2) van gemelde Wet om die bedrag betaalbaar vir die begrafnisonkoste van blanke, Kleurling- en Asiatische werksmense te verhoog; van artikel 40 (4) (c) van gemelde Wet om die bedrag betaalbaar aan 'n weduwee of sieklike wewenaar van 'n blanke, Kleurling- of Asiatische werksman by hertroue te verhoog; van artikel 84 van gemelde Wet om die maksimum bedrag van skadeloosstelling betaalbaar aan 'n Bantoewerksman vir tydelike arbeidsongesiktheid te verhoog, en om sekere bepalings wat omstandighede voorskryf waarin geen skadeloosstelling aan 'n Bantoewerksman betaalbaar is nie, te skrap; van artikel 85 van gemelde Wet om die maksimum bedrag betaalbaar aan 'n Bantoewerksman vir blywende arbeidsongesiktheid te verhoog; en van artikel 86 (2) van gemelde Wet om die maksimum bedrag betaalbaar vir die begrafnisonkoste van 'n Bantoewerksman te verhoog.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Mei 1967.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 3 van die Ongevallewet, 1941 (hieronder die Hoof-wet genoem), word hierby gewysig—
 - (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) 'n persoon of kategorie van persone wat ten gevolge van die bepalings van subartikel (2) (b), (f) (ii) of (g), buite die bestek van hierdie Wet val, indien die werkgewer van sodanige persoon of kategorie van persone spesiale reëlings in dier voege met die kommissaris getref het en die voorwaardes wat die kommissaris in verband daarmee voorgeskryf het, nagekom het;”;
 - (b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

„(b) persone wie se verdienste, bereken op die wyse uitengesit in artikel 41, vyfduisend vierhonderd-en-estig rand per jaar te boewe gaan;”; en
 - (c) deur paragraaf (i) van genoemde subartikel (2) te skrap.

2. Artikel 38 van die Hoofwet word hierby gewysig—
 - (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) Skadeloosstelling weens tydelike algehele arbeidsongesiktheid, is periodieke uitkerings gedurende sodanige tydelike arbeidsongesiktheid teen vyf-en-sewentig persent van die maandelikse verdienste van die werksman tot honderd-en-vyftig rand van daardie verdienste: Met dien verstande dat die artikel 4 van Wet 27 van 1945, artikel 14 van Wet 36 van 1949, artikel 13 van Wet 51 van 1956 en artikel 4 van Wet 7 van 1961. per maand of die skaal van die werksman se ver-

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

"(4) In determining the amount of any periodical payments, any excess of any monthly earnings of a workman above one hundred and fifty rand shall not be taken into consideration.".

Amendment of section 39 of Act 30 of 1941, as amended by section 19 of Act 27 of 1945, section 15 of Act 36 of 1949, section 14 of Act 51 of 1956 and section 5 of Act 7 of 1961.

3. Section 39 of the principal Act is hereby amended—

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

"(a) Where the degree of disablement is thirty per cent, a lump sum equal to twelve times the monthly earnings of the workman up to forty rand of such earnings, together with ten times his monthly earnings in excess of forty rand up to one hundred and fifty rand.";

- (b) by the substitution for paragraph (c) of the said subsection of the following paragraph:

"(c) Where the degree of disablement is one hundred per cent, a monthly pension equal to seventy-five per cent of the monthly earnings of the workman up to one hundred and fifty rand of such earnings: Provided that the pension payable shall not be less than thirteen rand per month or the rate of the workman's earnings at the time of the accident, whichever is the less."; and

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

"(2) In determining the compensation under subsection (1) any excess of the monthly earnings of a workman above one hundred and fifty rand shall not be taken into consideration.".

Amendment of section 40 of Act 30 of 1941, as amended by section 20 of Act 27 of 1945, section 16 of Act 36 of 1949, section 15 of Act 51 of 1956 and section 6 of Act 7 of 1961.

4. Section 40 of the principal Act is hereby amended—

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

"(a) If the workman leaves as a dependant, a widow or invalid widower and no children, a lump sum not exceeding twice the workman's monthly earnings or three hundred rand, whichever is the less, and a monthly pension equal to forty per cent of the pension which would have been granted to the workman if totally and permanently disabled; under section 39 (1) (c).";

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

"(2) The commissioner may, in his discretion pay out of the accident fund or direct the employer individually liable, as the case may be, to pay an allowance not exceeding one hundred and fifty rand towards the necessary burial expenses of the workman."; and

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

"(c) A widow or invalid widower who marries or remarries shall be paid a lump sum equivalent to thirty times her or his monthly pension.".

Substitution of section 84 of Act 30 of 1941, as amended by section 31 of Act 27 of 1945, section 23 of Act 51 of 1956 and section 14 of Act 7 of 1961.

5. The following section is hereby substituted for section 84 of the principal Act:

"Compensation in case of temporary disablement.

84. The compensation payable for temporary total disablement shall, in the case of a Bantu workman, be periodical payments during such temporary disablement at the rate of seventy-five per cent of the monthly earnings of the workman up to one hundred and fifty rand of such earnings for a period not exceeding twelve months: Provided that—

- (a) if such disablement continues after the expiration of the said period the commissioner may, in his discretion, direct the continuation of such payments for such further period or

(b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) By die bepaling van die bedrag van periodieke uitkerings word die bedrag van maandelikse verdienste van 'n werksman bo honderd-en-vyftig rand buite rekening gelaat.”.

3. Artikel 39 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) Wanneer die graad van arbeidsongeskiktheid dertig persent is, 'n enkele geldsom gelyk aan twaalf maal die maandelikse verdienste van die werksman tot veertig rand van daardie verdienste, benewens tien maal sy maandelikse verdienste bo veertig rand tot honderd-en-vyftig rand.”;

(b) deur paragraaf (c) van genoemde subartikel deur die volgende paragraaf te vervang:

„(c) Wanneer die graad van arbeidsongeskiktheid honderd persent is, 'n maandelikse pensioen gelyk aan vyf-en-sewentig persent van die maandelikse verdienste van die werksman tot honderd-en-vyftig rand van daardie verdienste: Met dien verstande dat die betaalbare pensioen nie minder as dertien rand per maand of die skaal van die werksman se verdienste ten tyde van die ongeval, na gelang watter die kleinste is, mag bedra nie.”; en

(c) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) By die vasstelling van die skadeloosstelling ingevolge subartikel (1) word enige bedrag van die maandelikse verdienste van 'n werksman bo honderd-en-vyftig rand buite rekening gelaat.”.

Wysiging van artikel 39 van Wet 30 van 1941, soos gewysig deur artikel 19 van Wet 27 van 1945, artikel 15 van Wet 36 van 1949, artikel 14 van Wet 51 van 1956 en artikel 5 van Wet 7 van 1961.

4. Artikel 40 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) As die werksman 'n weduwee of sieklike wewenaar as nabestaande nalaat, en daar geen kinders is nie, 'n enkele geldsom van hoogstens twee maal die maandelikse verdienste van die werksman of driehonderd rand, na gelang die een of die ander minder bedra, en 'n maandelikse pensioen gelyk aan veertig persent van die pensioen wat aan die werksman toegestaan sou gewees het ingevolge artikel 39 (1) (c) as hy algeheel en blywend arbeidsongeskik was.”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die kommissaris kan na goeddunke uit die ongevallefonds 'n toelae van hoogstens honderd-en-vyftig rand vir die nodige begrafnisokoste van die werksman betaal of die werkewer indiwidueel aanspreeklik gelas om dit te betaal, na gelang van die geval.”; en

(c) deur paragraaf (c) van subartikel (4) deur die volgende paragraaf te vervang:

„(c) Aan 'n weduwee of sieklike wewenaar wat trou of weer trou, word 'n enkele geldsom gelyk aan dertig maal haar of sy maandelikse pensioen betaal.”.

Wysiging van artikel 40 van Wet 30 van 1941, soos gewysig deur artikel 20 van Wet 27 van 1945, artikel 16 van Wet 36 van 1949, artikel 15 van Wet 51 van 1956 en artikel 6 van Wet 7 van 1961.

5. Artikel 84 van die Hoofwet word hierby deur die volgende artikel vervang:

„**Skadeloosstelling in gevval van tydelike arbeidsongeskiktheid.** 84. Die skadeloosstelling weens tydelike algehele arbeidsongeskiktheid in die gevval van 'n Bantoe-werksman betaalbaar, is periodieke uitkerings gedurende die tydelike arbeidsongeskiktheid teen vyf-en-sewentig persent van die maandelikse verdienste van die werksman tot honderd-en-vyftig rand van daardie verdienste, vir 'n tydperk van hoogstens twaalf maande: Met dien verstande dat—

Vervanging van artikel 84 van Wet 30 van 1941, soos gewysig deur artikel 31 van Wet 27 van 1945, artikel 23 van Wet 51 van 1956 en artikel 14 van Wet 7 van 1961.

(a) indien sodanige arbeidsongeskiktheid na afloop van die genoemde tydperk voortduur, die kommissaris na goeddunke die voortsetting van sodanige uitkerings kan gelas vir sodanige verdere tydperk of tydperke as wat hy van tyd tot tyd

(b) in determining the compensation under this section any excess of the monthly earnings of a workman above one hundred and fifty rand shall not be taken into consideration.”.

Substitution of section 85 of Act 30 of 1941, as amended by section 32 of Act 36 of 1949, section 24 of Act 51 of 1956 and section 15 of Act 7 of 1961.

6. The following section is hereby substituted for section 85 of the principal Act:

“Compensation in respect of permanent disablement.

85. (1) The compensation payable for permanent disablement in the case of a Bantu workman is as follows—

- (a) where the degree of disablement is thirty per cent, a lump sum equal to twelve times the monthly earnings of the workman up to forty rand of such earnings, together with ten times his monthly earnings in excess of forty rand up to one hundred and fifty rand;
- (b) where the degree of disablement is under thirty per cent, a lump sum bearing the same proportion to a lump sum calculated in accordance with paragraph (a) as the degree of disablement bears to thirty per cent;
- (c) where the degree of disablement is one hundred per cent, a lump sum equal to forty-eight times the monthly earnings of the workman up to forty rand of such earnings, together with thirty times his monthly earnings in excess of forty rand up to one hundred and fifty rand with a minimum compensation of four hundred and eighty rand;
- (d) where the degree of disablement is under one hundred per cent but more than thirty per cent, a lump sum bearing the same proportion to a lump sum calculated in accordance with paragraph (c) as the degree of disablement bears to one hundred per cent.

(2) From any compensation awarded under this section no deduction shall be made on account of any periodical payments in respect of temporary disablement made under section 38 or 84.

(3) In determining the compensation under this section any excess of the monthly earnings of a workman above one hundred and fifty rand shall not be taken into consideration.”.

Substitution of section 86 of Act 30 of 1941, as amended by section 32 of Act 27 of 1945, section 33 of Act 36 of 1949, section 3 of Act 5 of 1951, section 25 of Act 51 of 1956 and section 16 of Act 7 of 1961.

7. The following section is hereby substituted for section 86 of the principal Act:

“Compensation in case of death.

86. (1) Where a Bantu workman dies as the result of an accident, and leaves dependants, such dependants shall be entitled as compensation to such lump sum as the commissioner deems equitable, according to the number of dependants and the degree of dependency, and with due regard to any compensation previously paid to the workman in terms of section 85 in respect of the same accident but not exceeding in the aggregate the lump sum that would have been payable to the workman for permanent total disablement.

(2) Where a Bantu workman dies as the result of an accident, the commissioner may, in his discretion, pay out of the accident fund, or direct the employer individually liable to pay, as the case may be, the reasonable expenses of the burial of the workman, not exceeding an amount of seventy-five rand.

(3) In this section ‘dependants’ shall, where there are no dependants as defined in section 4, include any person who, in the opinion of the commissioner, was totally or partially dependent upon the workman.”.

Short title and date of commencement.

8. This Act shall be called the Workmen’s Compensation Amendment Act, 1967, and shall come into operation on a date to be fixed by the State President by proclamation in the Gazette: Provided that the amendments effected by sections 1, 2, 3, 4 (a) and (b), 5, 6 and 7 of this Act shall not apply with re-

(b) by die bepaling van die skadeloosstelling kragtens hierdie artikel, die bedrag van die maandelikse verdienste van 'n werksman bo honderd-en-vyftig rand buite rekening gelaat word.”.

6. Artikel 85 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 85 van Wet 30 van 1941, soos gewysig deur artikel 32 van Wet 36 van 1949, artikel 24 van Wet 51 van 1956 en artikel 15 van Wet 7 van 1961.

- „Skadeloosstelling in geval van blywende arbeidsongeskiktheid.**
- 85.** (1) Die skadeloosstelling vir blywende arbeidsongeskiktheid betaalbaar in geval van 'n Bantoewerksman is as volg—
- (a) waar die graad van arbeidsongeskiktheid dertig persent is, 'n enkele geldsom gelyk aan twaalf maal die maandelikse verdienste van die werksman tot veertig rand van daardie verdienste, benewens tien maal sy maandelikse verdienste bo veertig rand tot honderd-en-vyftig rand;
 - (b) waar die graad van arbeidsongeskiktheid minder as dertig persent is, 'n enkele geldsom wat tot 'n enkele geldsom volgens paragraaf (a) bereken, in dieselfde verhouding staan as die graad van arbeidsongeskiktheid tot dertig persent;
 - (c) waar die graad van arbeidsongeskiktheid honderd persent is, 'n enkele geldsom gelyk aan agt-en-veertig maal die maandelikse verdienste van die werksman tot veertig rand van daardie verdienste, benewens dertig maal sy maandelikse verdienste bo veertig rand tot honderd-en-vyftig rand, met 'n minimum skadeloosstelling van vierhonderd-en-tagtig rand;
 - (d) waar die graad van arbeidsongeskiktheid minder as honderd persent maar meer as dertig persent is, 'n enkele geldsom wat tot 'n enkele geldsom volgens paragraaf (c) bereken, in dieselfde verhouding staan as die graad van arbeidsongeskiktheid tot honderd persent.
- (2) Van enige skadeloosstelling toegewys ingevolge hierdie artikel, word geen bedrag afgetrek nie weens periodieke uitkerings vir tydelike arbeidsongeskiktheid betaal ingevolge artikels 38 en 84.
- (3) By die bepaling van die skadeloosstelling kragtens hierdie artikel, word die bedrag van die maandelikse verdienste van 'n werksman bo honderd-en-vyftig rand buite rekening gelaat.”.

7. Artikel 86 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 86 van Wet 30 van 1941, soos gewysig deur artikel 32 van Wet 27 van 1945, artikel 33 van Wet 36 van 1949, artikel 3 van Wet 5 van 1951, artikel 25 van Wet 51 van 1956 en artikel 16 van Wet 7 van 1961.

- „Skadeloosstelling in geval van dood.**
- 86.** (1) Wanneer 'n Bantoewerksman as gevolg van 'n ongeval sterf en nabestaandes nalaat, dan is daardie nabestaandes geregtig op sodanige enkele geldsom as skadeloosstelling as wat die kommissaris, met die oog op die aantal nabestaandes en die mate van afhanklikheid en met behoorlike inagneming van enige skadeloosstelling wat reeds ingevolge artikel 85 ten opsigte van dieselfde ongeval aan die werksman betaal is, billik ag maar nie meer nie in die geheel as die enkele geldsom wat aan die werksman betaalbaar sou gewees het vir blywende algehele arbeidsongeskiktheid.

(2) Wanneer 'n Bantoewerksman sterf as gevolg van 'n ongeval, kan die kommissaris na goeddunke, uit die ongevallefonds betaal, of die werkewer indiwidueel aanspreeklik gelas om te betaal, na gelang van die geval, die redelike begrafniskoste van die werksman, tot 'n bedrag van hoogstens vyf-en-sewentig rand.

(3) In hierdie artikel beteken „nabestaandes”, wanneer daar geen nabestaandes is nie soos in artikel 4 omskryf, ook enige persoon wat, na die mening van die kommissaris, algeheel of gedeeltelik van die werksman afhanklik was.”.

8. Hierdie Wet heet die Ongevallewigsigingswet, 1967, en tree in werking op 'n datum wat die Staatspresident by Proklamasie in die Staatskoerant bepaal: Met dien verstande dat die wysigings wat deur artikels 1, 2, 3, 4 (a) en (b), 5, 6 en 7 van hierdie Wet aangebring is, nie van toepassing sal wees nie met betrekking tot ongevalle wat plaasgevind het voor die datum van inwerkingtreding. Kort titel en datum van inwerkingtreding.