

EXTRAORDINARY



UITENGEWONE

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Staatskoerant

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DEPARTMENT OF THE PRIME MINISTER.

No. 1519.] [5th October, 1966.

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

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1519.] [5 Oktober 1966.

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

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WET

Tot wysiging van die Wet tot Konsolidasie van die Kieswette, 1946, die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951, en die Wet op die Verteenwoordigende Kleurlingraad, 1964, ten einde addisionele voorsiening vir die aanstelling van voorsittende beamptes vir stemme van afwesiges te maak en hul bevoegdhede uit te brei, die uitbring van stemme deur spesiale kiesers te vergemaklik, en voorsittende beamptes vir stemme van spesiale kiesers te onthef van die verpligting om aan diens te bly wanneer hul dienste nie nodig is nie.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 September 1966.)*

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

Wysiging van artikel 42bis van Wet 46 van 1946, soos ingevoeg deur artikel 3 van Wet 84 van 1965.

1. Artikel 42bis van die Wet tot Konsolidasie van die Kieswette, 1946 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Elke kiesbeampte ten opsigte van 'n verkiesing aangestel, stel, onderworpe aan die bepalings van hierdie artikel, ten opsigte van die afdeling waarvoor hy aangestel is, op versoek aan hom gerig deur enige persoon wat as kandidaat by die verkiesing in daardie afdeling genomineer is, hetsy dié kandidaat ingevolge artikel 36 (8) tot behoorlik verkose lid vir daardie afdeling in die Volksraad of 'n provinsiale raad verklaar is al dan nie, of, in die geval van 'n politieke party wat geen kandidaat by daardie verkiesing genomineer het nie, deur 'n gemagtigde verteenwoordiger van so 'n politieke party in daardie afdeling, hoogstens twaalf persone, plus (in die geval van 'n afdeling wat binne meer as twaalf magistraatsdistrikte geleë is) een addisionele persoon ten opsigte van elke sodanige distrik bo twaalf, deur bedoelde kandidaat of verteenwoordiger aangewys, skriftelik aan om vir die doeleindes van die verkiesing in daardie en enige ander afdeling ten opsigte waarvan die stemming op dieselfde dag gehou word, en ongeag of dit 'n verkiesing van 'n lid vir die Volksraad of 'n provinsiale raad of die Wetgewende Vergadering van Suidwes-Afrika is, as voorsittende beamptes vir stemme van afwesiges te dien.”.

Wysiging van artikel 71ter van Wet 46 van 1946, soos ingevoeg deur artikel 17 van Wet 84 van 1965.

2. Artikel 71ter van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Geen sodanige aansoek word voor die een-en-twintigste dag voor die stembag deur 'n aansoeker onderteken nie.”.

Wysiging van artikel 71nov van Wet 46 van 1946, soos ingevoeg deur artikel 17 van Wet 84 van 1965.

3. Artikel 71nov van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Voorsittende beampte vir stemme van spesiale kiesers kan—

- (a) enige spesiale kieser wat volgens sy oordeel nie in staat is om 'n voorsittende beampte vir stemme van spesiale kiesers te besoek nie, te eniger tyd gedurende die tydperk vanaf sewe-uur in die voormiddag van die een-en-twintigste dag voor die stembag tot en met nege-uur in die namiddag van die tweede dag onmiddellik voor die stembag by enige adres op versoek van daardie kieser besoek om bedoelde kieser in staat te stel om as 'n spesiale kieser te stem;
- (b) te eniger tyd gedurende die tydperk in paragraaf (a) bedoel, enige plek besoek ten einde 'n spesiale kieser wat aldaar aansoek doen om as 'n spesiale kieser te stem, in staat te stel om as so 'n kieser te stem, mits daar aan die gemagtigde verteenwoordiger van elke politieke

No. 29, 1966.]

ACT

To amend the Electoral Consolidation Act, 1946, the Separate Representation of Voters Act, 1951, and the Coloured Persons Representative Council Act, 1964, in order to make additional provision for the appointment of presiding officers for absent votes and to extend their powers, to facilitate the recording of votes by special voters, and to relieve presiding officers for votes of special voters from the obligation to remain on duty when their services are not required.

(English text signed by the State President.)

(Assented to 27th September, 1966.)

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

1. Section 42*bis* of the Electoral Consolidation Act, 1946 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Every returning officer appointed in respect of an election, shall, subject to the provisions of this section, in respect of the division for which he has been appointed, upon a request submitted to him by a person nominated as a candidate at the election in that division, whether or not such candidate has in terms of section 36 (8) been declared to be the duly elected member for that division in the House of Assembly or a provincial council, or, in the case of a political party which has not nominated a candidate at that election, by an authorized representative of such political party in that division, appoint in writing not more than twelve persons plus (in the case of a division situated within more than twelve magisterial districts) one additional person in respect of every such district in excess of twelve, designated by that candidate or representative, to serve for the purposes of the election in that and any other division in respect of which polling takes place on the same day, irrespective of whether it is an election of a member of the House of Assembly or a provincial council or the Legislative Assembly of South-West Africa, as presiding officers for absent votes.”.

Amendment of section 42*bis* of Act 46 of 1946, as inserted by section 3 of Act 84 of 1965.

2. Section 71*ter* of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) No such application shall be signed by an applicant prior to the twenty-first day before polling day.”.

Amendment of section 71*ter* of Act 46 of 1946, as inserted by section 17 of Act 84 of 1965.

3. Section 71*nov* of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A presiding officer for votes of special voters may—

(a) at the request of a special voter who in his opinion is unable to attend before a presiding officer for votes of special voters, call upon that voter at any time during the period from seven o'clock in the forenoon of the twenty-first day before polling day up to and including nine o'clock in the afternoon of the second day immediately preceding polling day, at any address in order to enable that voter to vote as a special voter;

(b) at any time during the period mentioned in paragraph (a) visit any place in order to enable a special voter applying at that place to vote as a special voter, to vote as such a voter, provided prior notice of such presiding officer's intention to visit that place for the said purpose

Amendment of section 71*nov* of Act 46 of 1946, as inserted by section 17 of Act 84 of 1965.

party of kandidaat in die afdeling waarin daardie plek geleë is, vooraf kennis gegee is van bedoelde voorsittende beampte se voorneme om daardie plek vir die gemelde doel te besoek en van die adres waar en die datum waarop en tyd wanneer hy daar aanwesig sal wees.”.

Wysiging van artikel 71*dec* van Wet 46 van 1946, soos ingevoeg deur artikel 17 van Wet 84 van 1965.

4. Artikel 71*dec* van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- „(1) (a) In die geval van 'n spesiale kieser wat op of na die sewende dag voor stemdag sy stem voor 'n voorsittende beampte vir stemme van spesiale kiesers uitgebring het, stel bedoelde beampte so gou moontlik nadat daardie kieser gestem het, maar nie later as nege-uur in die voormiddag van die dag wat onmiddellik volg op die dag waarop daardie kieser gestem het nie, die kiesbeampte vir die afdeling ten opsigte waarvan 'n stembrief aan daardie kieser uitgereik is telegrafies of per brief persoonlik afgelewer in kennis van die ter sake dienende feite met betrekking tot daardie kieser.
- (b) Die bedoelde kiesbeampte moet by ontvangs van bedoelde telegrafiese berig of brief onverwyld *mutatis mutandis* ooreenkomstig die bepalings van artikel 55 optree.
- (c) Die telegrafiese berigte en briewe in paragraaf (a) bedoel, lê, totdat met die tel van die stemme begin word, soos in artikel 82 bepaal, en gedurende 'n tydperk van een maand na die afkondiging van die uitslag van die stemming, op die kantoor van die kiesbeampte ter kostelose publieke insae.”.

Vervanging van artikel 20 van Wet 46 van 1951, soos gewysig deur artikel 3 van Wet 30 van 1956, artikel 1 van Wet 2 van 1958, artikel 59 van Wet 72 van 1962, artikel 28 van Wet 49 van 1964 en artikel 1 van Wet 72 van 1965.

5. Artikel 20 van die Wet op Afsonderlike Verteenwoordiging van Kiesers, 1951, word hierby deur die volgende artikel vervang:

„Verkiesing van volksraadslede en provinsiale raadslede.

20. (1) Behoudens die bepalings van artikel 4 (4) en van subartikels (2), (3), (4) en (5) van hierdie artikel, is die bepalings van die Hoofwet met inbegrip van regulasies daarkragtens uitgevaardig *mutatis mutandis* van toepassing ten opsigte van die verkiesing van volksraadslede en van provinsiale raadslede vir die provinsie Kaap die Goeie Hoop, en van alle daarmee in verband staande sake.

- (2) (a) Volksraadslede of provinsiale raadslede wat ingevolge hierdie Wet by die inwerking-treding van die Wysigingswet op Afsonderlike Verteenwoordiging van Kiesers, 1965 (Wet No. 72 van 1965), lede van die Volksraad of die betrokke provinsiale raad is of daarna as volksraadslede of provinsiale raadslede behoorlik verkies verklaar word, met inbegrip van sodanige lede wat ingevolge die bepalings van artikel 88 van die Hoofwet verkies verklaar word, bekleed hul amp, ondanks andersluidende wetsbepalings, vir 'n tydperk wat deur tydsverloop eindig vyf jaar na die datum van die laaste algemene verkiesing van volksraadslede of provinsiale raadslede, na gelang van die geval, ingevolge hierdie Wet.
- (b) Ten einde vir 'n algemene verkiesing van volksraadslede of provinsiale raadslede kragtens hierdie Wet voorsiening te maak, word 'n spesiale proklamasie uitgereik *mutatis mutandis* ooreenkomstig artikel 35 van die Hoofwet, op 'n datum hoogstens sewe dae na die verstryking van die ampstermyn van die sittende lede.
- (c) 'n Verwysing in artikel 53 of artikel 71 (2) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), na die ontbinding van die Volksraad of 'n provinsiale raad, na gelang van die geval, word met betrekking tot 'n ingevolge hierdie Wet verkose volksraadslid of provinsiale raadslid uitgelê as 'n verwysing na die datum waarop daardie lid se ampstermyn deur tydsverloop verstryk.
- (d) By die toepassing van hierdie artikel beteken 'n algemene verkiesing van volksraadslede of provinsiale raadslede op wie hierdie Wet betrekking het, 'n verkiesing waarby al daardie volksraadslede of provinsiale raadslede op een en dieselfde dag verkies moet word.

and of the address at which and the date on which and the time when he will be present thereat, has been given to the authorized representative of every political party or candidate in the division in which such place is situated.”.

4. Section 71*dec* of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 71*dec* of Act 46 of 1946, as inserted by section 17 of Act 84 of 1965.
- “(1) (a) In the case of a special voter who has recorded his vote before a presiding officer for votes of special voters on or after the seventh day before polling day, such officer shall as soon as possible after that voter has recorded his vote, but not later than nine o'clock in the forenoon of the day immediately following the day on which that voter recorded his vote, by telegraph or by letter delivered personally advise the returning officer for the division in respect of which a ballot paper has been issued to that voter of the relevant facts relating to that voter.
- (b) Such returning officer shall, upon receipt of such telegraphic advice or letter, forthwith proceed *mutatis mutandis* in accordance with the provisions of section 55.
- (c) The telegraphic advices and letters referred to in paragraph (a) shall, until the commencement of the counting of votes as provided in section 82, and during a period of one month after the declaration of the result of the poll, be open to public inspection free of charge at the office of the returning officer.”.

5. The following section is hereby substituted for section 20 of the Separate Representation of Voters Act, 1951: Substitution of section 20 of Act 46 of 1951, as amended by section 3 of Act 30 of 1956, section 1 of Act 2 of 1958, section 59 of Act 72 of 1962, section 28 of Act 49 of 1964 and section 1 of Act 72 of 1965.
- “Election of members of House of Assembly and provincial council. 20. (1) Subject to the provisions of section 4 (4) and of subsections (2), (3), (4) and (5) of this section, the provisions of the principal Act (including the regulations thereunder) shall *mutatis mutandis* apply in regard to the election of members of the House of Assembly and of the provincial council for the province of the Cape of Good Hope, and in regard to all matters incidental thereto.

- (2) (a) Members of the House of Assembly or provincial councillors who under this Act are members of the House of Assembly or of the provincial council concerned at the commencement of the Separate Representation of Voters Amendment Act, 1965 (Act No. 72 of 1965), or are thereafter declared to be duly elected as members of the House of Assembly or as provincial councillors, including any such members or councillors declared to be elected under the provisions of section 88 of the principal Act, shall, notwithstanding anything to the contrary in any other law contained, hold office for a period determined by effluxion of time, five years after the date of the last general election of members of the House of Assembly or of provincial councillors, as the case may be, under this Act.
- (b) For the purpose of providing for a general election of members of the House of Assembly or of provincial councillors under this Act, a special proclamation shall be issued in terms *mutatis mutandis* of section 35 of the principal Act, on a date not later than seven days after the termination of the period of office of the sitting members or councillors.
- (c) Any reference in section 53 or section 71 (2) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), to the dissolution of the House of Assembly or a provincial council, as the case may be, shall, in relation to a member of the House of Assembly or to a provincial councillor elected under this Act, be construed as a reference to the date on which such member's or councillor's period of office expires by effluxion of time.
- (d) For the purposes of this section a general election of members of the House of Assembly or of provincial councillors to whom this Act applies, means an election at which all those members of the House of Assembly or those provincial councillors are to be elected on the same day.

(3) By verkiesings van volksraadslede of provinsiale raadslede kragtens hierdie Wet word niemand anders as 'n blanke of 'n nie-blanke as verkiesingsagent, hulpagent, stemagent of bode benoem of aangestel nie.

(4) Die Minister kan regulasies uitvaardig om voorsiening te maak vir die besondere vereistes in verband met die prosedure wat by verkiesings ingevolge die bepalings van hierdie Wet nagekom moet word, en sodanige regulasies kan regulasies kragtens die Hoofwet uitgevaardig, verander of wysig of daarvan verskil en kan bepaal dat—

- (a) meer as een stemburo in 'n stemdistrik vir die gerief van kiesers ingerig kan word;
- (b) in stemdistrikte waarin daar minder as vyftig kiesers geregistreer is geen stemburo's ingerig word nie;
- (c) kiesers wat in stemdistrikte geregistreer is waarin daar minder as vyftig kiesers geregistreer is as afwesige of spesiale kiesers kan stem;
- (d) kiesers wat meer as vyf myl, met die naaste bruikbare roete, van 'n stemburo in die kiesafdeling woonagtig of werksaam is, as afwesige of spesiale kiesers kan stem; en
- (e) aansoeke om as afwesige kiesers te stem nie na vieruur in die namiddag op die agtste dag voor die stembag deur kiesbeamptes ontvang word nie.

(5) By die toepassing van subartikel (1) word artikel 71*quat* (1) van die Hoofwet uitgelê asof die woorde „elke magistraatskantoor en by” en die woorde „elke verkiesingsbeampte en” nie daarin voorkom nie.”.

Wysiging van
artikel 9 van
Wet 49 van 1964.

6. Artikel 9 van die Wet op die Verteenwoordigende Kleurlingraad, 1964, word hierby gewysig deur na subartikel (2) (g) die volgende paragrafe in te voeg:

„(gA) in die geval van artikel 43, deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) dat hy op die stembag te gener tyd gedurende die stemure binne vyf myl volgens die naaste bruikbare roete van die naaste stemburo in daardie afdeling sal wees nie; of”;

(gB) in die geval van artikel 71*ter*, deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) dat hy op die stembag te gener tyd gedurende die stemure binne vyf myl volgens die naaste bruikbare roete van die naaste stemburo in daardie afdeling sal wees nie; of”;

(gC) in die geval van artikel 71*quat*, deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Minstens een voorsittende beampte vir stemme van spesiale kiesers en sy assistente moet te alle tye gedurende die ure vanaf sewe-uur in die voormiddag tot nege-uur in die namiddag van elke dag (behalwe 'n Sondag of 'n openbare feesdag in die Tweede Bylae by die Wet op Openbare Feesdae, 1952 (Wet No. 5 van 1952), genoem) gedurende die tydperk vanaf die een-en-twintigste dag voor die stembag tot en met die tweede dag onmiddellik voor die stembag by die kantoor van elke kiesbeampte aan diens wees, ten einde die nodige stappe te doen om kiesers wat daarop geregtig is in staat te stel om onverwyld as spesiale kiesers hul stemme uit te bring: Met dien verstande dat in die geval van 'n verkiesing bedoel in artikel 88, voorsittende beamptes vir stemme van spesiale kiesers in ander magistraatsdistrikte as die magistraatsdistrikte binne die gebiede waarvan die afdeling waarin die bedoelde verkiesing plaasvind, geleë is, nie verplig is om buite hul diensure stappe te doen om bedoelde kiesers in staat te stel om hul stemme uit te bring nie.”.

Kort titel.

7. Hierdie Wet heet die Wysigingswet op die Kieswette, 1966.

(3) At elections of members of the House of Assembly or provincial councillors under this Act no person other than a non-European or a white person shall be nominated or appointed as an election agent or a subagent, polling agent or messenger.

(4) The Minister may make regulations to provide for the special requirements relating to the procedure to be followed at elections under the provisions of this Act, which regulations may amend or modify or differ from any regulations framed under the principal Act and may provide that—

- (a) more than one polling station may be established in a polling district for the convenience of voters;
- (b) no polling station shall be established in a polling district in which less than fifty voters are registered;
- (c) voters who are registered in polling districts in which less than fifty voters are registered may vote as absent or special voters;
- (d) voters who are resident or employed more than five miles, by the nearest practicable route, from a polling station in the electoral division, may vote as absent or special voters; and
- (e) applications to vote as absent voters shall not be received by returning officers later than four o'clock on the afternoon of the eighth day before the polling day.

(5) For the purposes of subsection (1) section 71*quat* (1) of the principal Act shall be construed as if the words 'every magistrate's office and at' and the words 'every electoral officer and' do not occur therein."

6. Section 9 of the Coloured Persons Representative Council Act, 1964, is hereby amended by the insertion after subsection (2) (g) of the following paragraphs: Amendment of
Section 9 of
Act 49 of 1964.

"(gA) in the case of section 43, by the substitution for paragraph (b) of subsection (1) of the following paragraph:

'(b) that he will at no time during the hours of polling on polling day be within five miles of the nearest polling station within that division by the nearest practicable route; or';

(gB) in the case of section 71*ter*, by the substitution for paragraph (b) of subsection (1) of the following paragraph:

'(b) that he will at no time during the hours of polling on polling day be within five miles of the nearest polling station within that division by the nearest practicable route; or';

(gC) in the case of section 71*quat*, by the substitution for subsection (1) of the following subsection:

'(1) Not less than one presiding officer for votes of special voters and his assistants shall be on duty at the office of every returning officer at all times during the hours from seven o'clock in the forenoon to nine o'clock in the afternoon of every day (except a Sunday or a public holiday mentioned in the Second Schedule to the Public Holidays Act, 1952 (Act No. 5 of 1952)), during the period from the twenty-first day before polling day up to and including the second day immediately preceding polling day, in order to take the necessary steps to enable voters who are entitled thereto to vote forthwith as special voters: Provided that in the case of an election referred to in section 88, presiding officers for votes of special voters in magisterial districts other than the magisterial districts in the areas of which the division in which the poll is held, is situated, shall not be obliged to take steps outside their hours of duty to enable the voters concerned to vote.'"

7. This Act shall be called the Electoral Laws Amendment Short title. Act, 1966.

WET

Tot samevatting van die wetsbepalings betreffende die Werkloosheidversekeringsfonds, die betaling van voordele aan sekere persone, die betaling van sekere bedrae aan afhanklikes van sekere oorlede persone, die bestryding van werkloosheid en aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 September 1966.)

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29. Bydraes deur werkgewers en bydraers en uit Staatsfondse.

No. 30, 1966.]

ACT

To consolidate the laws relating to the Unemployment Insurance Fund, the payment of benefits to certain persons, the payment of certain amounts to dependants of certain deceased persons, the combating of unemployment and matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 27th September, 1966.)*

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Artikel.

30. State wat deur werkgewers verstrekk moet word.
31. Versuim om bydraes of ander gelde te betaal.
32. Werkgewers moet aantekeninge hou.
33. Bydraers se verslagkaarte.

HOOFSTUK VI.

BETALING VAN VOORDELE EN TOELAES.

34. Voordele aan bydraers.
35. Aansoeke om voordele.
36. Skale van voordele.
37. Betaling van voordele.
38. Betaling van siektetoelaes.
39. Betaling van kraamvoordele.
40. Betalings aan afhanklikes van oorlede bydraers.
41. Voorwaardes betreffende betaling van voordele.
42. Aanvang van tydperk van werkloosheid.
43. Voordele verkeerdelik uitbetaal.
44. Voordele kan nie afgestaan, beswaar, in beslag geneem of in skuldvergelyking gebring word nie.

HOOFSTUK VII.

VERANDERING VAN SKALE VAN VOORDELE EN BYDRAES.

45. Verandering van skale van voordele en bydraes onder sekere omstandighede.

HOOFSTUK VIII.

BEPALINGS OM WERKLOOSHEID TE BESTRY.

46. Skemas om werkloosheid te bestry.
47. Opskorting van sekere bepalinge van Wet.
48. Spesiale weeklikse toelaes.
49. Betaling van opleidingskoste van bydraer.

HOOFSTUK IX.

UITVOERING EN TOEPASSING VAN WET.

50. Wyse van berekening van verdienste ten einde groep vas te stel.
51. Bevoegdhede, werksaamhede en pligte van Sekretaris.
52. Sekretaris kan eiendom verkry en vervreem.
53. Jaarverslag.
54. Aanstelling van inspekteurs.
55. Bevoegdhede van inspekteurs.
56. Aanstelling van agente.
57. Vrystelling van belasting.
58. Sekere stukke vrygestel van seëlregte.
59. Voorrang van bydraes en ander gelde.
60. Bewyslewering.
61. Strafbepalinge.

HOOFSTUK X.

REGULASIES.

62. Regulasies.
63. Spesiale regulasies vir die doeleindes van artikels 38, 39, 40 en 49.

HOOFSTUK XI.

ALGEMEEN.

64. Voorbehoude.
65. Herroeping van wette.
66. Kort titel en inwerkingtreding.

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

Section.

30. Statements to be furnished by employers.
31. Failure to pay contributions or other moneys.
32. Employers to keep records.
33. Contributors' Record Cards.

CHAPTER VI.

PAYMENT OF BENEFITS AND ALLOWANCES.

34. Benefits to contributors.
35. Applications for benefits.
36. Rates of benefits.
37. Payment of benefits.
38. Payment of illness allowances.
39. Payment of maternity benefits.
40. Payments to dependants of deceased contributors.
41. Conditions relating to payment of benefits.
42. Commencement of period of unemployment.
43. Benefits paid in error.
44. Benefits may not be assigned, charged, attached or set off.

CHAPTER VII.

ALTERATION OF RATES OF BENEFITS AND CONTRIBUTIONS.

45. Alteration of rates of benefits and contributions under certain circumstances.

CHAPTER VIII.

PROVISIONS TO COMBAT UNEMPLOYMENT.

46. Schemes to combat unemployment.
47. Suspension of certain provisions of Act.
48. Special weekly allowances.
49. Payment of training expenses of a contributor.

CHAPTER IX.

ADMINISTRATION AND APPLICATION OF ACT.

50. Method of calculating earnings for the purpose of determining group.
51. Powers, functions and duties of Secretary.
52. Secretary may acquire and alienate property.
53. Annual report.
54. Appointment of inspectors.
55. Powers of inspectors.
56. Appointment of agents.
57. Exemption from tax.
58. Certain documents exempt from stamp duty.
59. Priority of contributions and other moneys.
60. Evidence.
61. Penalties.

CHAPTER X.

REGULATIONS.

62. Regulations.
63. Special regulations for the purposes of sections 38, 39, 40 and 49.

CHAPTER XI.

GENERAL.

64. Savings.
65. Repeal of laws.
66. Short title and commencement.

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

HOOFSTUK I.

UITLEG VAN UITDRUKKINGS.

Woordomskrwing.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „agent” ’n kragtens artikel 56 (1) aangestelde agent; (ii)
- (ii) „aktuaris” ’n „Fellow” van die „Institute of Actuaries” (Londen) of van die „Faculty of Actuaries in Scotland” of ’n ander persoon wat as sodanig deur die Minister vir die doeleindes van hierdie Wet erken word; (i)
- (iii) „arbeidsgeskil” ’n geskil tussen werkgewers en persone in hul diens, of tussen werknemers en werknemers, in verband met werkverskaffing of versuim om werk te verskaf aan, of die diensvoorwaardes van enige persoon hetsy in diens by die werkgewer met wie die geskil ontstaan, al dan nie; (xxx)
- (iv) „Bantoe” ’n persoon wat tot ’n inboorlingras of -stam van Afrika behoort; (iv)
- (v) „beampte” iemand op die vaste diensstaat van die Staatsdiens; (xxi)
- (vi) „besigheid” ’n nywerheid, onderneming, bedryf of werksaamheid, of enige bedrywigheid waarin ’n bydraer in diens is; (vii)
- (vii) „boekjaar” die tydperk vanaf die eerste dag van Januarie tot en met die een-en-dertigste dag van Desember van enige jaar; (xvi)
- (viii) „buite-stedelike gebied” ’n gebied buite die regsgebied van ’n munisipale raad, stadsraad of dorpsraad, dorpsbestuur of ’n dorpsbestuursraad of plaaslike raad; (xxv)
- (ix) „bydrae” die bedrag kragtens artikel 29 deur ’n werkgewer, of ’n bydraer of uit Staatsfondse betaalbaar, en het „bydra” ’n ooreenstemmende betekenis; (xii)
- (x) „bydraer” ’n bydraer soos deur artikel 2 omskryf, hetsy by ’n werkgewer in diens of voorheen aldus in diens, soos uit die samehang blyk; (xiii)
- (xi) „eisebeampte” die persoon kragtens artikel 26 as sodanig aangestel; (ix)
- (xii) „fonds” die in artikel 6 bedoelde werkloosheidversekeringfonds; (xvii)
- (xiii) „groep” die verdienstegroep waaronder ’n bydraer ooreenkomstig die bepalinge van artikel 50 en Bylae 1 ressorteer; (xviii)
- (xiv) „hierdie Wet” ook ’n regulasie; (xxix)
- (xv) „inspekteur” ’n kragtens artikel 54 aangestelde inspekteur; (xix)
- (xvi) „kalenderweek” ’n tydperk bereken vanaf middernag tussen Sondag en Maandag tot middernag tussen die eersvolgende Sondag en Maandag; (viii)
- (xvii) „komitee” ’n kragtens artikel 16 ingestelde werkloosheidbystandskomitee; (xi)
- (xviii) „Kommissie” die in artikel 4 van die Staatsdienswet, 1957 (Wet No. 54 van 1957), bedoelde Staatsdienskommissie; (x)
- (xix) „landbou” enige diens op ’n plaas in verband met boerdery, met inbegrip van tuinbou en bosbou, ongeag of sodanige diens dit nodig maak dat die werknemer in die loop van sy diens die plaas tydelik moet verlaat; (iii)
- (xx) „Minister” die Minister van Arbeid; (xx)
- (xxi) „raad” die in artikel 12 bedoelde werkloosheidversekeringraad; (vi)
- (xxii) „regulasie” ’n regulasie wat kragtens hierdie Wet uitgevaardig is of geag word daarkragtens uitgevaardig te wees; (xxiv)
- (xxiii) „seisoensbesigheid” enige besigheid wat ingevolge artikel 5 (1) ’n seisoensbesigheid verklaar is; (xxvi)
- (xxiv) „seisoenswerker”, behoudens die bepalinge van artikel 5 (2) en (3), ’n persoon wat verdienste in ’n seisoensbesigheid ontvang en nie ’n lid is van die administratiewe, klerklike, tegniese, kantoor-, verkoops- of instandhoudingspersoneel in daardie besigheid nie; (xxvii)
- (xxv) „Sekretaris” die Sekretaris van Arbeid en, met betrekking tot die uitoefening, verrigting of uitvoering van ’n bevoegdheid, werksaamheid of plig wat die Sekretaris ingevolge artikel 51 aan ’n beampte in sy departement gedelegeer het, ook daardie beampte; (xxviii)
- (xxvi) „Staatsdiens” die Staatsdiens volgens die bepalinge van artikel 3 van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (xxiii)

CHAPTER I.

INTERPRETATION OF TERMS.

1. In this Act, unless the context otherwise indicates— **Definitions.**
- (i) "actuary" means a Fellow of the Institute of Actuaries (London) or of the Faculty of Actuaries in Scotland or any other person recognized as such by the Minister for the purposes of this Act; (ii)
 - (ii) "agent" means an agent appointed under section 56 (1); (i)
 - (iii) "agriculture" means any employment on a farm connected with farming, including horticulture and forestry, irrespective of whether such employment necessitates the employee temporarily leaving the farm in the course of his employment; (xix)
 - (iv) "Bantu" means any person who is a member of an aboriginal race or tribe of Africa; (iv)
 - (v) "benefits" means the benefits referred to in section 34 and includes, for the purposes of sections 7 (a), 35, 43, 44 and 61 (1) (a), the allowances referred to in sections 38 and 48; (xxix)
 - (vi) "board" means the unemployment insurance board referred to in section 12; (xxi)
 - (vii) "business" means any industry, undertaking, trade or occupation, or any activity in which any contributor is employed; (vi)
 - (viii) "calendar week" means a period calculated from midnight between Sunday and Monday to midnight between the next succeeding Sunday and Monday; (xvi)
 - (ix) "claims officer" means the person appointed as such under section 26; (xi)
 - (x) "Commission" means the Public Service Commission referred to in section 4 of the Public Service Act, 1957 (Act No. 54 of 1957); (xviii)
 - (xi) "committee" means an unemployment benefit committee established under section 16; (xvii)
 - (xii) "contribution" means the amount payable by an employer, or a contributor, or from public funds, in terms of section 29 and "contribute" has a corresponding meaning; (ix)
 - (xiii) "contributor" means a contributor as defined by section 2 whether employed by an employer or previously so employed as may appear from the context; (x)
 - (xiv) "earnings" means earnings as defined in section 3; (xxviii)
 - (xv) "employer" means an employer as defined by section 4; (xxxii)
 - (xvi) "financial year" means the period between the first day of January and the thirty-first day of December in any year, both dates included; (vii)
 - (xvii) "fund" means the unemployment insurance fund referred to in section 6; (xii)
 - (xviii) "group" means the earnings group in which a contributor falls in accordance with the provisions of section 50 and Schedule 1; (xiii)
 - (xix) "inspector" means an inspector appointed under section 54; (xv)
 - (xx) "Minister" means the Minister of Labour; (xx)
 - (xxi) "officer" means a person on the fixed establishment of the public service; (v)
 - (xxii) "prescribed" means prescribed by regulation; (xxx)
 - (xxiii) "public service" means the public service according to the provisions of section 3 of the Public Service Act, 1957 (Act No. 54 of 1957); (xxvi)
 - (xxiv) "regulation" means a regulation made or deemed to have been made under this Act; (xxii)
 - (xxv) "rural area" means any area outside an area under the jurisdiction of any municipal council, borough council, town council or village council or any town board, village management board or local board; (viii)
 - (xxvi) "seasonal business" means any business declared to be a seasonal business in terms of section 5 (1); (xxiii)
 - (xxvii) "seasonal worker" means, subject to the provisions of section 5 (2) and (3), a person receiving earnings in a seasonal business, who is not a member of the administrative, clerical, technical, office, sales or maintenance staff in that business; (xxiv)
 - (xxviii) "Secretary" means the Secretary for Labour and, in relation to the exercise, performance or carrying out

- (xxvii) „Tesourie” die Minister van Finansies of ’n beampte in die Departement van Finansies wat deur genoemde Minister gemagtig is om die werksaamhede wat deur hierdie Wet aan die Tesourie opgedra word, te verrig; (xxxi)
- (xxviii) „verdienste”, verdienste soos in artikel 3 omskryf; (xiv)
- (xxix) „voordele” die in artikel 34 bedoelde voordele en, by die toepassing van artikels 7 (a), 35, 43, 44 en 61 (1) (a), ook die in artikels 38 en 48 bedoelde toelaes; (v)
- (xxx) „voorgeskryf” by regulasie voorgeskryf; (xxii)
- (xxxi) „week” enige tydperk van sewe agtereenvolgende dae; (xxxii)
- (xxxii) „werkgewer” ’n werkgewer soos deur artikel 4 omskryf. (xv)

Omskrywing van „bydraer”.

2. (1) Behoudens die bepalings van subartikels (2), (3), (4) en (5) en tensy uit die samehang anders blyk, beteken „bydraer” in hierdie Wet enige persoon wat met ’n werkgewer ’n diens- of vakleerlingskap- of leerlingskapkontrak aangegaan het of daaronder werk, hetsy die kontrak uitdruklik of stilswyend, of mondeling of skriftelik is, en hetsy sy verdienste volgens tyd of werk verrig, bereken word, en ook so ’n persoon terwyl hy tydelik vir sy werkgewer op ’n plek buite die Republiek of binne ’n ingevolge subartikel (5) vermelde gebied, werk verrig, maar nie ook so ’n persoon ten opsigte van ’n week waarin hy, weens afwesigheid van werk, op minder as een dag se verdienste geregtig is nie.

(2) By die toepassing van hierdie Wet word die volgende persone nie as bydraers beskou nie:

- (a) Persone wat die Republiek binnekom om ’n diens-, vakleerlingskap- of leerlingskapkontrak binne die Republiek uit te voer indien by die beëindiging van die kontrak die werkgewer daardie persoon volgens wet of volgens die diens-, vakleerlingskap- of leerlingskapkontrak, na gelang van die geval, of volgens enige ander ooreenkoms of onderneming moet repatrieer, of daardie persoon aldus moet terugkeer na die land vanwaar hy die Republiek binnegekom het; of
- (b) Bantoes wat by ’n goud- of steenkoolmyn in diens is en wat sowel voedsel as huisvesting van hul werkgewers ontvang; of
- (c) Bantoes wat uitsluitlik of hoofsaaklik in ’n buite-stedelijke gebied in diens is behalwe Bantoes wat in ’n „fabriek” soos in die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), omskryf of, behoudens die bepalings van paragraaf (b), in ’n „myn” of „bedryf” soos in die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), omskryf, in diens is; of
- (d) persone wie se verdienste, bereken op die wyse uiteengesit in artikel 50, tweeduisend agthonderd-en-sestig rand per jaar te bowe gaan, en, in die geval van Bantoes, nie vyfhonderd ses-en-veertig rand per jaar te bowe gaan nie; of
- (e) persone wat by geleentheid en nie vir die doel van die werkgewer se besigheid in diens geneem word nie; of
- (f) persone wie se verdienste slegs uit ’n aandeel in ontvangste bestaan of bloot op ’n kommissiebasis bereken word; of
- (g) persone aan wie artikels of materiaal deur ’n werkgewer uitgegee word om op ’n plek wat nie onder die beheer van die werkgewer staan nie opgemaak, afgewerk, vir verkoop reggemaak of andersins bewerk te word; of
- (h) persone wat vir minder as ’n volle werksdag of minder as agt uur, na gelang van watter ook al die minste is, in enige afsonderlike kalenderweek by ’n werkgewer in diens is; of
- (i) bediendes in diens as sodanig in private huishoudings; of
- (j) die eggenoot of eggenote van ’n werkgewer wat by daardie werkgewer werksaam is; of
- (k) persone in diens in landbou behalwe persone uitsluitlik of hoofsaaklik in diens in bosbou; of
- (l) persone wat beamptes is ingevolge die omskrywing van „beampte” in artikel 1 van die Staatsdienswet, 1957 (Wet No. 54 van 1957); of
- (m) persone in diens by ’n provinsiale administrasie (met inbegrip van ’n skool- of hospitaalraad onder die beheer van ’n provinsiale administrasie) wat tot ’n pensioenfonds wat deur die provinsie geadministreer word, bydra, en wat by uitdienstreding geregtig is om van so ’n pensioenfonds ’n pensioen te ontvang wat of in sy geheel of gedeeltelik by wyse van ’n jaargeld betaalbaar is

- of any power, function or duty delegated by the Secretary to an officer in his department in terms of section 51, includes that officer; (xxv)
- (xxix) "this Act" includes any regulation; (xiv)
- (xxx) "trade dispute" means any dispute between employers and persons employed by them or between employees and employees, which is connected with the employment or non-employment or the conditions of employment of any person whether employed by the employer with whom the dispute arises or not; (iii)
- (xxxi) "Treasury" means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform the functions assigned to the Treasury by this Act; (xxvii)
- (xxxii) "week" means any period of seven consecutive days. (xxxi)

2. (1) Subject to the provisions of subsections (2), (3), (4) and (5) and unless the context otherwise indicates, "contributor" in this Act means any person who has entered into or works under a contract of service or of apprenticeship or learnership, with an employer, whether the contract is expressed or implied, is oral or in writing, and whether his earnings are calculated by time or by work done, and includes any such person while temporarily performing work for his employer at a place outside the Republic or in an area which has been specified in terms of subsection (5), but does not include such person in respect of any week during which, owing to absence from work, he is entitled to less than one day's earnings.

(2) The following persons shall not for the purposes of this Act be regarded as contributors:

- (a) Persons who enter the Republic for the purpose of carrying out a contract of service, apprenticeship or learnership within the Republic if upon the termination thereof the employer is required by law or by the contract of service, apprenticeship or learnership, as the case may be, or by any other agreement or undertaking, to repatriate that person, or that person is so required to return to the country from which he entered the Republic; or
- (b) Bantu employed on any gold or coal mine and who are provided by their employers with both food and quarters; or
- (c) Bantu employed exclusively or mainly in a rural area save Bantu employed in a "factory" as defined in the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941), or subject to the provisions of paragraph (b), in a "mine" or "works" as defined in the Mines and Works Act, 1956 (Act No. 27 of 1956); or
- (d) persons whose rate of earnings calculated in the manner set out in section 50 exceeds two thousand eight hundred and sixty rand a year and, in the case of Bantu, does not exceed five hundred and forty-six rand a year; or
- (e) persons employed casually and not for the purpose of the employer's business; or
- (f) persons whose earnings consist solely of a share in takings or are calculated purely on a commission basis; or
- (g) persons to whom articles or materials are given out by an employer to be made up, finished, adapted for sale or otherwise worked with at a place not under the control of the employer; or
- (h) persons employed by an employer for less than one full working day or less than eight hours, whichever is less, in any one calendar week; or
- (i) domestic servants employed as such in private households; or
- (j) the husband or wife of an employer when working for such employer; or
- (k) persons employed in agriculture save persons employed exclusively or mainly in forestry; or
- (l) persons who are officers in terms of the definition of "officer" in section 1 of the Public Service Act, 1957 (Act No. 54 of 1957); or
- (m) persons employed by a provincial administration (including a school or hospital board under the control of a provincial administration) who contribute to a pension fund administered by the province and who upon retirement are entitled to receive from such pension fund a pension payable in whole or in part

- met inbegrip van leerlingverpleegsters aldus in diens, hetsy hulle tot 'n pensioenfonds bydra al dan nie; of
- (n) persone wat ingevolge artikel 23 van die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), vir alle doeleindes ten opsigte van pensioen- en uitdienstredingsvoordele behandel word asof hulle in diens was in geklassifiseerde poste in die Staatsdiens; of
- (o) (i) persone wat ingevolge artikel 5 van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), in die vaste diens van die spoorwegadministrasie is;
- (ii) persone wat by genoemde administrasie in sy gereelde nie-blanke dienspersoneel in diens is; of
- (p) amptenare van die Parlement; of
- (q) iemand wat lid is van 'n pensioen- of voorsorgfonds wat deur sy werkgewer bestuur word of waartoe sy werkgewer bydra en waaruit so iemand by uitdienstreding geregtig is om 'n pensioen te ontvang wat of in sy geheel of gedeeltelik in die vorm van 'n jaargeld betaalbaar is, en watter fonds die Minister, na oorlegpleging met die raad, vir die doeleindes van hierdie paragraaf goedkeur het: Met dien verstande dat die Minister te eniger tyd sodanige goedkeuring kan intrek met ingang van 'n datum wat skriftelik aan die betrokke werkgewer deur die Sekretaris bekendgemaak word; of
- (r) seisoenswerkers.
- (3) Wanneer iemand by twee of meer werkgewers in diens is, word so iemand by die toepassing van hierdie Wet slegs ten opsigte van daardie diens wat na die oordeel van die Sekretaris sy normale diens uitmaak, as 'n bydraer beskou, en die Sekretaris kan, wanneer hy ingevolge hierdie subartikel tot 'n beslissing geraak, benewens enige ander omstandighede, die bedrag van die verdienste wat van die onderskeie werkgewers ontvang word, in ag neem.
- (4) (a) Die Minister kan, na oorlegpleging met die Minister van Verdediging, by kennisgewing in die *Staatskoerant* verklaar dat enige kategorie van persone wat ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), of enige ander wetsbepaling op die verdediging van die Republiek in diens geneem is, vanaf 'n in die kennisgewing vermelde datum, watter datum 'n datum voor die datum van inwerkingtreding van hierdie Wet kan wees, nie by die toepassing van hierdie Wet as bydraers beskou word nie.
- (b) Die Minister kan op dergelike wyse enige sodanige kennisgewing wysig of intrek.
- (5) (a) Die Minister kan, behoudens die bepalings van paragrafe (b) en (c) en na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant* verklaar dat enige vermelde kategorie van persone, of enige persoon wat in 'n vermelde besigheid of afdeling van 'n besigheid of in 'n vermelde gebied diens doen, vanaf 'n in die kennisgewing vermelde datum, nie by die toepassing van hierdie Wet as bydraers beskou word nie. Die strekking van enige sodanige verklaring moet in 'n nuusblad of nuusblaaie wat in die betrokke gebied of gebiede in omloop is, gepubliseer word.
- (b) Voordat hy 'n kennisgewing kragtens paragraaf (a) publiseer, moet die Minister 'n voorlopige kennisgewing in die *Staatskoerant* en in 'n nuusblad of nuusblaaie wat in die betrokke gebied of gebiede in omloop is, laat publiseer waarin die strekking van die kennisgewing wat hy voornemens is om kragtens paragraaf (a) te publiseer, uiteengesit word en waarin alle belanghebbendes wat besware teen die voorgestelde kennisgewing of die voorgestelde bepalings daarvan het, aangesê word om binne 'n vermelde tydperk van minstens dertig dae vanaf die datum van die publikasie van die voorlopige kennisgewing, daardie besware skriftelik by die Sekretaris in te dien.
- (c) Geen kennisgewing word ingevolge paragraaf (a) gepubliseer wat na die oordeel van die Minister in 'n wesenlike opsig verskil van die voorlopige kennisgewing wat dit ingevolge paragraaf (b) voorafgegaan het nie.
- (d) Die Minister kan op dergelike wyse 'n kragtens paragraaf (a) gepubliseerde kennisgewing wysig of intrek.

Omskrywing van „verdienste”.

3. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken „verdienste” enige betaling in kontant of in natura of sowel in kontant as in natura gemaak of verskuldig aan enige persoon, wat op enige wyse hoegenaamd uit diens ontstaan, en ook enige lewenskostetoelae, maar nie ook—

- in the form of an annuity, including probationer nurses so employed whether they contribute to a pension fund or not; or
- (n) persons who in terms of section 23 of the Vocational Education Act, 1955 (Act No. 70 of 1955), are for all purposes in respect of pension and retirement benefits dealt with as if they were employed in posts classified in the public service; or
 - (o) (i) persons who are in terms of section 5 of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), in the permanent employment of the railway administration;
(ii) persons employed by the said administration on its regular non-European staff establishment; or
 - (p) officers of Parliament; or
 - (q) a person who is a member of a pension or provident fund administered by his employer or to which his employer contributes and from which such person is upon retirement entitled to receive a pension payable in whole or in part in the form of an annuity and which fund the Minister has, after consultation with the board, approved for the purposes of this paragraph: Provided that the Minister may at any time withdraw such approval with effect from a date which shall be notified in writing to the employer concerned by the Secretary; or
 - (r) seasonal workers.
- (3) Where a person is employed by two or more employers that person shall for the purposes of this Act be regarded as a contributor only in respect of that employment which in the opinion of the Secretary constitutes his normal employment, and the Secretary may, in coming to a decision under this subsection, have regard, in addition to any other circumstances, to the amount of the earnings received from the respective employers.
- (4) (a) The Minister may, after consultation with the Minister of Defence, by notice in the *Gazette* declare that, as from a date specified in the notice, which date may be a date prior to the date of commencement of this Act, any class of persons employed in terms of the Defence Act, 1957 (Act No. 44 of 1957), or any other law relating to the defence of the Republic, shall not for the purposes of this Act be regarded as contributors.
- (b) The Minister may in like manner amend or withdraw any such notice.
- (5) (a) The Minister may, subject to the provisions of paragraphs (b) and (c) and after consultation with the board, by notice in the *Gazette* declare that as from a date specified in the notice any specified class of persons, or any person employed in any specified business or section of a business or in any specified area, shall not for the purposes of this Act be regarded as contributors. The purport of any such declaration shall be published in a newspaper or newspapers circulating in the area or areas concerned.
- (b) Before publishing a notice under paragraph (a), the Minister shall cause to be published in the *Gazette* and in a newspaper or newspapers circulating in the area or areas concerned a provisional notice setting forth the purport of the notice he proposes to publish under paragraph (a) and calling upon all interested persons who have any objections to the proposed notice or the proposed provisions thereof, to submit such objections in writing to the Secretary within a specified period of not less than thirty days from the date of the publication of the provisional notice.
- (c) No notice which, in the opinion of the Minister, differs in a material respect from the provisional notice which preceded it in terms of paragraph (b), shall be published under paragraph (a).
- (d) The Minister may in like manner amend or withdraw any notice published under paragraph (a).

3. (1) In this Act, unless the context otherwise indicates, **Definition of "earnings"** "earnings" means any payment in money or in kind or both in money and in kind made or owing to any person, which arises in any manner whatsoever out of employment, and includes any cost of living allowance, but does not include—

- (a) die waarde van die opleiding waarop iemand ingevolge 'n vakleerlingskap- of leerlingskapkontrak geregtig is nie;
 - (b) 'n bedrag wat by wyse van kommissie of as 'n aandeel in ontvangste ontvang word nie;
 - (c) 'n addisionele betaling bereken op die hoeveelheid of omvang van die werk wat gedoen is nie, uitgesonderd 'n bedrag wat ingevolge 'n wetsbepaling of andersins as minimum besoldiging gewaarborg word;
 - (d) 'n besoldiging vir oortyd nie; of
 - (e) 'n spesiale betaling, spesiale bonus of spesiale toelaag nie, tensy die Minister, na oorlegpleging met die raad, òf oor die algemeen òf ten opsigte van 'n bydraer of klas bydraer, anders bepaal.
- (2) Die Minister kan, na oorlegpleging met die raad, 'n bepaling wat ingevolge subartikel (1) (e) gedoen is, intrek of wysig.

Omskrywing van „werkgewer”.

4. (1) Behoudens die bepalings van hierdie artikel en tensy uit die samehang anders blyk, beteken „werkgewer” in hierdie Wet 'n persoon wat 'n bydraer in diens het en ook die Staat en iemand wat die besigheid van 'n werkgewer beheer.
- (2) Indien die dienste van 'n bydraer tydelik deur sy werk-gewer aan 'n ander persoon uitgeleen of verhuur word, word daardie werkgewer nog geag die werkgewer van daardie bydraer te wees terwyl hy vir sodanige ander persoon werk.
- (3) Ten opsigte van 'n bydraer in diens van 'n klub of 'n vereniging van persone, word die lede van die bestuur, die sekretaris of ander verantwoordelike beampte van die vereniging of klub as die werkgewer beskou.
- (4) Vir die doeleindes van die verstrekking of ontvangs van state, kennisgewings of ander dokumente ingevolge hierdie Wet, beteken die uitdrukking „werkgewer” ook die bestuurder, sekre-taris, rekenmeester, penningmeester, kurator, eksekuteur, likwidadeur of behoorlik gevolmagtigde verteenwoordiger.

Seisoenswerk.

5. (1) (a) Indien na die oordeel van die Minister werk vir 'n aansienlike aantal persone in diens in 'n besigheid of 'n klas of soort besigheid in 'n gebied, vir hoogstens agt maande in 'n enkele jaar beskikbaar is weens seisoenswisselings in die toevoer van die grondstowwe deur bedoelde besigheid of klas of soort besigheid benodig, kan hy, na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant* bedoelde besigheid of klas of soort besigheid 'n seisoensbesigheid verklaar.
- (b) Die Minister kan op dergelike wyse 'n ingevolge para-graaf (a) uitgevaardigde verklaring wysig of intrek.
- (2) 'n Persoon wat vir 'n ononderbroke tydperk van agt maande 'n seisoenswerker in diens van dieselfde persoon was, hou op om 'n seisoenswerker te wees, indien hy na die verstryking van genoemde tydperk in die diens van daardie persoon aanbly.
- (3) Indien 'n bydraer in diens van 'n persoon in enige besigheid was op die dag onmiddellik voor die datum waarop bedoelde besigheid 'n seisoensbesigheid word, word sodanige bydraer, terwyl hy in die diens van bedoelde persoon bly, nie 'n seisoens-werker bloot vanweë sy diens in sodanige besigheid nie.

HOOFSTUK II.

WERKLOOSHEIDVERSEKERINGSFONDS.

Voortbestaan van werkloosheid-versekeringsfonds.

6. Die werkloosheidversekeringsfonds ingestel ingevolge artikel 4 van die Werkloosheidversekeringswet, 1946 (Wet No. 53 van 1946), bly, ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan en bestaan uit—
- (a) alle bates wat onmiddellik voor die inwerkingtreding van hierdie Wet bates van die fonds was;
 - (b) die bydraes van werkgewers en bydraers ingevolge artikel 29 (1);
 - (c) die bydraes van die Minister uit die Gekonsolideerde Inkomstefonds ingevolge artikel 29 (2);
 - (d) alle gelde wat ingevolge hierdie Wet as penes betaal word;
 - (e) alle rente uit beleggings van die fonds;
 - (f) alle gelde aan die fonds kragtens artikel 9 voorgeskiet;
 - (g) enige ander bedrae waarop die fonds geregtig word.

Aanwending van fonds.

7. Behoudens die bepalings van hierdie Wet, staan die fonds onder beheer van die Sekretaris en die gelde van die fonds word deur die Sekretaris aangewend vir—

- (a) the value of the training which a person is entitled to receive under a contract of apprenticeship or learner-ship;
 - (b) any amount received by way of commission, or as a share in takings;
 - (c) any additional payment based on the quantity or output of work done, except any amount guaranteed by law or otherwise to be a minimum remuneration;
 - (d) any remuneration for overtime; or
 - (e) any special payment, special bonus or special allowance, unless the Minister, after consultation with the board, either generally or in respect of any contributor or class of contributor, determines otherwise.
- (2) The Minister may, after consultation with the board, withdraw or amend any determination made in terms of sub-section (1)(e).

4. (1) Subject to the provisions of this section and unless the context otherwise indicates, "employer" in this Act means a person who employs a contributor and includes the State and any person controlling the business of an employer. Definition of "employer".

(2) If the services of a contributor are temporarily lent or hired out by his employer to another person, such employer shall be deemed to continue to be the employer of that contributor while he is working for that other person.

(3) In respect of a contributor employed by a club or an association of persons, the members of the managing committee, the secretary or other responsible officer of the association or club shall be deemed to be the employer.

(4) For the purposes of the giving or receiving of statements, notices or other documents under this Act, the term "employer" shall include the manager, secretary, accountant, treasurer, trustee, executor, liquidator or duly authorized agent.

5. (1) (a) If in the opinion of the Minister work is available to a substantial number of persons employed in any business or any class or kind of business in any area, for not more than eight months in any one year, by reason of the seasonal variation in the supply of raw materials required by such business or class or kind of business, he may, after consultation with the board, by notice in the *Gazette* declare such business or class or kind of business to be a seasonal business. Seasonal employment.

(b) The Minister may in like manner amend or withdraw any declaration made under paragraph (a).

(2) Any person who has been a seasonal worker for a continuous period of eight months in the employment of the same person, ceases to be a seasonal worker if he remains in the employment of that person after the expiry of the said period.

(3) If any contributor was employed by any person in any business on the day immediately prior to the date on which such business becomes a seasonal business, such contributor shall, while he remains in the employment of such person, not become a seasonal worker merely by reason of his employment in such business.

CHAPTER II.

UNEMPLOYMENT INSURANCE FUND.

6. The unemployment insurance fund established in terms of section 4 of the Unemployment Insurance Act, 1946 (Act No. 53 of 1946), shall, notwithstanding the repeal of that Act by this Act, continue to exist and shall consist of— Continued existence of unemployment insurance fund.

- (a) all assets which immediately prior to the commencement of this Act were assets of the fund;
- (b) the contributions of employers and contributors in terms of section 29 (1);
- (c) the contributions of the Minister from the Consolidated Revenue Fund in terms of section 29 (2);
- (d) any moneys paid as penalties under this Act;
- (e) any interest from investments of the fund;
- (f) any moneys advanced to the fund in terms of section 9;
- (g) any other sums to which the fund may become entitled.

7. The fund shall, subject to the provisions of this Act, be under the control of the Secretary and its moneys shall be applied by the Secretary to— Application of fund.

- (a) die betaling van voordele;
- (b) die betaling van bedrae betaalbaar ingevolge artikel 40;
- (c) die betaling van bedrae wat betaalbaar word ingevolge 'n magtiging kragtens artikel 46;
- (d) die terugbetaling aan die Gekonsolideerde Inkomstefonds van die bedrag wat deur die Sekretaris in oorleg met die Tesourie ingevolge artikel 10 bepaal word as die waarde van die dienste deur die Departement van Arbeid aan die fonds gelewer;
- (e) die betaling van die voorgeskrewe toelaes aan die lede van die raad of van 'n komitee;
- (f) die terugbetaling van voorskotte wat ingevolge artikel 9 aan die fonds toegestaan is;
- (g) die betaling van alle ander uitgawes wat die Sekretaris in verband met die uitvoering van hierdie Wet aangaan, met inbegrip van die in artikel 49 bedoelde koste.

Belegging van fondsgelde.

8. (1) Die gelde van die fonds, behalwe die gelde wat nodig is om die lopende uitgawes in verband met die uitvoering van hierdie Wet te dek, word by die Openbare Skuldkommissarisse in 'n rekening, met die naam van die werkloosheidversekeringsfondstrekening, gestort, en sodanige gelde word as „deposito's" kragtens artikel 9 van die „Openbare Schuld Kommissarissen Wet, 1911" (Wet No. 18 van 1911), beskou.

(2) Enige wins by die tegeldemaking van beleggings kom ten bate van die fonds en enige verlies by sodanige tegeldemaking kom ten laste van die fonds.

Voorskotte aan fonds uit Staatsfondse.

9. (1) Die Minister kan, uit gelde wat vir die doel deur die Parlement beskikbaar gestel is, en op die voorwaardes wat die Tesourie voorskryf, met inbegrip van voorwaardes betreffende rente en terugbetaling, te eniger tyd aan die fonds die gelde voorskiet wat nodig is om uitgawes in verband met die uitvoering van hierdie Wet, met inbegrip van die betaling van voordele ingevolge die bepalings daarvan, te bestry, en wat die Minister, in oorleg met die Tesourie, bepaal.

(2) Die gelde aldus voorgeskiet en die rente daarop is 'n las teen die fonds.

Uitgawes van die fonds.

10. (1) Die Sekretaris moet so spoedig doenlik na die einde van elke boekjaar, in oorleg met die Tesourie, die waarde van die dienste wat deur die Departement van Arbeid gedurende daardie boekjaar aan die fonds gelewer is, bepaal en die bedrag daarvan aan die Gekonsolideerde Inkomstefonds terugbetaal.

(2) Alle ander nodige uitgawes in verband met die uitvoering van hierdie Wet, met inbegrip van uitgawes in verband met die verrigting van die werksaamhede van die raad of 'n komitee of agent, word uit die fonds bestry.

Rekenings en ouditering van die fonds.

11. (1) Die Sekretaris moet volledige en juiste rekenings van die fonds laat hou.

(2) Die Sekretaris moet die boeke en rekenings van die fonds laat balanseer ten einde die posisie op die een-en-dertigste dag van Desember in elke jaar aan te dui en moet daarna vir voorlegging tesame met die in artikel 53 bedoelde verslag 'n staat opstel om in alle nodige besonderhede die inkomste en uitgawes van die fonds gedurende die vooraangaande boekjaar aan te toon asook 'n balansstaat om die bate en laste van die fonds aan te toon.

(3) Die rekenings van die fonds word deur die Kontroleur en Ouditeur-generaal geouditeer.

HOOFSTUK III.

WERKLOOSHEIDVERSEKERINGSRAAD EN WERKLOOSHEIDBYSTANDSKOMITEES.

Voortbestaan en samestelling van werkloosheidversekeringsraad.

12. (1) Die werkloosheidversekeringsraad ingestel by artikel 12 van die Werkloosheidversekeringswet, 1946 (Wet No. 53 van 1946), bly, ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan en bestaan uit 'n beampste wat vir daardie doel deur die Minister aangewys word en wat die voorsitter is, en minstens agt en hoogstens sestiën ander lede wat deur die Minister aangestel word en waarvan—

- (a) die helfte die belange van werkgewers verteenwoordig en deur die Minister aangestel word uit 'n lys van persone benoem deur die organisasies wat die Minister bevoeg ag om die belange van werkgewers te verteenwoordig; en

- (a) the payment of benefits;
- (b) the payment of any amounts payable in terms of section 40;
- (c) the payment of any amounts which may become payable in pursuance of any authorization in terms of section 46;
- (d) the reimbursement of the Consolidated Revenue Fund with the amount determined by the Secretary in consultation with the Treasury in terms of section 10 to be the value of the services rendered to the fund by the Department of Labour;
- (e) the payment of the prescribed allowances to members of the board or of any committee;
- (f) the repayment of advances made to the fund in terms of section 9;
- (g) the payment of any other expenditure incurred by the Secretary in the administration of this Act including the expenses referred to in section 49.

8. (1) The moneys of the fund other than such moneys as may be required to meet the current expenditure incurred in connection with the administration of this Act shall be deposited with the Public Debt Commissioners in an account to be known as the unemployment insurance fund account, and such moneys shall be regarded as "deposits" in terms of section 9 of the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911).

Investment of moneys of fund.

(2) Any profit on realization of investments shall accrue to and any loss on such realization shall be borne by the fund.

9. (1) The Minister may, out of moneys appropriated by Parliament for the purpose, and subject to such conditions as the Treasury may impose, including conditions as to interest and repayment, at any time advance to the fund such moneys required to defray any expenditure incurred in connection with the administration of this Act, including the payment of benefits in terms thereof, as the Minister, in consultation with the Treasury, may determine.

Advances to the fund from public moneys.

(2) The moneys so advanced and the interest thereon, shall be a charge upon the fund.

10. (1) The Secretary shall as soon as practicable after the end of every financial year, in consultation with the Treasury, determine the value of the services rendered to the fund by the Department of Labour during that financial year and shall reimburse the Consolidated Revenue Fund with the amount thereof.

Expenditure of the fund.

(2) All other expenditure necessarily incurred in connection with the administration of this Act, including expenditure in connection with the performance of the functions of the board or any committee or agent, shall be defrayed from the fund.

11. (1) The Secretary shall cause full and true accounts of the fund to be kept.

Accounts and audit of the fund.

(2) The Secretary shall cause the books and accounts of the fund to be balanced as at the thirty-first day of December in every year and shall thereafter for submission with the report referred to in section 53 prepare a statement showing in all necessary detail the income and expenditure of the fund during the preceding financial year and a balance sheet showing the assets and liabilities of the fund.

(3) The accounts of the fund shall be audited by the Controller and Auditor-General.

CHAPTER III.

UNEMPLOYMENT INSURANCE BOARD AND UNEMPLOYMENT BENEFIT COMMITTEES.

12. (1) The unemployment insurance board established by section 12 of the Unemployment Insurance Act, 1946 (Act No. 53 of 1946), shall, notwithstanding the repeal of that Act by this Act, continue to exist and shall consist of an officer designated by the Minister for that purpose, who shall be chairman, and not fewer than eight and not more than sixteen other members who shall be appointed by the Minister and of whom—

Continued existence and constitution of unemployment insurance board.

- (a) one-half shall represent the interests of employers and shall be appointed by the Minister from a list of persons nominated by such organizations as the Minister may deem qualified to represent the interests of employers; and

- (b) die helfte die belange van bydraers verteenwoordig en deur die Minister aangestel word uit 'n lys van persone benoem deur die organisasies wat die Minister bevoeg ag om die belange van bydraers te verteenwoordig:

Met dien verstande dat as die Minister van oordeel is dat 'n aansienlike groep werkgewers of bydraers, na gelang van die geval, nie deur so 'n organisasie verteenwoordig word nie, hy die getal lede wat hy bepaal, aanstel om die belange van daardie werkgewers of bydraers te verteenwoordig, en die getal lede wat uit die in paragraaf (a) of (b) bedoelde lyste, na gelang van die geval, aangestel moet word, dienoooreenkomstig verminderd word.

(2) Die Minister kan op dergelike wyse soveel plaasvervangers aanstel vir die kragtens subartikel (1) aangestelde lede as wat hy goedvind.

(3) (a) Die Minister kan 'n beampte in sy departement as ondervoorsitter van die raad aanwys.

(b) Die ondervoorsitter tree as voorsitter op by enige vergadering van die raad waarvan die voorsitter afwesig is.

(c) Indien sowel die voorsitter as die ondervoorsitter van 'n vergadering afwesig is, kies die aanwesige lede 'n lid uit hul midde om as voorsitter by daardie vergadering op te tree.

(4) Lede van die raad bekleë hul amp vir die tydperk van hoogstens drie jaar wat deur die Minister by hul aanstelling bepaal word.

(5) 'n Toevallige vakature wat in die raad ontstaan, word aangevul deur die aanstelling van 'n ander lid of 'n plaasvervanger, na gelang van die geval, ooreenkomstig die bepalinge van subartikel (1).

(6) Lede of plaasvervangers wie se ampstermyn verstryk het, kan weer aangestel word.

(7) 'n Lid van die raad ontruim sy amp as hy sonder toestemming van die voorsitter van drie agtereenvolgende gewone vergaderings van die raad, waarvan hy in kennis gestel is, afwesig is.

(8) Die Minister kan te eniger tyd na oorlegpleging met of op versoek van die organisasie, indien daar een is, wat die lid of plaasvervanger benoem het, die aanstelling van 'n lid of plaasvervangende lid van die raad intrek, as daar na sy oordeel gegronde redes daarvoor bestaan.

(9) (a) Die voorsitter of ondervoorsitter het nie 'n beraadslagende stem nie, maar by 'n staking van stemme het hy 'n beslissende stem.

(b) 'n Waarnemende voorsitter het slegs 'n beraadslagende stem.

(10) Geen besluit of handeling van die raad of handeling verrig op gesag van die raad is ongeldig slegs omdat daar, wanneer die besluit geneem of die handeling verrig word, 'n vakature in die raad bestaan nie.

(11) Die Minister kan aan die raad 'n beampte van sy departement as sekretaris van die raad toewys, asook die ander beamptes of werknemers van sy departement wat nodig is om die raad in staat te stel om sy werksaamhede te verrig.

(12) Enigiemand wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n lid van die raad was, word geag ingevolge die bepalinge van hierdie Wet as 'n lid van die raad aangestel te gewees het en wel vanaf die datum waarop hy 'n lid daarvan geword het.

Werksaamhede van die raad.

13. Behoudens die bepalinge van hierdie Wet is die werksaamhede van die raad soos volg:

(a) Hy kan ondersoek instel na en aanbevelings by die Minister doen aangaande—

(i) enige aangeleentheid wat in verband staan met die fonds of 'n komitee;

(ii) enige aangeleentheid wat met werkverskaffing in verband staan of dit waarskynlik sal raak en enige voorstel wat die voorkoming of vermindering van werkloosheid ten doel het;

(b) hy moet appèlle teen beslissings van 'n komitee wat ingevolge artikel 21 na hom verwys word, verhoor en beslis;

(c) hy moet bepaal watter voordele, as daar is, kragtens artikel 37 (3) of 38 (3) betaal moet word;

(d) hy kan die reëls wat deur 'n komitee kragtens artikel 19 gemaak is, goedkeur en aanteken of verwerp, en hy kan die opname in die reglemente van 'n komitee van vermelde bepalinge gelas;

(e) hy moet die aanbevelings en voorstelle van komitees wat in verband staan met 'n aangeleentheid wat binne die bestek van hul werksaamhede ingevolge artikel 17 val, oorweeg en aanbevelings daaromtrent by die Minister doen;

- (b) one-half shall represent the interests of contributors and shall be appointed by the Minister from a list of persons nominated by such organizations as the Minister may deem qualified to represent the interests of contributors:

Provided that if in the opinion of the Minister any substantial group of employers or contributors, as the case may be, is not represented by any such organization he shall appoint such a number of members as he may determine to represent the interests of those employers or contributors, and the number of members to be appointed from the lists referred to in paragraph (a) or (b), as the case may be, shall be reduced accordingly.

(2) The Minister may in like manner appoint such number of alternates to the members appointed under subsection (1) as he may deem fit.

(3) (a) The Minister may designate an officer in his department as deputy-chairman of the board.

(b) The deputy-chairman shall act as chairman at any meeting of the board from which the chairman is absent.

(c) If the chairman and deputy-chairman are both absent from any meeting, the members who are present may elect from among themselves a chairman to act at that meeting.

(4) The members of the board shall hold office during such period not exceeding three years as may be specified by the Minister upon their appointment.

(5) Any casual vacancy that occurs on the board shall be filled by the appointment of another member or alternate, as the case may be, in accordance with the provisions of subsection (1).

(6) Members and alternates whose periods of office have expired shall be eligible for reappointment.

(7) A member of the board shall vacate his office if he is absent without the permission of the chairman from three consecutive ordinary meetings of the board of which he has been notified.

(8) The Minister may, after consultation with or at the request of the nominating organization, if any, at any time cancel the appointment of any member or alternate member of the board if in his opinion there are good grounds for doing so.

(9) (a) The chairman or deputy-chairman shall not have a deliberative vote, but in the event of an equality of votes he shall have a casting vote.

(b) An acting chairman shall have a deliberative vote only.

(10) No decision or act of the board or act performed under the authority of the board shall be invalid by reason only of the existence of a vacancy on the board at the time when the decision is made or the act is performed.

(11) The Minister may assign to the board an officer in his department to be the secretary of the board, and such other officers or employees in his department as may be necessary to enable the board to carry out its functions.

(12) Any person who immediately prior to the commencement of this Act was a member of the board, shall be deemed to have been appointed in terms of the provisions of this Act as a member of the board as from the date on which he became a member thereof.

13. Subject to the provisions of this Act, the functions of the board shall be as follows: Functions of the board.

(a) It may enquire into and submit recommendations to the Minister upon—

(i) any matter connected with the fund or any committee;

(ii) any matter connected with or likely to affect employment and any proposal which has as its object the prevention or reduction of unemployment;

(b) it shall hear and determine appeals against decisions of a committee referred to it in terms of section 21;

(c) it shall determine the benefits, if any, to be paid in terms of section 37 (3) or 38 (3);

(d) it may approve and register or reject the rules made by any committee in terms of section 19 and may order the inclusion of specified provisions in such rules;

(e) it shall consider the recommendations and proposals of committees in regard to any matter falling within the scope of their functions in terms of section 17 and make recommendations thereon to the Minister;

- (f) hy moet statistiek en aantekenings hou van die mate waarin daar werkloosheid bestaan;
- (g) hy moet voor die een-en-dertigste dag van Januarie in elke jaar, of so spoedig doenlik daarna, 'n jaarverslag in duplo van sy werksaamhede gedurende die voorafgaande boekjaar aan die Sekretaris verstrek, asook die verdere inligting wat die Sekretaris ten opsigte van daardie jaar verlang;
- (h) hy kan enige ondersoek instel of die ander werksaamhede verrig wat aan hom deur of ingevolge hierdie Wet opgedra word of wat deur die Minister aan hom opgedra word.

Vergaderings van die raad.

14. (1) Alle vergaderings van die raad word gehou op die tye en plekke wat die raad van tyd tot tyd bepaal: Met dien verstande dat die voorsitter, of gedurende sy afwesigheid die ondervoorsitter, te eniger tyd 'n spesiale vergadering van die raad kan belê, om gehou te word op 'n deur hom vasgestelde tyd en plek.

(2) Enige persoon deur die Minister daartoe aangewys kan 'n vergadering van die raad bywoon en kan aan die verrigtinge van so 'n vergadering deelneem, maar is nie geregtig om 'n stem uit te bring nie.

(3) Die sekretaris van die raad hou notule van die verrigtinge van elke vergadering van die raad.

(4) Die notule van 'n vergadering word by die eersvolgende vergadering voorgelê en, indien as korrek aangeneem, deur die voorsitter wat op daardie vergadering voorsit, onderteken.

Reglement van die raad.

15. Die raad kan, met die goedkeuring van die Minister, reëls maak betreffende—

- (a) die toelating tot vergaderings van die raad van ander persone as dié wat ingevolge hierdie Wet geregtig is om daar teenwoordig te wees;
- (b) die kworum by so 'n vergadering, die prosedure wat gevolg moet word as daar nie 'n kworum is nie, en die meerderheid van stemme waarmee 'n besluit van die raad aangeneem moet word;
- (c) die omstandighede waaronder 'n plaasvervanger as lid van die raad sitting kan neem;
- (d) die prosedure op vergaderings van die raad, met inbegrip van die prosedure wat by 'n staking van stemme gevolg moet word;
- (e) die ander aangeleenthede wat nodig of dienstig is vir die behoorlike verrigting van die werksaamhede van die raad.

Instelling van werkloosheid-bystandskomitees.

16. (1) Die Minister moet, na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant* een of meer werkloosheid-bystandskomitees instel met seggenskap in 'n gebied of gebiede in so 'n kennisgewing vermeld.

(2) 'n In subartikel (1) bedoelde komitee bestaan uit 'n deur die Minister aangestelde beampte, wat die voorsitter is, en minstens vier ander lede, waarvan—

- (a) die helfte die belange van werkgewers verteenwoordig en deur die Minister aangestel word uit 'n lys van persone benoem deur die organisasies wat die Minister bevoeg ag om die belange van werkgewers te verteenwoordig; en
- (b) die helfte die belange van bydraers verteenwoordig en deur die Minister aangestel word uit 'n lys van persone benoem deur die organisasies wat die Minister bevoeg ag om die belange van bydraers te verteenwoordig;

Met dien verstande dat as die Minister van oordeel is dat 'n aansienlike groep werkgewers of bydraers, na gelang van die geval, nie deur so 'n organisasie verteenwoordig word nie, hy die getal lede wat hy bepaal, aanstel om die belange van daardie werkgewers of bydraers te verteenwoordig, en die getal lede wat uit die in paragraaf (a) of (b) bedoelde lys, na gelang van die geval, aangestel moet word, dienooreenkomstig verminder word.

(3) Die Minister stel op dergelike wyse soveel plaasvervangers vir lede aan as wat hy goedvind.

(4) Die bepalings van artikel 12 (3), (4), (5), (6), (7), (8), (9) en (10) is *mutatis mutandis* van toepassing ten opsigte van 'n in subartikel (1) van hierdie artikel bedoelde komitee.

(5) Die Minister kan, na oorlegpleging met die raad, as dit na sy mening raadsaam is om dit te doen, by kennisgewing in die *Staatskoerant*—

- (f) it shall keep statistics and records of the incidence of unemployment;
- (g) it shall furnish the Secretary before the thirty-first day of January in each year or as soon as practicable thereafter, with an annual report in duplicate on its activities during the preceding financial year, and such other information as the Secretary may require in respect of that year;
- (h) it may make any investigation or perform such other functions as are assigned to it by or under this Act or as may be assigned to it by the Minister.

14. (1) All meetings of the board shall be held at such times and places as the board may from time to time determine: Meetings of the board.
 Provided that the chairman, or during his absence the deputy-chairman, may at any time call a special meeting of the board, to be held at a time and place appointed by him.

(2) Any person nominated by the Minister for the purpose may attend any meeting of the board and may take part in the proceedings of any such meeting, but shall not be entitled to vote.

(3) Minutes of the proceedings of every meeting of the board shall be kept by the secretary of the board.

(4) The minutes of a meeting shall be submitted to the next ensuing meeting and shall, if they are passed as correct, be signed by the chairman presiding at that meeting.

15. The board may, subject to the approval of the Minister, make rules as to— Rules of the board.

- (a) the admittance to meetings of the board of persons other than those entitled under this Act to be present thereat;
- (b) the quorum at any such meeting, the procedure to be followed if there is no quorum, and the majority of votes by which a decision of the board shall be taken;
- (c) the circumstances under which an alternate may sit as a member of the board;
- (d) the procedure at meetings of the board including the procedure to be followed in the event of an equality of votes;
- (e) such other matters as may be necessary or expedient for the proper functioning of the board.

16. (1) The Minister shall, after consultation with the board, by notice in the *Gazette* establish one or more unemployment benefit committees having jurisdiction in an area or areas specified in such notice. Establishment of unemployment benefit committees.

(2) A committee referred to in subsection (1) shall consist of an officer, appointed by the Minister, who shall be chairman, and not fewer than four other members of whom—

- (a) one-half shall represent the interests of employers and shall be appointed by the Minister from a list of persons nominated by such organizations as the Minister may deem qualified to represent the interests of employers; and
- (b) one-half shall represent the interests of contributors and shall be appointed by the Minister from a list of persons nominated by such organizations as the Minister may deem qualified to represent the interests of contributors:

Provided that if in the opinion of the Minister any substantial group of employers or contributors, as the case may be, is not represented by any such organization he shall appoint such a number of members as he may determine to represent the interests of those employers or contributors, and the number of members to be appointed from the lists referred to in paragraph (a) or (b), as the case may be, shall be reduced accordingly.

(3) The Minister shall in like manner appoint such number of alternates to members as he may deem fit.

(4) The provisions of section 12 (3), (4), (5), (6), (7), (8), (9) and (10) shall *mutatis mutandis* apply in respect of any committee referred to in subsection (1) of this section.

(5) The Minister may, after consultation with the board, by notice in the *Gazette*, if in his opinion it is expedient to do so—

- (a) 'n komitee afskaf; of
 - (b) indien 'n komitee versuim het of opgehou het om al of enigeen van sy werksaamhede te verrig, die lede van die komitee van hul amp onthef en gelas dat die bevoegdheide en werksaamhede van die komitee, vir 'n in die kennisgewing vermelde tydperk by 'n beampte, insgelyks vermeld, berus en deur hom uitgeoefen of verrig word; en
 - (c) so 'n kennisgewing intrek, of van tyd tot tyd so 'n kennisgewing wysig deur die in die kennisgewing vermelde tydperk te verleng of deur 'n ander beampte in die plek van die aldus vermelde beampte te vermeld.
- (6) Die Sekretaris kan van tyd tot tyd aan 'n komitee 'n beampte of ander Staatswerknemer as sekretaris van die komitee toewys asook die ander beamptes of Staatswerknemers wat nodig is om die komitee in staat te stel om sy werksaamhede te verrig.
- (7) (a) 'n Komitee wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het, bly, behoudens die bepalings van subartikel (5) (a), voortbestaan.
- (b) Enigiemand wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n lid van 'n komitee was, word geag ingevolge die bepalings van hierdie Wet as 'n lid van sodanige komitee aangestel te gewees het en wel vanaf die datum waarop hy 'n lid daarvan geword het.

Werksaamhede van komitees.

17. Behoudens die bepalings van hierdie Wet is die werksaamhede van 'n komitee, met betrekking tot die bydraers onder sy seggenskap, soos volg:

- (a) Hy moet appèlle teen beslissings van 'n eisebeampte wat ingevolge artikel 27 na hom verwys word, verhoor en beslis;
- (b) hy moet alle aansoeke om voordele wat deur die eisebeampte van die hand gewys word in hersiening neem, en bepaal of sodanige aansoeke toegestaan moet word en, indien wel, watter voordele uitbetaal moet word en die beslissing van die komitee by enige sodanige hersiening word, by die toepassing van hierdie Wet, geag die beslissing van die eisebeampte te gewees het;
- (c) hy moet ingevolge artikel 20 aan die Sekretaris verslag doen;
- (d) hy moet notule van die verrigtinge van elke vergadering hou en binne 'n redelike tyd 'n afskrif daarvan aan die Sekretaris stuur;
- (e) hy kan enige aspek van die administrasie van die fonds wat op sy ampspligte betrekking het, ondersoek en aanbevelings daaromtrent by die raad doen;
- (f) hy moet die oorsake van werkloosheid binne die gebied onder sy seggenskap ondersoek en aan die raad voorstelle doen wat die voorkoming of vermindering van werkloosheid ten doel het;
- (g) hy kan aanbevelings by die Sekretaris doen in verband met die aanstelling van die agente wat nodig is om hom met die uitvoering van sy werksaamhede kragtens hierdie Wet behulpsaam te wees;
- (h) hy moet die ander pligte en werksaamhede uitvoer en verrig wat die Sekretaris aan hom toewys vir die beter bereiking van die oogmerke van hierdie Wet.

Vergaderings van 'n komitee.

18. (1) Die eerste vergadering van 'n komitee word gehou op 'n deur die Sekretaris vasgestelde tyd en plek.

(2) Alle daaropvolgende vergaderings van die komitee word gehou op die tye en plekke wat die komitee van tyd tot tyd bepaal.

(3) Artikel 14 (2), (3) en (4) is *mutatis mutandis* van toepassing op 'n komitee.

Reglemente van komitees.

19. 'n Komitee kan, met die goedkeuring van die raad, reëls uitvaardig om die in artikel 15 bedoelde aangeleenthede *mutatis mutandis* te reël.

Verslae van komitees.

20. 'n Komitee verstrek aan die Sekretaris—

- (a) voor die een-en-dertigste dag van Januarie in elke jaar, of so spoedig doenlik daarna, 'n jaarverslag in duplo van sy handeling gedurende die voorafgaande boekjaar, asook die verdere inligting wat die Sekretaris ten opsigte van daardie jaar verlang; en
- (b) te eniger ander tyd die inligting betreffende sy werksaamhede wat die Sekretaris verlang.

Appèl na raad teen beslissings van komitee.

21. (1) Enigiemand (met inbegrip van 'n eisebeampte) wat hom veronreg voel deur 'n beslissing van 'n komitee in verband met 'n—

- (a) disestablish any committee; or
 - (b) if any committee has failed or ceased to perform all or any of its functions, discharge the members of the committee and order that the powers and functions of the committee shall for a period specified in the notice, be vested in and exercised or performed by an officer so specified; and
 - (c) withdraw any such notice or from time to time amend any such notice by extending the period specified in the notice or by specifying another officer in the place of the officer so specified.
- (6) The Secretary may from time to time assign to any committee an officer or other State employee to be the secretary of the committee and such other officers or State employees as may be necessary to enable a committee to carry out its functions.
- (7) (a) Any committee which immediately prior to the commencement of this Act was in existence shall, subject to the provisions of subsection (5) (a), continue to exist.
 - (b) Any person who immediately prior to the commencement of this Act was a member of any committee, shall be deemed to have been appointed in terms of the provisions of this Act as a member of such committee as from the date on which he became a member thereof.

17. Subject to the provisions of this Act the functions of a committee shall, in relation to the contributors under its jurisdiction, be as follows: **Functions of committees.**

- (a) It shall hear and determine appeals against decisions of a claims officer referred to it in terms of section 27;
- (b) it shall review all applications for benefits which are refused by the claims officer, and shall determine whether such applications should be granted, and, if so, what benefits should be paid and the decision of the committee upon any such review shall for the purposes of this Act be deemed to have been the decision of the claims officer;
- (c) it shall report to the Secretary in terms of section 20;
- (d) it shall keep minutes of the proceedings of every meeting and within a reasonable time transmit a copy thereof to the Secretary;
- (e) it may investigate any aspect of the administration of the fund which has a bearing on its functions and may make recommendations thereon to the board;
- (f) it shall investigate causes of unemployment in its area of jurisdiction and submit proposals to the board having as their object the prevention or reduction of unemployment;
- (g) it may make recommendations to the Secretary in connection with the appointment of such agents as may be necessary to assist it in carrying out its functions under this Act;
- (h) it shall carry out such other duties and perform such other functions as may be assigned to it by the Secretary for the better achievement of the objects of this Act.

18. (1) The first meeting of a committee shall be held at a time and place to be appointed by the Secretary. **Meetings of a committee.**

(2) All subsequent meetings of the committee shall be held at such times and places as the committee may from time to time determine.

(3) Section 14 (2), (3) and (4) shall *mutatis mutandis* apply to a committee.

19. A committee may, subject to the approval of the board, make rules regulating *mutatis mutandis* any of the matters referred to in section 15. **Rules of committees.**

20. A committee shall furnish the Secretary—

- (a) before the thirty-first day of January in each year, or as soon as practicable thereafter, with an annual report in duplicate of its transactions during the preceding financial year, and such other information as the Secretary may require in respect of that year; and
- (b) at any other time with such information relating to its functions as the Secretary may require.

21. (1) Any person (including a claims officer) aggrieved by a decision of a committee in regard to any— **Appeal to board against decisions of committee.**

- (a) aansoek om voordele; of
- (b) ander aangeleentheid wat ingevolge hierdie Wet ontstaan,

kan na die raad teen sodanige beslissing appelleer, mits sodanige appèl binne veertien dae na die datum waarop hy van die beslissing kennis ontvang het of binne die verdere tydperk wat die raad bepaal, skriftelik ingedien word.

(2) Die beslissing van die raad oor enige sodanige appèl word by die toepassing van hierdie Wet geag die beslissing van die eisebeampte te gewees het.

Raad kan 'n casusposisie vir die Hooggeregshof opstel.

22. (1) Die raad kan uit eie beweging en moet op versoek van enigiemand wat hom deur die beslissing van die raad veronreg voel, indien daardie versoek gedoen word binne negentig dae na die datum waarop daardie persoon van die beslissing kennis ontvang het, 'n casusposisie opstel ten opsigte van enige regspunt in verband met 'n aangeleentheid wat kragtens artikel 21 na hom ter beslissing verwys is of in verband met enige ander aangeleentheid wat ingevolge hierdie Wet ontstaan ter beslissing van die provinsiale of plaaslike afdeling van die Hooggeregshof met regsbevoegdheid ten opsigte van die betrokke aangeleentheid.

(2) By die opstelling van so 'n casusposisie moet die raad die feite van die saak en sy regsopvatting in verband met daardie feite uiteensit.

(3) Wanneer iemand die raad versoek het om ingevolge subartikel (1) 'n casusposisie ter beslissing van die Hooggeregshof op te stel, kan die hof na goeddunke die bevel aangaande koste uitvaardig wat syns insiens billik is, maar as die raad uit eie beweging soos voormeld 'n casusposisie opgestel het, mag die hof geen bevel aangaande koste uitvaardig nie.

Appèl na Appèl-afdeling

23. Teen die beslissing van 'n in artikel 22 bedoelde hof, van 'n casusposisie wat ingevolge daardie artikel opgestel is, kan nie geappelleer word nie: Met dien verstande dat as die Appèlafdeling van die Hooggeregshof van oordeel is dat 'n belangrike regspunt by 'n saak betrokke is of dat die saak vir 'n groot aantal persone van aansienlike belang is, hy spesiale verlof kan verleen om teen die beslissing te appelleer.

Skadeloosstelling van lede van die raad of 'n komitee.

24. Die lede van die raad of van 'n komitee word, mits hulle *bona fide* opgetree het, deur die fonds skadeloos gestel teen alle regsgedinge, koste en uitgawes veroorsaak as gevolg van 'n aanspraak in verband met die fonds.

Toelaes aan lede van die raad of 'n komitee.

25. Die lede van die raad of van 'n komitee, wat nie beamptes is nie, kan, uit die gelde van die fonds, die besoldiging of toelaes ten opsigte van hulle dienste ontvang wat voorgeskrif word.

HOOFTUK IV.

EISEBEAMPTES.

Eisebeamptes.

26. (1) Die Minister kan, by kennisgewing in die *Staatskoerant*, beamptes of ander Staatswerknemers as eisebeamptes aanstel en moet in sodanige kennisgewing die gebied waarin elke eisebeampte seggenskap het, vermeld.

(2) Elke eisebeampte moet—

- (a) aansoeke om voordele wat ingevolge artikel 35 gedoen word, ontvang;
- (b) na ondersoek beslis of 'n aansoek om voordele toegestaan moet word, en indien wel, watter voordele uitbetaal moet word;
- (c) die betaling uit die fonds van die deur hom toegestane voordele magtig; en
- (d) al die aansoeke om voordele wat deur hom van die hand gewys word tesame met sy verslag daaroor en die ander besonderhede wat beskikbaar is, na die komitee verwys wat seggenskap het in die gebied ten opsigte waarvan hy aangestel is.

(3) Die Sekretaris kan 'n beampte of werknemer van die Staat aanwys om 'n eisebeampte behulpsaam te wees, en 'n beampte of werknemer aldus aangewys, oefen die bevoegdhede uit en voer die pligte uit wat van tyd tot tyd skriftelik deur bedoelde eisebeampte aan hom toegewys word.

(4) 'n Eisebeampte kan 'n bevoegdheid wat deur hierdie Wet aan hom verleen is, aan 'n beampte of werknemer wat ingevolge subartikel (3) aangewys is om hom behulpsaam te wees, deleger.

Appèl na komitee teen beslissings van eisebeamptes

27. (1) Enigiemand wat hom veronreg voel deur 'n beslissing van 'n eisebeampte in verband met 'n—

(a) application for benefits; or
(b) other matter arising under this Act,
may appeal to the board against such decision, provided such appeal is lodged in writing within fourteen days after the date on which he is notified of the decision or such further period as the board may determine.

(2) The decision of the board upon any such appeal shall for the purposes of this Act be deemed to have been the decision of the claims officer.

22. (1) The board may, of its own motion, and shall at the request of any person who considers himself aggrieved by its decision, if that person makes such request within ninety days after the date on which he is notified of the decision, state a special case on any question of law in connection with any matter referred to it for decision in terms of section 21 or in relation to any other matter arising under this Act, for the decision of the provincial or local division of the Supreme Court having jurisdiction in respect of the matter in question.

Board may state case for Supreme Court.

(2) In stating any such case the board shall set forth the facts of the matter and the view of the law which it has adopted in relation to those facts.

(3) Whenever any person has requested the board to state a special case for the decision of the Supreme Court in terms of subsection (1) the court may, in its discretion, make such order as to costs as may appear to it to be just, but when the board has of its own motion stated a special case as aforesaid the court shall make no order as to costs.

23. There shall be no appeal from the decision of a court referred to in section 22 upon a case stated under that section: Provided that if the Appellate Division of the Supreme Court is of the opinion that any case involves an important question of law or is of considerable importance to a large number of persons it may grant special leave to appeal against the decision.

Appeal to Appellate Division.

24. The members of the board or of a committee shall, provided they have acted *bona fide*, be indemnified by the fund against all proceedings, costs and expenses incurred by reason of any claim in connection with the fund.

Indemnification of members of board or a committee.

25. The members of the board or of any committee, who are not officers may, out of the moneys of the fund, receive such remuneration or allowances in respect of their services as may be prescribed.

Allowances to members of board or a committee.

CHAPTER IV.

CLAIMS OFFICERS.

26. (1) The Minister may, by notice in the *Gazette*, appoint any officers or other State employees as claims officers and shall in such notice specify the area in which each claims officer shall have jurisdiction.

Claims officers.

(2) Every claims officer shall—

- (a) receive applications for benefits made in terms of section 35;
- (b) after enquiry determine whether any application for benefits shall be granted, and if so, what benefits shall be paid;
- (c) authorize the payment from the fund of the benefits granted by him; and
- (d) refer to the committee having jurisdiction in the area in respect of which he has been appointed, all applications for benefits refused by him together with his report thereon and such other particulars as are available.

(3) The Secretary may designate any officer or employee of the State to assist a claims officer, and any officer or employee so designated shall exercise such powers and carry out such duties as may from time to time be assigned in writing to him by such claims officer.

(4) A claims officer may delegate any power conferred upon him by this Act to any officer or employee designated to assist him in terms of subsection (3).

27. (1) Any person aggrieved by a decision of a claims officer in regard to any—

Appeal to committee against decisions of claims officers.

(a) aansoek om voordele; of

(b) ander aangeleentheid wat ingevolge hierdie Wet ontstaan,

kan na die komitee wat seggenskap het in die gebied waarin die aangeleentheid ontstaan, teen sodanige beslissing appelleer, mits sodanige appél binne een-en-twintig dae na die datum waarop hy van die beslissing kennis ontvang het of binne die verdere tydperk wat die komitee bepaal, skriftelik ingedien word.

(2) Die beslissing van die komitee oor enige sodanige appél word by die toepassing van hierdie Wet geag die beslissing van die eisebeampte te gewees het.

HOOFSTUK V.

REGISTRASIE EN PLIGTE VAN, EN BETALING VAN BYDRAES DEUR, WERKGEWERS.

Werkgewers moet
Sekretaris in
kennis stel.

28. (1) Elke werkgever wat 'n besigheid in die Republiek dryf, moet binne veertien dae vanaf die datum waarop hy besigheid begin het, aan die Sekretaris op die voorgeskrewe wyse die voorgeskrewe besonderhede van sy besigheid verstrek, en elke sodanige werkgever moet aan die Sekretaris, binne 'n deur hom bepaalde tydperk, die verdere besonderhede verstrek wat hy van tyd tot tyd verlang. Elke sodanige werkgever moet onverwyld die Sekretaris van 'n verandering van die aldus verstrekte besonderhede in kennis stel.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* 'n in die kennisgewing vermelde werkgever of klas werkgewers vrystel van die bepalings van subartikel (1) in die mate wat in sodanige kennisgewing aangedui word.

(3) Elke persoon wat nie in die Republiek woonagtig is nie, en elke regspersoon wat nie ingevolge die wetsbepalings betreffende maatskappye in die Republiek geregistreer is nie, en wat in die Republiek besigheid dryf en 'n bydraer in verband daarmee in diens het, moet die adres van sy hoofkantoor en die naam van sy hoofamptenaar in die Republiek aan die Sekretaris mededeel en daardie amptenaar is gemagtig en verplig om die pligte van 'n werkgever, soos deur hierdie Wet voorgeskryf, uit te voer en moet die betekening aanneem van elke ingevolge hierdie Wet uitgereikte stuk wat daardie persoon of regspersoon raak.

(4) Elke werkgever moet binne een maand vanaf die datum waarop hy besigheid begin het en van tyd tot tyd op die tye wat voorgeskryf word aan die Sekretaris die besonderhede met betrekking tot die bydraers in sy diens wat voorgeskryf word, op die voorgeskrewe wyse verstrek.

Bydraes deur
werkgewers en
bydraers en uit
Staatsfondse.

29. (1) Elke werkgever moet, ten opsigte van elke bydraer in sy diens, en elke sodanige bydraer moet, tot die fonds bydra op die by hierdie Wet voorgeskrewe wyse en ooreenkomstig die in Bylae 1 vermelde skale, of ooreenkomstig die skale wat van tyd tot tyd kragtens artikel 45 vasgestel word.

(2) Die Minister moet uit gelde wat vir die doel deur die Parlement beskikbaar gestel word 'n bedrag gelyk aan vyf-en-twintig persent van die totale bedrag van die bydraes wat ingevolge hierdie artikel deur werkgewers ten opsigte van hulself en die bydraers in hul diens, aan die fonds betaal is, tot die fonds bydra, en sodanige bedrag word in die fonds gestort op die tye en die wyse wat die Minister bepaal.

(3) 'n Ingevolge subartikel (1) aan die fonds bydraeplichtige werkgever moet binne tien dae na die einde van elke kalendermaand, of indien hy gedurende die loop van 'n kalendermaand ophou om 'n werkgever te wees, binne tien dae nadat hy aldus opgehou het om 'n werkgever te wees, of binne die verdere tydperk wat die Sekretaris toelaat, ten opsigte van daardie kalendermaand of die betrokke gedeelte van daardie kalendermaand, na gelang van die geval, al die bydraes wat ten opsigte van homself en die bydraers wat gedurende daardie kalendermaand of daardie gedeelte van daardie kalendermaand in sy diens was, aan die fonds verskuldig is, aan die Sekretaris betaal.

(4) 'n Werkgever kan, ten einde homself te vergoed in die mate waarin dit van hom vereis word om aan die Sekretaris die bydraes te betaal wat deur die bydraers in sy diens aan die fonds verskuldig is, week vir week, of op die ander tye wat die Sekretaris goedkeur, van die verdienste van elke bydraer in sy diens 'n bedrag aftrek wat gelykstaan met die bedrag van die bydraes wat op die datum waarop die aftrekking gedoen word, deur daardie bydraer aan die fonds verskuldig is: Met dien verstande dat hoogstens een week se bydraes in 'n enkele week van die verdienste van 'n bydraer wat weekliks betaal word, en hoogstens vyf weke se bydraes van die verdienste van 'n bydraer wat maandeliks betaal word, afgetrek word.

(a) application for benefits; or
 (b) other matter arising under this Act,
 may appeal to the committee having jurisdiction in the area wherein such matter arises, against such decision, provided such appeal is lodged in writing within twenty-one days after the date on which he is notified of the decision or such further period as the committee may determine.

(2) The decision of the committee on any such appeal shall for the purposes of this Act be deemed to have been the decision of the claims officer.

CHAPTER V.

REGISTRATION AND DUTIES OF, AND PAYMENT OF CONTRIBUTIONS BY, EMPLOYERS.

28. (1) Every employer carrying on business in the Republic shall, within fourteen days of the date on which he commenced business, in the prescribed manner furnish the Secretary with the prescribed particulars of his business, and every such employer shall within the period fixed by the Secretary furnish him with such additional particulars as he may from time to time require. Every such employer shall forthwith inform the Secretary of any change in the particulars so furnished.

Employers
to notify
Secretary.

(2) The Minister may, by notice in the *Gazette*, exempt from the provisions of subsection (1), to the extent indicated in such notice, any employer or class of employers defined therein.

(3) Every person not resident in the Republic who, and every corporate body not registered in the Republic under the law relating to companies which, carries on business in the Republic and in connection therewith employs a contributor shall notify the Secretary of the address of his or its chief office and of the name of his or its chief officer in the Republic, and such officer shall be authorized and required to carry out the duties of an employer as prescribed by this Act, and shall accept service of any document, issued under this Act, which affects such person or body.

(4) Every employer shall within one month of the date on which he commenced business, and from time to time at such times as may be prescribed, in the prescribed manner furnish the Secretary with such particulars relative to the contributors in his employ as may be prescribed.

29. (1) Every employer shall, in respect of every contributor employed by him, and every such contributor shall contribute to the fund in the manner prescribed by this Act and according to the rates specified in Schedule 1 or to such rates as may be fixed from time to time under section 45.

Contributions
by employers
and contributors
and from public
funds.

(2) The Minister shall contribute to the fund from moneys appropriated by Parliament for the purpose an amount equal to twenty-five per cent of the total amount of the contributions paid to the fund in terms of this section by employers in respect of themselves and the contributors employed by them, and such amount shall be paid to the fund at such times and in such manner as the Minister may determine.

(3) An employer liable to contribute to the fund in terms of subsection (1) shall, within ten days after the end of every calendar month, or if he ceases to be an employer during any calendar month, within ten days after so ceasing to be an employer, or within such further period as the Secretary may allow, pay to the Secretary in respect of that calendar month or the relevant portion of that calendar month, as the case may be, all the contributions due to the fund in respect of himself and the contributors employed by him during that calendar month or that portion of that calendar month.

(4) For the purpose of reimbursing himself to the extent to which an employer is required to pay to the Secretary the contributions due to the fund by the contributors in his employ, an employer may, week by week or at such other times as the Secretary may approve, deduct from the earnings of every contributor in his employ an amount equal to the amount of contributions due to the fund by that contributor at the time when the deduction is made: Provided that not more than one week's contributions shall be deducted in any one week from the earnings of a contributor who is paid weekly, and not more than five weeks' contributions from the earnings of a contributor who is paid monthly.

(5) Wanneer 'n bydraer se diensyd by 'n werkgewer gedurende die loop van 'n week 'n aanvang neem of beëindig word, word die bydrae van daardie bydraer ten opsigte van daardie week *pro rata* verminder ooreenkomstig die getal dae wat sy diensydperk gedurende daardie week uitmaak en vir die doeleindes van hierdie subartikel word 'n gedeelte van 'n dag as 'n volle dag gereken.

(6) (a) Wanneer 'n bydraer om enige rede gedurende enige week van werk afwesig is en as gevolg van sodanige afwesigheid op minder as een dag se verdienste ten opsigte van daardie week geregtig is, word daardie week by die toepassing van hierdie Wet nie as 'n diensydperk beskou nie en is geen bydraes ten opsigte van daardie bydraer vir daardie week betaalbaar nie.

(b) Wanneer 'n bydraer om enige rede vir 'n gedeelte van enige week van werk afwesig is, en op minstens een dag se verdienste ten opsigte van daardie week geregtig is, word daardie week by die toepassing van hierdie Wet as 'n diensydperk beskou, en is bydraes teen die volle skaal ten opsigte van daardie bydraer vir daardie week betaalbaar.

(7) 'n Werkgewer trek nie ten opsigte van die bydraes wat deur 'n bydraer in sy diens aan die fonds verskuldig is, 'n bedrag wat die by hierdie Wet voorgeskrewe bedrag oorskry, van die verdienste van daardie bydraer af nie, en ontvang geen vergoeding van die bydraer ten opsigte van die werkgewer se eie bydraes nie.

(8) (a) 'n Werkgewer wat weens 'n oortreding van subartikel (7) skuldig bevind word, word benewens enige vonnis wat hom opgelê word, deur die hof wat hom skuldig bevind, gelas om binne 'n deur die hof bepaalde tydperk die bedrag of vergoeding wat hy in stryd met die bepalinge van daardie subartikel afgetrek of ontvang het, aan die betrokke bydraer terug te betaal, of indien die verblyfplek van die bydraer onbekend is, in die fonds te stort.

(b) Enige sodanige bevel van die hof het al die gevolge van, en kan uitgevoer word soos, 'n siviele vonnis van daardie hof.

(9) Wanneer 'n bydrae deur enigiemand aan die fonds verskuldig is en die Sekretaris ten opsigte van enige bedrag van sodanige bydrae van mening is dat dit nie verhaal kan word nie of dat dit, in die omstandighede van die geval, nie verhaal behoort te word nie, kan hy gelas dat daardie bedrag afgeskryf word.

(10) (a) Geen bydraes of ander betalings aan die fonds deur 'n werkgewer ingevolge hierdie Wet verskuldig, is na die verstryking van sewe jaar nadat sodanige bydraes of ander betalings aan die fonds verskuldig geword het, verhaalbaar nie.

(b) Geen bydraes of ander betalings wat ingevolge hierdie Wet deur 'n werkgewer aan die fonds heet betaal te gewees het, is verhaalbaar na die verstryking van sewe jaar nadat bedoelde bydraes of ander betalings aldus betaal is nie.

State wat deur werkgewers verstrekt moet word.

30. (1) Elke ingevolge artikel 29 bydraeplichtige werkgewer moet, binne tien dae na die einde van elke kalendermaand, of indien hy gedurende die loop van 'n kalendermaand ophou om 'n werkgewer te wees, binne tien dae nadat hy aldus opgehou het om 'n werkgewer te wees, of binne die verdere tydperk wat die Sekretaris toelaat, tesame met die bedrag van die bydraes wat hy ingevolge artikel 29 (3) moet betaal, aan die Sekretaris 'n staat in die voorgeskrewe vorm instuur wat die besonderhede ten opsigte van daardie maand of, na gelang van die geval, die betrokke gedeelte van daardie maand, wat voorgeskryf word, bevat.

(2) Indien 'n werkgewer op meer as een plek besigheid dryf of as hy meer as een soort besigheid dryf, moet hy, tensy anders deur die Sekretaris daartoe gemagtig, 'n afsonderlike staat ten opsigte van elke plek of soort besigheid instuur.

Versuim om bydraes of ander gelde te betaal.

31. (1) Indien 'n werkgewer nie die bedrag van bydraes of 'n ander betaling op die tyd wanneer dit betaalbaar word, betaal nie, kan die Sekretaris, na goeë dunde, 'n pene, wat of in die algemeen of spesiaal vasgestel word, van hoogstens tien persent van die onbetaalde bedrag, of een rand, watter bedrag ook al die grootste is, aan die werkgewer oplê en dit op hom verhaal: Met dien verstande dat die Sekretaris van so 'n pene of 'n gedeelte daarvan afstand kan doen.

(5) Whenever a contributor's employment with an employer commences or is terminated during the course of any week, the contribution of that contributor in respect of that week shall be reduced *pro rata* according to the number of days of his employment during that week, part of a day counting as a whole day.

(6) (a) When a contributor is for any reason absent from work during any week and is owing to such absence entitled to less than one day's earnings in respect of that week, that week shall not for the purposes of this Act be regarded as a period of employment and no contributions shall be payable in respect of that contributor for that week.

(b) When a contributor is for any reason absent from work during a portion of any week and is entitled to at least one day's earnings in respect of that week, that week shall for the purposes of this Act be regarded as a period of employment and contributions shall be payable at the full rate in respect of that contributor for that week.

(7) An employer shall not, in respect of the contributions due to the fund by a contributor in his employ, deduct from the earnings of that contributor an amount in excess of the amount prescribed by this Act, nor receive from the contributor any consideration in respect of the employer's own contributions.

(8) (a) An employer who is convicted of a contravention of subsection (7) shall, in addition to any penalty that may be imposed upon him, be ordered by the court convicting him, to refund to the contributor concerned, or if the whereabouts of the contributor are unknown, to pay to the fund, within such time as the court may direct, any amount deducted or consideration received in contravention of that subsection.

(b) Any such order of the court shall have all the effects of, and may be executed as if it were, a civil judgment of that court.

(9) Whenever any contribution is due by any person to the fund and the Secretary is in respect of any amount of such contribution of the opinion that it cannot or should not, under the circumstances of the case, be recovered, he may direct that such amount be written off.

(10) (a) No contributions or other payments due to the fund under this Act by an employer shall be recoverable after the expiration of seven years after such contributions or other payments became due to the fund.

(b) No contributions or other payments purporting to have been paid to the fund under this Act by an employer shall be recoverable after the expiration of seven years after such contributions or other payments were so paid.

30. (1) Every employer liable to contribute in terms of section 29 shall, within ten days after the end of every calendar month, or if he ceases to be an employer during any calendar month, within ten days after so ceasing to be an employer or within such further period as the Secretary may allow, transmit to the Secretary, together with the amount of the contributions he is required to pay in terms of section 29 (3), a statement in the prescribed form containing such particulars in respect of that month or the relevant portion of that month, as the case may be, as may be prescribed.

Statements to be furnished by employers.

(2) If an employer carries on business in more than one place or carries on more than one class of business he shall, unless otherwise authorized thereto by the Secretary, transmit a separate statement in respect of each place or class of business.

31. (1) If the amount of any contributions or any other payment is not paid by an employer at the time when it becomes payable, the Secretary may, in his discretion, impose upon and recover from the employer a penalty, determined either generally or specially, of not exceeding ten per cent of the amount unpaid, or one rand, whichever is the greater: Provided that the Secretary may waive any such penalty in whole or in part.

Failure to pay contributions or other moneys.

(2) Wanneer 'n werkgewer skuldig bevind is aan 'n misdryf ingevolge artikel 61 (1) (j) (i) of (iv), moet die hof wat hom skuldig bevind het, ondersoek instel na die onbetaalde bedrag en dit vasstel en hom beveel om daardie bedrag binne 'n deur die hof bepaalde tydperk aan die Sekretaris te betaal.

(3) 'n Bevel wat kragtens subartikel (2) uitgevaardig is, het al die gevolge van, en kan uitgevoer word soos 'n siviele vonnis ten gunste van die Sekretaris.

(4) Indien 'n werkgewer versuim om 'n staat, inligting of besonderhede wat ingevolge artikel 30 of ingevolge 'n regulasie met betrekking tot inligting of besonderhede wat deur 'n kragtens hierdie Wet bydraeplichtige werkgewer verstrekkend moet word, voorgeskryf is, aan die Sekretaris binne die voorgeskrewe tydperk te stuur, kan die Sekretaris die deur die werkgewer betaalbare bedrag van bydraes vasstel, en die bedrag aldus vasgestel, word, waar daar geen bevel deur 'n hof ingevolge subartikel (2) uitgevaardig is nie, vir die doel van die vasstelling van 'n ingevolge hierdie Wet oplegbare pene of van die bepaling van die bedrag van 'n eis om teen 'n afgestorwe of insolvente boedel of teen 'n maatskappy in likwidasie ingedien te word, geag die bedrag van die deur daardie werkgewer aan die fonds verskuldigde bydraes te wees.

(5) Indien 'n werkgewer ten opsigte van enige kalendermaand 'n bedrag aan die Sekretaris aanbied wat minder is as die bedrag wat daardie werkgewer ingevolge artikel 29 (3) ten opsigte van daardie kalendermaand moet betaal, kan die Sekretaris die aangebode bedrag aanneem en die werkgewer aansê om binne die tydperk wat die Sekretaris bepaal, die verskil tussen die aangebode bedrag en die betaalbare bedrag, soos deur die Sekretaris vasgestel, aan die fonds te betaal, en kan hy daarbenewens, na goeë dunks, daardie werkgewer gelas om aan die fonds 'n pene te betaal van so 'n bedrag van hoogstens die verskil tussen die aangebode bedrag en die deur daardie werkgewer betaalbare bedrag, as wat die Sekretaris bepaal, of kan hy van so 'n pene of enige gedeelte daarvan afstand doen.

(6) (a) 'n Werkgewer wat hom veronreg voel deur die oplegging aan hom van 'n pene kragtens subartikel (5) kan na die Minister teen so 'n pene appelleer, mits die appèl binne veertien dae na die datum waarop die betrokke werkgewer van die oplegging van daardie pene kennis ontvang het, skriftelik ingedien word.

(b) Op so 'n appèl kan die Minister—

- (i) van die deur die Sekretaris opgelegde pene of 'n gedeelte daarvan afstand doen; of
- (ii) die pene verhoog tot 'n bedrag van hoogstens twee maal die in genoemde subartikel (5) vermelde maksimum bedrag; of
- (iii) die appèl van die hand wys.

Werkgewers moet aantekeninge hou.

32. (1) Elke werkgewer moet ten opsigte van elke bydraer by hom in diens aantekeninge hou van betaalde verdienstes, gewerkte tyd en betaling vir stukwerk of oortyd en van al die ander besonderhede wat voorgeskryf word, en moet so 'n aantekening bewaar vir 'n tydperk van sewe jaar na die datum waarop dit gemaak word.

(2) 'n Werkgewer moet die in subartikel (1) bedoelde inligting aan die Sekretaris verstrekkend in die vorm en op die tye wat voorgeskryf word.

(3) 'n Werkgewer moet te alle redelike tye die in subartikel (1) bedoelde aantekeninge aan 'n inspekteur op sy versoek ter insae oorleë.

(4) Aantekeninge wat ingevolge 'n wetsbepaling gehou word en die kragtens subartikel (1) vereiste besonderhede bevat, word beskou as aantekeninge wat daardie subartikel voorskryf ten opsigte van die persone op wie sodanige aantekeninge betrekking het.

Bydraers se verslagkaarte.

33. (1) Die Sekretaris reik aan elke werkgewer 'n verslagkaart in die voorgeskrewe vorm en op die voorgeskrewe wyse uit ten opsigte van elke bydraer in sy diens.

(2) Elke werkgewer moet ten opsigte van elke bydraer in sy diens elke verslagkaart wat ingevolge subartikel (1) aan hom uitgereik word of ingevolge subartikel (4) aan hom oorhandig word, behou tot tyd en wyl die dienste van die betrokke bydraer deur hom beëindig word, en by sodanige beëindiging van sy dienste moet die werkgewer en die betrokke bydraer die toepaslike gedeeltes van die verslagkaart invul en daarna moet die werkgewer dit aan die betrokke bydraer oorhandig.

(2) Whenever an employer has been convicted of an offence under section 61 (1) (j) (i) or (iv) the court convicting him shall enquire into and determine the amount unpaid and shall order him to pay that amount to the Secretary within a period fixed by the court.

(3) An order made under subsection (2) shall have all the effects of, and may be executed as if it were, a civil judgment in favour of the Secretary.

(4) If an employer fails to transmit to the Secretary within the prescribed period any statement, information or particulars prescribed under section 30 or under any regulation relating to information or particulars to be furnished by an employer liable to contribute to the fund under this Act, the Secretary may determine the amount of the contributions payable by the employer, and the amount so determined shall, where no order has been made by a court in terms of subsection (2), be deemed to be the amount of the contributions due to the fund by that employer for the purpose of determining a penalty imposable under this Act or of fixing the amount of a claim to be lodged against a deceased or insolvent estate or against a company in liquidation.

(5) If an employer tenders to the Secretary in respect of any calendar month an amount which is less than the amount which that employer is in terms of section 29 (3) required to pay in respect of that calendar month, the Secretary may accept the amount tendered and call upon the employer concerned to pay to the fund, within such time as the Secretary may determine, the difference between the amount tendered and the amount payable, as determined by the Secretary, and may, in addition, in his discretion, require that employer to pay to the fund as a penalty such an amount, not exceeding the difference between the amount tendered and the amount payable by that employer, as the Secretary may determine, or he may waive any such penalty in whole or in part.

(6) (a) An employer aggrieved by the imposition upon him of a penalty under subsection (5) may appeal to the Minister against such penalty, provided the appeal is lodged in writing within fourteen days after the date on which the employer concerned is notified of the imposition of that penalty.

(b) The Minister may, on any such appeal—

- (i) waive the penalty imposed by the Secretary in whole or in part; or
- (ii) increase the penalty to an amount not exceeding twice the maximum amount specified in the said subsection (5); or
- (iii) dismiss the appeal.

32. (1) Every employer shall keep in respect of every contributor employed by him records of earnings paid, time worked and payment made for piecework or overtime and of any such other particulars as may be prescribed, and shall retain any such record for a period of seven years after the date on which it is made. Employers to keep records.

(2) An employer shall furnish the Secretary with the information referred to in subsection (1) in such form and at such times as may be prescribed.

(3) An employer shall at all reasonable times produce the records referred to in subsection (1) on demand to any inspector for his inspection.

(4) Records kept under any law which contain the particulars required under subsection (1) shall be deemed to be records prescribed by that subsection in respect of the persons to whom such records relate.

33. (1) The Secretary shall issue to every employer a record card in the form and manner prescribed in respect of every contributor employed by him. Contributors' record cards.

(2) Every employer shall in respect of every contributor employed by him retain every record card issued to him in terms of subsection (1) or delivered to him in terms of subsection (4), until such time as the services of the contributor concerned are terminated by him, and upon such termination of his services the employer and the contributor concerned shall complete the relevant portions of the record card and thereafter the employer shall deliver it to the contributor concerned.

(3) Ondanks die bepalings van subartikel (2), moet die werk-gewer van 'n bydraer wat ingevolge artikel 38 (4) of 39 (3) geag word werkloos te wees en wat om 'n toelae of voordele aansoek gedoen het, op versoek van 'n eisebeampte die verslagkaart van daardie bydraer tesame met 'n staat bevattende die inligting en besonderhede ten opsigte van die bydraer wat voorgeskryf is, onverwyld aan daardie beampte deurstuur.

(4) 'n Bydraer behou sy verslagkaart wat ingevolge subartikel (2) aan hom oorhandig word totdat hy deur die eisebeampte, wanneer hy ingevolge artikel 35 om voordele of 'n toelae kragtens artikel 38 of 48 aansoek doen, aangesê word om dit aan hom te oorhandig, of totdat hy weer as 'n bydraer in diens geneem word, wanneer hy dit aan sy nuwe werk-gewer moet oorhandig.

HOOFSTUK VI.

BETALING VAN VOORDELE EN TOELAES.

Voordele aan bydraers.

34. 'n Bydraer wat na die eerste dag van Januarie 1947 werkloos geword het of word, is, behoudens die bepalings van hierdie Wet, geregtig om gedurende die tydperk van werkloosheid uit die fonds die voordele te ontvang wat by artikels 36, 37 en 39 voorgeskryf word of wat van tyd tot tyd kragtens artikel 45 vasgestel word.

Aansoeke om voordele.

35. (1) 'n Aansoek om voordele kragtens hierdie Wet word deur die persoon wat daarop geregtig is, gedoen op die voorgeskrewe vorm by die eisebeampte wat seggenskap het in die gebied waarin die bydraer woonagtig is.

(2) Die eisebeampte moet die applikant se aanspraak op voordele ondersoek en indien oortuig dat hy daarop geregtig is, die aanspraak erken en die betaling van voordele magtig soos by artikel 34 voorgeskryf.

(3) Die applikant moet aan die eisebeampte die bewyse voorlê van sy ononderbroke werkloosheid gedurende enige tydperk ten opsigte waarvan hy op voordele aanspraak maak wat die eisebeampte vereis.

(4) Wanneer iemand om voordele aansoek doen of dit ontvang, moet hy die eisebeampte oortuig dat hy nie in staat is om geskikte werk te kry nie, en moet hy hom vir dié doel aanmeld op die plekke en tye wat die eisebeampte bepaal.

(5) Iemand wat om voordele aansoek gedoen het en wat volgens die oordeel van die betrokke eisebeampte sy werk verloor het deur sy eie wangedrag of sy diens vrywillig sonder gegronde rede verlaat het, moet ook gedurende 'n tydperk waartydens hy ingevolge artikel 41 (1) (g) nie op voordele geregtig is nie, aan die bepalings van subartikel (4) van hierdie artikel voldoen.

(6) Wanneer iemand om voordele aansoek doen, kan die eisebeampte eis dat hy tot oortuiging van die eisebeampte bewys lewer dat hy daadwerklik werk soek of gesoek het.

Skale van voordele.

36. Behoudens die bepalings van hierdie Wet, word die voordele wat aan 'n bydraer gedurende 'n tydperk van werkloosheid betaalbaar is, bereken teen die hieronder genoemde skale wat van toepassing is op die groep waarin hy laas werksaam was, naamlik:

Groep I: R2.45 per kalenderweek of driekwart van sy weeklikse verdienste, na gelang van watter bedrag die minste is;

Groep II: R3.50 per kalenderweek of driekwart van sy weeklikse verdienste, na gelang van watter bedrag die minste is;

Groep III: R4.55 per kalenderweek;

Groep IV: R5.60 per kalenderweek;

Groep V: R6.65 per kalenderweek;

Groep VI: R7.70 per kalenderweek;

Groep VII: R8.75 per kalenderweek;

Groep VIII: R9.80 per kalenderweek;

Groep IX: R10.85 per kalenderweek;

Groep X: R11.90 per kalenderweek;

Groep XI: R13.30 per kalenderweek;

Groep XII: R14.00 per kalenderweek;

Met dien verstande dat 'n eisebeampte, indien hy oortuig is dat 'n bydraer in meer as een groep werksaam was maar nie in die groep waarin hy laas werksaam was vir meer as twee-en-vyftig weke gewerk het nie, of wanneer daar 'n geskil bestaan oor die groep waarin die bydraer laas werksaam was, kan bepaal dat voordele betaal word ten opsigte van die groep waarin na sy oordeel die bydraer gewoonlik werksaam is of te eniger tyd

(3) Notwithstanding the provisions of subsection (2), the employer of a contributor who is, in terms of section 38 (4) or 39 (3) deemed to be unemployed, and who has applied for an allowance or benefits, shall, at the request of a claims officer, forthwith forward to that officer the record card of that contributor, together with a statement containing such information and particulars in respect of the contributor as may be prescribed.

(4) A contributor shall retain his record card delivered to him in terms of subsection (2) until he is required by the claims officer to deliver it to him when applying for benefits in terms of section 35 or an allowance under section 38 or 48 or until he is again employed as a contributor when he shall deliver it to his new employer.

CHAPTER VI.

PAYMENT OF BENEFITS AND ALLOWANCES.

34. A contributor who became or becomes unemployed after the first day of January, 1947, shall, subject to the provisions of this Act, be entitled to receive out of the fund during the period of unemployment, such benefits as are prescribed by sections 36, 37 and 39, or as may be fixed from time to time under section 45. Benefits to contributors.

35. (1) Application for benefits under this Act shall be made by the person entitled thereto, in the form prescribed, to the claims officer having jurisdiction in the area in which the contributor resides. Applications for benefits.

(2) The claims officer shall investigate the applicant's claim to benefits and, if satisfied that he is entitled thereto, admit the claim and authorize the payment of benefits as prescribed by section 34.

(3) The applicant shall submit to the claims officer such proof of his continuous unemployment during any period in respect of which he claims benefits as the claims officer may require.

(4) Any person, when applying for or in receipt of any benefits, shall satisfy the claims officer that he is unable to obtain suitable work and shall for this purpose attend at such places and such times as the claims officer may determine.

(5) Any person who has applied for benefits and who in the opinion of the claims officer concerned lost his employment through his own misconduct or voluntarily left his employment without just cause, shall also during any period during which he is in terms of section 41 (1) (g) not entitled to receive benefits, comply with the provisions of subsection (4) of this section.

(6) When any person applies for benefits the claims officer may require him to submit proof to the satisfaction of the claims officer that he is, or has been, actively seeking work.

36. Subject to the provisions of this Act, the benefits payable to a contributor during any period of unemployment shall be at the undermentioned rates applicable to the group in which he was last employed, as follows: Rates of benefits.

- Group I: R2.45 per calendar week or three-quarters of his weekly earnings, whichever is the less;
- Group II: R3.50 per calendar week or three-quarters of his weekly earnings, whichever is the less;
- Group III: R4.55 per calendar week;
- Group IV: R5.60 per calendar week;
- Group V: R6.65 per calendar week;
- Group VI: R7.70 per calendar week;
- Group VII: R8.75 per calendar week;
- Group VIII: R9.80 per calendar week;
- Group IX: R10.85 per calendar week;
- Group X: R11.90 per calendar week;
- Group XI: R13.30 per calendar week;
- Group XII: R14.00 per calendar week;

Provided that the claims officer may, if he is satisfied that a contributor has been employed in more than one group but has not been employed in the group in which he was last employed for more than fifty-two weeks, or whenever there is a dispute as to the group in which a contributor was last employed, determine that benefits be paid in respect of the group in which he considers the contributor is or was at any time normally employed, or if in

gewoonlik werksaam was, of indien daar na sy oordeel nie gesê kan word dat die bydraer gewoonlik in die een of ander groep werksaam is nie, dan op die grondslag wat hy onder die omstandighede billik ag.

**Betaling van
voordele.**

37. (1) Die bedrag van voordele waarop 'n bydraer geregtig kan word, word ten opsigte van 'n kalenderweek bereken, en die bedrag van die voordele ten opsigte van 'n tydperk van minder as 'n kalenderweek word bereken op die grondslag van sewe werksdae in 'n kalenderweek, en vir die doeleindes van hierdie subartikel word 'n halwe werksdag as 'n volle werksdag gereken.

(2) Behoudens die bepalinge van artikels 47 en 49, oorskry die voordele wat aan 'n bydraer betaal kan word nie—

(a) een week se voordele vir elke voltooide vier weke diens as 'n bydraer tussen die eerste dag van Januarie 1950 en die dertigste dag van Julie 1962 nie; en

(b) een week se voordele vir elke voltooide ses weke diens as 'n bydraer op of na die dertigste dag van Julie 1962 nie.

(3) Voordele word nie aan 'n bydraer vir meer as ses-en-twintig weke gedurende enige tydperk van twee-en-veertig agtereenvolgende weke betaal nie: Met dien verstande dat die raad, op aansoek in die voorgeskrewe vorm en op die voorgeskrewe wyse, na goeddunke, maar behoudens die bepalinge van artikel 41 (1) (m), die betaling van verdere voordele aan 'n bydraer of enige klas bydraer kan magtig teen of die volle of die verminderde skale en vir die tydperk wat hy goetvind.

(4) Wanneer na die oordeel van die eisebeampte die aantal geleenthede waarop of die tydperke waartydens 'n bydraer werkloos geword of werkloos gebly het, buitengewoon hoog is in vergelyking met die van ander bydraers wat dieselfde soort werk doen as die wat die bydraer gewoonlik doen, kan die eisebeampte, vir die tydperk wat hy bepaal, die betaling van voordele teen verminderde skale magtig, of die betaling van voordele weier na gelang hy goetvind.

(5) (a) 'n Bydraer wat sy werk verloor en wat van sy laaste werkgewer loon in plaas van 'n tydperk van kennisgewing ontvang, word geag gedurende sodanige tydperk in diens te gewees het.

(b) 'n Bydraer word nie geag werkloos te wees gedurende 'n tydperk waartydens hy opleiding vir werk ingevolge 'n skema ontvang nie.

(6) 'n Bydraer word geag in diens te gewees het gedurende enige tydperk waarvoor hy kragtens artikel 140 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), loon ontvang het.

(7) Indien daar in 'n besigheid ingevolge 'n vakansieskema 'n werkstilstand is vir 'n tydperk (in hierdie subartikel die vakansie-tydperk genoem), word 'n bydraer wat voor die aanvang van die vakansie-tydperk laas in sodanige besigheid in diens was nie geag (behalwe vir die doeleindes van artikel 39) werkloos te wees gedurende daardie tydperk nie, tensy hy die eisebeampte oortuig dat hy nie slegs weens die vakansie-tydperk werkloos is nie.

(8) Gedurende 'n tydperk ten opsigte waarvan voordele of toelae ingevolge hierdie Wet aan 'n persoon betaal word, word hy by die toepassing van artikel 29 geag nie 'n bydraer te wees nie en by die toepassing van subartikel (2) van hierdie artikel geag nie as 'n bydraer in diens te wees nie.

(9) Wanneer in 'n kalenderweek ten opsigte waarvan voordele aan 'n bydraer betaalbaar is, daardie bydraer lonende werk onderneem van 'n aard wat nie gewoonlik deur hom onderneem word nie, of in 'n mate waarin dit nie gewoonlik deur hom onderneem word nie, en wat na die oordeel van die eisebeampte die werk wat andersins vir bydraers beskikbaar sou wees, verminder of waarskynlik sal verminder, word die bedrag van die aan daardie bydraer ten opsigte van 'n kalenderweek betaalbare voordele verminder met 'n bedrag wat gelykstaan met die bedrag waarmee die totaal van die betaalbare voordele en die besoldiging wat gedurende daardie week ten opsigte van sodanige lonende werk deur hom ontvang word, soos deur die eisebeampte vasgestel, die normale weeklikse verdienste wat hy van sy laaste werkgewer ontvang het, te bowe gaan.

(10) Indien 'n bydraer wat by twee of meer werkgewers in diens is, die werk verloor ten opsigte waarvan hy ingevolge artikel 2 (3) as 'n bydraer by die toepassing van hierdie Wet beskou word, is hy ondanks die feit dat hy by die ander werkgewers in diens bly, op voordele geregtig, maar die bedrag van die aan hom ten opsigte van enige kalenderweek betaalbare voordele word met 'n bedrag verminder wat gelykstaan met die bedrag waarmee die totaal van die betaalbare voordele en die verdienste wat hy ten opsigte van daardie week van die werk-

his opinion the contributor cannot be held to have been normally employed in any particular group, then on such basis as he considers equitable in the circumstances.

37. (1) The amount of any benefits to which a contributor may become entitled shall be calculated in respect of a calendar week, and the amount of benefits in respect of any period of less than one calendar week shall be calculated on the basis of seven working days in any calendar week, a short working day counting as a full working day. Payment of benefits.

(2) Subject to the provisions of sections 47 and 49, the benefits which may be paid to a contributor shall not exceed—

- (a) one week's benefits for each completed four weeks' employment as a contributor between the first day of January, 1950 and the thirtieth day of July, 1962; and
- (b) one week's benefits for each completed six weeks' employment as a contributor on or after the thirtieth day of July, 1962.

(3) Benefits shall not be paid to a contributor for more than twenty-six weeks in any period of fifty-two consecutive weeks: Provided that the board may on application in the prescribed form and manner, in its discretion, but subject to the provisions of section 41 (1) (m), authorize the payment of further benefits to any contributor or any class of contributor at either full or such reduced rates and for such period as it may deem fit.

(4) Whenever in the opinion of the claims officer the number of occasions on which or the periods during which a contributor became or remained unemployed is excessive in comparison with that obtaining among other contributors performing work of a nature similar to that normally performed by such contributor, the claims officer may, for such period as he may determine, authorize the payment of benefits at reduced rates, or refuse the payment of benefits, as he may deem fit.

(5) (a) A contributor who loses his employment and who receives from his last employer wages in lieu of a period of notice, shall be deemed to have been employed during such period.

(b) A contributor shall not be regarded as unemployed during any period during which he is undergoing training for employment under any scheme.

(6) A contributor shall be deemed to have been employed during any period for which he received wages under section 140 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951).

(7) If in any business there is, in pursuance of any holiday scheme, a stoppage of work for any period (in this subsection referred to as the holiday period), a contributor whose last employment prior to the commencement of the holiday period was in such business, shall not, except for the purposes of section 39, be regarded as unemployed during that period unless he satisfies the claims officer that he is not unemployed solely on account of the holiday period.

(8) A person shall be deemed not to be a contributor for the purposes of section 29 and not to be in employment as a contributor for the purposes of subsection (2) of this section, during any period in respect of which he is paid benefits or allowances under this Act.

(9) Whenever in any calendar week in respect of which benefits are payable to a contributor, that contributor undertakes remunerative work of a nature not ordinarily undertaken by him, or to an extent not ordinarily undertaken by him, and which in the opinion of the claims officer reduces or is likely to reduce the work which would otherwise be available to contributors, the amount of the benefits payable to that contributor in respect of any calendar week shall be reduced by an amount equal to the amount by which the aggregate of the benefits payable and the remuneration received by him during that week in respect of such remunerative work, as determined by the claims officer, exceeds the normal weekly earnings received from his last employer.

(10) If a contributor who is employed by two or more employers, loses the employment in respect of which he is in terms of section 2 (3) regarded as a contributor for the purposes of this Act, he shall, notwithstanding the fact that he continues in the employment of the other employers, be entitled to benefits, but the amount of the benefits payable to him in respect of any calendar week shall be reduced by an amount equal to the amount by which the aggregate of the benefits payable and the earnings received by him in respect of that week from the employers by whom he continues to be employed,

gewers by wie hy in diens aangehou word, ontvang, sy normale weeklikse verdienste ten opsigte van sy normale diens soos deur die Sekretaris ingevolge artikel 2 (3) vasgestel, te bowe gaan.

(11) Die tydperk ten opsigte waarvan voordele teen verminderde skale in enige kalenderweek ingevolge subartikel (10) betaal word, word by die toepassing van subartikels (2) en (3) beskou as 'n tydperk binne daardie kalenderweek wat in dieselfde verhouding staan tot die eersgenoemde tydperk as dié waarin die totale bedrag van die ten opsigte van daardie tydperk betaalde voordele staan tot die totale bedrag wat betaal sou gewees het as die bydraer voordele teen die volle skale ten opsigte van die eersgenoemde tydperk ontvang het.

Betaling van siektetoelae.

38. (1) Behoudens die bepalings van subartikels (2), (3), (4) en (5) en van enige regulasies kragtens artikel 63 (1) (a), (b), (c) of (d) uitgevaardig, kan aan 'n bydraer wat vir minstens drie weke werkloos was ten gevolge van 'n ingevolge subartikel (5) vermelde siekte, indien hy nie ingevolge die voorbehoudsbepaling by artikel 41 (1) (d) op voordele geregtig is nie, uit die fonds 'n toelae betaal word teen 'n skaal en gedurende 'n tydperk gelyk aan die waarteen en waartydens hy geregtig sou gewees het om voordele te ontvang as hy vir werk geskik en beskikbaar was: Met dien verstande dat sodanige bydraer nie op 'n toelae geregtig is nie tensy hy gedurende die twee-en-vyftig weke wat die datum waarop 'n tydperk van werkloosheid geag word te begin het, onmiddellik voorafgegaan het, vir minstens dertien weke, hetsy vir 'n ononderbroke tydperk al dan nie, as 'n bydraer werkzaam was: Met dien verstande voorts dat by die toepassing van hierdie subartikel sodanige bydraer geag word as 'n bydraer werkzaam te gewees het gedurende enige tydperk waartydens hy die ononderbroke verpligte opleiding beoog in artikel 22 (2) (b) (i) van die Verdedigingswet, 1957 (Wet No. 44 van 1957), ondergaan het.

(2) 'n Bydraer is nie geregtig om kragtens subartikel (1) vir die eerste drie weke van werkloosheid 'n toelae te ontvang nie: Met dien verstande dat as die werkloosheid na die derde week voortduur, aan die bydraer ten opsigte van die eerste drie weke van werkloosheid so 'n toelae betaal kan word ten opsigte van dieselfde getal dae in daardie drie weke as die getal dae waarop hy gedurende die drie weke na die eerste drie weke werkloos is.

(3) 'n Toelae word nie aan 'n bydraer vir meer as ses-en-twintig weke gedurende 'n tydperk van twee-en-vyftig agtereenvolgende weke betaal nie: Met dien verstande dat die raad, op aansoek in die voorgeskrewe vorm en op die voorgeskrewe wyse, na goeddunke, maar behoudens die bepalings van die eerste voorbehoudsbepaling by subartikel (1), die betaling van 'n verdere toelae aan 'n bydraer of klas bydraer kan magtig teen of die volle of die verminderde skale en vir die tydperk wat hy goedvind.

(4) By die toepassing van hierdie artikel word 'n bydraer ondanks die feit dat sy dienste nie beëindig is nie, geag werkloos te wees ook as hy ten gevolge van 'n ingevolge subartikel (5) vermelde siekte nie in staat is om werk te verrig nie en geen verdienste ontvang nie of van sy werkgewer, hetsy in kontant of in natura, minder as een-derde van sy normale verdienste ontvang.

(5) Die Minister kan, na oorlegpleging met die Minister van Gesondheid en die raad, by kennisgewing in die *Staatskoerant*, die siektes ten opsigte waarvan en die omstandighede waaronder 'n toelae kragtens subartikel (1) betaal kan word, bepaal en kan op dergelike wyse so 'n kennisgewing wysig of intrek, en by die bepaling van die omstandighede waaronder 'n toelae ten opsigte van 'n siekte betaal kan word, kan op enige wyse, hetsy op grond van die soort siekte of die behandeling daarvan of op enige ander grond, onderskeid gemaak word.

Betaling van kraamvoordele.

39. (1) Behoudens die bepalings van hierdie artikel en van enige regulasies kragtens artikel 63 (1) (e), (f), (g) of (h) uitgevaardig, kan daar aan 'n vroulike bydraer wat werkloos is, ondanks die bepalings van artikel 35 (4) of van artikel 41 (1) (d), (f), (g), (i), (j) of (k) voordele ooreenkomstig die bepalings van hierdie Wet betaal word—

- (a) gedurende haar swangerskap vir 'n tydperk van hoogstens agtien weke en wat nie vroeër as agtien weke voor die verwagte datum van haar bevalling begin nie; en
- (b) gedurende 'n tydperk van hoogstens agt weke na die geboorte van 'n lewende kind of vier weke na die geboorte van 'n doodgebore kind,

hetsy sy vir werk geskik en beskikbaar is al dan nie.

exceeds his normal weekly earnings in respect of his normal employment as determined by the Secretary in terms of section 2 (3).

(11) The period in respect of which benefits are paid at reduced rates in any calendar week in terms of subsection (10) shall, for the purposes of subsections (2) and (3), be regarded as a period in that calendar week bearing the same proportion to the first-mentioned period as the total amount of the benefits paid in respect of that period bears to the total amount which would have been paid had the contributor received benefits at the full rate in respect of the first-mentioned period.

38. (1) Subject to the provisions of subsections (2), (3), (4) and (5) and of any regulations made under section 63 (1) (a), (b), (c) or (d), a contributor who has been unemployed for a period of not less than three weeks by reason of an illness specified under subsection (5) may, if he is not entitled to any benefits in terms of the proviso to section 41 (1) (d), be paid from the fund an allowance at a rate and during a period equal to that at and during which he would have been entitled to receive benefits had he been capable of and available for work: Provided that such contributor shall not be entitled to an allowance unless he has been employed as a contributor for at least thirteen weeks, whether for a continuous period or not, during the fifty-two weeks immediately preceding the date upon which a period of unemployment is deemed to have commenced: Provided further that for the purposes of this subsection such contributor shall be deemed to have been employed as a contributor during any period during which he was undergoing the continuous compulsory training contemplated in section 22 (2) (b) (i) of the Defence Act, 1957 (Act No. 44 of 1957).

Payment of
illness
allowances.

(2) A contributor shall not be entitled to receive an allowance under subsection (1) for the first three weeks of unemployment: Provided that if unemployment continues after the third week, the contributor may, in respect of the first three weeks of unemployment, be paid such an allowance in respect of the same number of days during those three weeks as the number of days on which he is unemployed during the three weeks after the first three weeks.

(3) An allowance shall not be paid to a contributor for more than twenty-six weeks in any period of fifty-two consecutive weeks: Provided that the board may, on application in the prescribed form and manner, in its discretion, but subject to the provisions of the first proviso to subsection (1), authorize the payment of a further allowance to any contributor or any class of contributor at either full or such reduced rates and for such period as it may deem fit.

(4) For the purposes of this section a contributor shall, notwithstanding the fact that his services have not been terminated, be deemed to be unemployed also if he is unable to perform any work by reason of an illness specified under subsection (5), and is not in receipt of any earnings or receives from his employer, whether in cash or in kind, less than one-third of his normal earnings.

(5) The Minister may, after consultation with the Minister of Health and the board, by notice in the *Gazette*, specify the illnesses in respect of which and the circumstances under which an allowance under subsection (1) may be paid, and may in like manner amend or withdraw any such notice, and in specifying the circumstances under which an allowance may be paid in respect of any illness, any method of differentiation based on the type of illness or the treatment thereof or any other method may be applied.

39. (1) Subject to the provisions of this section and of any regulations made under section 63 (1) (e), (f), (g) or (h), a female contributor who is unemployed may, notwithstanding the provisions of section 35 (4) or of section 41 (1) (d), (f), (g), (i), (j) or (k), be paid benefits in accordance with the provisions of this Act—

Payment of
maternity
benefits.

(a) during her pregnancy for a period not exceeding eighteen weeks and commencing not earlier than eighteen weeks prior to the expected date of her confinement; and

(b) during a period not exceeding eight weeks after the birth of a live child, or four weeks after the birth of a still-born child,

whether or not she is capable of and available for work.

(2) 'n Bydraer is nie op voordele ingevolge subartikel (1) geregtig nie tensy sy gedurende die twee-en-veertig weke wat die verwagte datum van haar bevalling onmiddellik voorafgaan, vir minstens agtien weke as 'n bydraer werksaam was: Met dien verstande dat die raad, na goeddunke, die betaling van sodanige voordele kan magtig aan 'n applikant wat gedurende die twee-en-veertig weke wat die verwagte datum van haar bevalling onmiddellik voorafgaan, vir minder as agtien weke as 'n bydraer in diens was, indien daardie applikant te eniger tyd gedurende 'n tydperk van nege-en-dertig weke wat sodanige verwagte datum onmiddellik voorafgaan, in diens was in werk wat met ioniserende bestraling in verband staan.

(3) By die toepassing van hierdie artikel word 'n vroulike bydraer, ondanks die feit dat haar dienste nie beëindig is nie, geag werkloos te wees ook indien sy, ten opsigte van 'n in subartikel (1) vermelde tydperk, geen verdienste ontvang nie of van haar werkgewer, hetsy in kontant of in natura, minder as een-derde van haar normale verdienste ontvang.

Betalings aan
afhanklikes van
oorlede bydraers.

40. (1) Behoudens die bepalings van hierdie artikel en van enige regulasies kragtens artikel 63 (1) (i), (j), (k) of (l) uitgevaardig, kan die Sekretaris, op aansoek in die voorgeskrewe vorm, aan die afhanklikes van 'n bydraer wat op of na die eerste dag van April 1957 gesterf het of te sterwe kom (hieronder die oorlede bydraer genoem) uit die fonds 'n bedrag betaal wat gelyk is aan die som van die bedrae wat, as dit nie vir die bepalings van artikels 37 (3) en 41 (1) (c) was nie, aan die oorlede bydraer betaalbaar sou gewees het indien daardie bydraer vir werk geskik en beskikbaar was en vir 'n tydperk van ses-en-twintig weke vanaf die datum van sy dood werkloos was.

(2) Geen betaling word ingevolge subartikel (1) gemaak nie—

(a) tensy aansoek daarom gedoen word binne 'n tydperk van drie jaar vanaf die sterftedatum van die betrokke bydraer; en

(b) tensy die oorlede bydraer gedurende die vyf jaar wat die datum van sy dood onmiddellik voorafgegaan het vir minstens dertien weke as 'n bydraer werksaam was.

(3) (a) Indien daar so 'n afhanklike is soos in subartikel (6) (a) (i) vermeld word wanneer 'n bedrag ingevolge subartikel (1) betaalbaar word, word die bedrag aan sodanige afhanklike betaal.

(b) Indien die raad oortuig is dat daar nie so 'n afhanklike is nie, kan hy, na goeddunke, die betaling magtig van sodanige bedrag, of 'n gedeelte daarvan, in paaie of andersins, aan enige persoon of persone, ten bate van 'n afhanklike wat in subartikel (6) (a) (ii) vermeld word.

(c) Indien die raad oortuig is dat daar nie sulke afhanklikes is nie soos in subartikel (6) (a) (i) of (ii) vermeld word, kan hy, na goeddunke, die betaling magtig van sodanige bedrag, of 'n gedeelte daarvan, in paaie of andersins, aan enige persoon of persone, vir die voordeel van 'n afhanklike wat in subartikel (6) (a) (iii) vermeld word.

(4) Die bepalings van artikels 43 en 44 is *mutatis mutandis* van toepassing ten opsigte van 'n bedrag wat ingevolge subartikel (1) betaal of betaalbaar is.

(5) 'n Bedrag wat ingevolge subartikel (1) betaalbaar is, maak nie deel van die boedel van 'n oorlede bydraer uit nie.

(6) By die toepassing van hierdie artikel beteken—

“(a) „afhanklike”—

(i) die weduwee of sieklike wewenaar van die oorlede bydraer;

(ii) 'n kind (met inbegrip van 'n aangenome kind) van die oorlede bydraer wat ten tyde van die dood van sodanige bydraer onder die ouderdom van sewentien jaar is en wat, na die oordeel van die raad, geheel en al of hoofsaaklik van sodanige bydraer afhanklik was vir lewensnoodsaaklikhede; of

(iii) 'n ander persoon wat, na die oordeel van die raad, geheel en al of hoofsaaklik van sodanige bydraer afhanklik was vir lewensnoodsaaklikhede;

(b) „weduwee” of „wewenaar”, in die geval van 'n oorlede Asiatiese bydraer, die oorlewende eggenoot of eggenote van 'n huwelik wat as geldig erken word ingevolge artikel 1 of 2 van die „Indiërs Verligting Wet, 1914” (Wet No. 22 van 1914), of ingevolge enige ander wet wat in die Republiek van krag is; en

(2) A contributor shall not be entitled to benefits in terms of subsection (1) unless she has been in employment as a contributor for at least eighteen weeks during the fifty-two weeks immediately preceding the expected date of her confinement: Provided that the board may, in its discretion, authorize the payment of such benefits to an applicant who has been employed as a contributor for less than eighteen weeks during the fifty-two weeks immediately preceding the expected date of her confinement if such applicant was employed on work connected with ionising radiation at any time during a period of thirty-nine weeks immediately preceding such expected date.

(3) For the purposes of this section a female contributor shall, notwithstanding the fact that her services have not been terminated, be deemed to be unemployed also if, in respect of any period mentioned in subsection (1), she is not in receipt of any earnings or receives from her employer, whether in cash or in kind, less than one-third of her normal earnings.

40. (1) Subject to the provisions of this section and of any regulations made under section 63 (1) (i), (j), (k) or (l), the Secretary may, on application in the prescribed form, pay from the fund to the dependants of a contributor who died or dies on or after the first day of April, 1957 (hereinafter referred to as the deceased contributor), an amount equal to the sum of the amounts which would, but for the provisions of sections 37 (3) and 41 (1) (c), have been payable to the deceased contributor had such contributor been capable of and available for work and unemployed for a period of twenty-six weeks from the date of his death.

dependants
of deceased
contributors.

(2) No payment shall be made in terms of subsection (1)—

- (a) unless application therefor is made within a period of three years from the date of death of the contributor concerned; and
 - (b) unless the deceased contributor was in employment as a contributor for not less than thirteen weeks during the five years immediately preceding the date of his death.
- (3) (a) If there is such a dependant as is referred to in subsection (6) (a) (i) when any amount becomes payable in terms of subsection (1) such amount shall be paid to such dependant.
- (b) If the board is satisfied that there is no such dependant it may, in its discretion, authorize the payment of such amount, or any portion thereof, in instalments or otherwise, to any person or persons, for the benefit of any dependant referred to in subsection (6) (a) (ii).
- (c) If the board is satisfied that there are no such dependants as are referred to in subsection (6) (a) (i) or (ii) it may, in its discretion, authorize the payment of such amount, or any portion thereof, in instalments or otherwise, to any person or persons, for the benefit of any dependant referred to in subsection (6) (a) (iii).

(4) The provisions of sections 43 and 44 shall *mutatis mutandis* apply in respect of any amount paid or payable in terms of subsection (1).

(5) An amount payable in terms of subsection (1) shall not form part of the estate of the deceased contributor.

(6) For the purposes of this section—

(a) “dependant” means—

- (i) the widow or invalid widower of the deceased contributor;
 - (ii) any child (including an adopted child) of the deceased contributor who was under the age of seventeen years at the date of death of such contributor and who was, in the opinion of the board, wholly or mainly dependent upon such contributor for the necessities of life; or
 - (iii) any other person who was, in the opinion of the board, wholly or mainly dependent upon such contributor for the necessities of life;
- (b) “widow” or “widower”, in the case of a deceased Asiatic contributor, means the surviving spouse of a marriage recognized as valid in terms of section 1 or 2 of the Indians Relief Act, 1914 (Act No. 22 of 1914), or of any other law in force in the Republic; and

- (c) „weduwee”, in die geval van 'n oorlede Bantoe-bydraer, ook enige vrou wat met hom in 'n egtelike verhouding ooreenkomstig Bantoe-reg en -gebruik saamgeleef het, waar nóg die man nóg die vrou 'n party by 'n bestaande huwelik was.

Voorwaardes
betreffende
betaling van
voordele.

41. (1) Behoudens die bepalings van hierdie Wet, is 'n bydraer nie op voordele geregtig nie—

- (a) tensy hy 'n bydraer was vir minstens dertien weke, hetsy vir 'n ononderbroke tydperk al dan nie: Met dien verstande dat as hy 'n bydraer vir 'n tydperk van minder as dertien weke was maar ook 'n bydraer ingevolge die Werkloosheidbystandswet, 1937 (Wet No. 25 van 1937), was, maar nie op voordele ingevolge artikel 37 (3) van die Werkloosheidversekeringswet, 1946 (Wet No. 53 van 1946), geregtig was nie, die tydperk ten opsigte waarvan hy ingevolge genoemde Werkloosheidbystandswet, 1937, bydraes betaal het maar geen bystand ontvang het nie, by die toepassing van hierdie paragraaf, by die tydperk waarvoor hy 'n bydraer was, gevoeg word;
- (b) vir die eerste week van werkloosheid tensy sodanige tydperk van werkloosheid binne nege weke van 'n vorige tydperk van werkloosheid 'n aanvang neem: Met dien verstande dat as die werkloosheid tot in die tweede week voortduur, 'n bydraer ten opsigte van die eerste week van werkloosheid, indien daardie tydperk van werkloosheid nie binne nege weke van 'n vorige tydperk van werkloosheid 'n aanvang neem nie, voordele ten opsigte van dieselfde aantal dae in daardie week ontvang as die aantal dae waarop hy gedurende die tweede week werkloos is;
- (c) vir meer as ses-en-twintig weke gedurende enige tydperk van twee-en-veertig agtereenvolgende weke behalwe soos by artikel 37 (3) of 38 (3) bepaal;
- (d) tensy hy vir werk geskik en beskikbaar is: Met dien verstande dat as hy siek word terwyl hy voordele ontvang hy geag word vir werk geskik en beskikbaar te wees indien die eisebeampte oortuig is dat sodanige siekte waarskynlik nie sy kanse om werk te kry benadeel het nie;
- (e) tensy hy aan die bepalings van artikel 35 voldoen;
- (f) indien hy werkloos is weens 'n werkstilstand as gevolg van 'n arbeidsgeskil in die nywerheid waarin hy werksaam was of in 'n ander nywerheid vir solank die werkstilstand voortduur, tensy hy tydens daardie werkstilstand werkloos geword het nadat hy elders *bona fide* in geskikte werk in diens geneem is, of tensy hy die eisebeampte oortuig dat—
- (i) hy te gener tyd 'n party by die geskil was en nie 'n regstreekse belang by die onderwerp van die geskil gehad het nie;
- (ii) niemand wat by die bydraer se werkplek in 'n beroep diens gedoen het soortgelyk aan dié waarin die bydraer diens gedoen het, te eniger tyd so 'n party was nie en ook nie aldus belang gehad het by die onderwerp van die geskil nie;
- (g) vir 'n tydperk van ses weke vanaf die datum waarop hy werkloos geword het, indien die betrokke eisebeampte van oordeel is dat hy sy werk verloor het deur sy eie wangedrag, of dat hy sy diens vrywillig sonder gegronde rede verlaat het: Met dien verstande dat as die eisebeampte in 'n besondere geval van oordeel is dat uitsluiting van voordele vir sodanige tydperk weens spesiale omstandighede onbillik sou wees, hy die tydperk kan verkort: Met dien verstande voorts dat as 'n bydraer versuim om aan die bepalings van artikel 35 (5) te voldoen, die betrokke eisebeampte die tydperk waartydens die bydraer nie geregtig is om voordele te ontvang nie, kan verleng met 'n tydperk gelyk aan die tydperk waartydens hy versuim het om aan genoemde bepalings te voldoen;
- (h) terwyl hy buite die Republiek verkeer;
- (i) vir 'n tydperk van dertien weke, of die korter tydperk wat die betrokke eisebeampte bepaal, vanaf die datum waarop die bydraer weier om geskikte werk waarvan hy in kennis gestel is of waarvan hy te wete gekom het, te aanvaar of om daarom aansoek te doen, of waarop hy 'n spesifieke redelike voorskrif aan hom deur of namens die eisebeampte gegee ten einde hom te help om werk te kry, nie nakom nie of waarop hy hom vir werk

- (c) "widow", in the case of a deceased Bantu contributor, includes any woman who was associated with him in a conjugal relationship according to Bantu law and custom, where neither the man nor the woman was a party to a subsisting marriage.

41. (1) Subject to the provisions of this Act, a contributor shall not be entitled to receive benefits—

Conditions relating to payment of benefits.

- (a) unless he has been a contributor for at least thirteen weeks whether for a continuous period or not: Provided that if he has been a contributor for any period of less than thirteen weeks but had also been a contributor under the Unemployment Benefit Act, 1937 (Act No. 25 of 1937), but was not entitled to benefits in terms of section 37 (3) of the Unemployment Insurance Act, 1946 (Act No. 53 of 1946), the period in respect of which he paid contributions but received no benefit under the said Unemployment Benefit Act, 1937, shall, for the purposes of this paragraph, be added to the period for which he has been a contributor;
- (b) for the first week of unemployment unless the commencement of such period of unemployment occurs within nine weeks of any previous period of unemployment: Provided that if the unemployment continues into the second week, a contributor shall in respect of the first week of unemployment, if the commencement of that period of unemployment does not occur within nine weeks of a previous period of unemployment, receive benefits in respect of the same number of days during that week as the number of days on which he is unemployed during the second week;
- (c) for more than twenty-six weeks in any period of fifty-two consecutive weeks, except as provided by section 37 (3) or 38 (3);
- (d) unless he is capable of and available for work: Provided that if he becomes ill whilst in receipt of benefits he shall be deemed to be capable of and available for work if the claims officer is satisfied that such illness is not likely to have prejudiced his chance of securing employment;
- (e) unless he complies with the provisions of section 35;
- (f) if he is unemployed by reason of a stoppage of work due to a trade dispute in the industry in which he was employed or in any other industry, so long as the stoppage of work continues, unless he has during such stoppage of work become unemployed after having become *bona fide* employed elsewhere in suitable work or unless he satisfies the claims officer that—
 - (i) he was at no time a party to the dispute and had no direct interest in the subject matter of the dispute;
 - (ii) no person who was employed at the contributor's place of employment in an occupation similar to the occupation in which the latter was employed, has at any time been such a party nor so interested in the subject matter of the dispute;
- (g) for a period of six weeks from the date upon which he became unemployed, if in the opinion of the claims officer concerned he lost his employment through his own misconduct or voluntarily left his employment without just cause: Provided that if in any particular case the claims officer considers that, owing to special circumstances, the exclusion from benefits for such period would be inequitable, he may reduce the period: Provided further that if a contributor fails to comply with the provisions of section 35 (5) the claims officer concerned may extend the period during which such contributor shall not be entitled to receive benefits by a period equal to the period during which he failed to comply with the said provisions;
- (h) while he is outside the Republic;
- (i) for a period of thirteen weeks, or such shorter period as the claims officer concerned may determine, from the date on which such contributor refuses to accept or apply for suitable work of which he has been notified or of which he may become aware, or does not comply with any specific reasonable direction given to him by or on behalf of the claims officer with a view to helping him to get work, or presents or offers himself for work

aanmeld of aanbied in 'n toestand of op 'n wyse wat na die oordeel van die betrokke eisebeampte die verkryging van werk deur die bydraer waarskynlik sal uitsluit;

- (j) indien hy versuim om te voldoen aan 'n wetsbepaling betreffende werkloosheid, solank sodanige versuim voortduur;
- (k) indien hy sonder gegronde rede weier om opleiding vir diens onder 'n deur die Sekretaris goedgekeurde skema te ondergaan;
- (l) ten opsigte van 'n tydperk waartydens daar om enige rede 'n tydelike vermindering is in die getal ure, dae of weke gewoonlik gewerk in die besigheid waarin hy werksaam is tensy sy diens- of vakleerlingskap- of leerlingskapkontrak met sy werkgewer beëindig is;
- (m) tensy hy as 'n bydraer of andersins in diens werksaam was vir minstens dertien weke, hetsy vir 'n ononderbroke tydperk al dan nie, gedurende die twee-en-vyftig weke wat die datum waarop 'n tydperk van werkloosheid geag word te begin het, onmiddellik voorafgaan: Met dien verstande dat by die toepassing van hierdie paragraaf sodanige bydraer geag word as 'n bydraer werksaam te gewees het gedurende enige tydperk waartydens hy die ononderbroke verpligte opleiding beoog in artikel 22 (2) (b) (i) van die Verdedigingswet, 1957 (Wet No. 44 van 1957), ondergaan het.

(2) By die toepassing van hierdie artikel beteken „geskikte werk”—

- (a) met betrekking tot 'n bydraer wat gewoonlik in Groep I, II of III werksaam is, enige werk, met inbegrip van werk in landbou of werk as 'n bediende in 'n private huishouding, wat die betrokke bydraer, na die oordeel van die eisebeampte, liggaamlik geskik is om te doen en die aanname waarvan, na die oordeel van die eisebeampte, die betrokke bydraer nie buitensporige ontbering sal veroorsaak nie en ten opsigte waarvan die weeklikse verdienste nie minder is nie as die weeklikse voordele wat aan daardie bydraer betaalbaar sou wees indien hy werkloos is; en
- (b) met betrekking tot 'n bydraer wat gewoonlik in Groep IV of V werksaam is, binne die eerste ses weke van werkloosheid, en met betrekking tot alle ander bydraers, binne die eerste dertien weke van werkloosheid, werk wat die betrokke bydraer, na die oordeel van die eisebeampte, geskik is om te doen en die aanname waarvan, na die oordeel van die eisebeampte, die betrokke bydraer nie buitensporige ontbering sal veroorsaak nie, en wat, behalwe waar die bydraer na die oordeel van die eisebeampte nie geskik is om die werk wat gewoonlik deur hom verrig word te doen nie, werk is van 'n dergelike klas en in dieselfde groep as die werk en groep waarin die bydraer gewoonlik werksaam is, of 'n werk in 'n hoër groep en daarna 'n werk wat die eisebeampte geskik ag,

maar nie ook diens in 'n betrekking wat vakant geword het as gevolg van 'n werkstilstand soos dié wat in subartikel (1) (f) bedoel word nie.

Aanvang van tydperk van werkloosheid.

42. 'n Tydperk van werkloosheid word nie geag te begin het nie voordat die persoon wat op voordele geregtig is 'n aansoek ingevolge artikel 35 by die betrokke eisebeampte, of 'n agent wat behoorlik gemagtig is om aansoeke namens daardie eisebeampte te ontvang, ingedien het nie: Met dien verstande dat indien 'n vertraging by die indiening van bedoelde aansoek na die oordeel van die eisebeampte veroorsaak is deur gebeurtenisse waaroor die genoemde persoon geen beheer gehad het nie, die eisebeampte 'n dag binne die termyn van die vertraging kan bepaal as die dag waarop die tydperk van werkloosheid geag word te begin het.

Voordele verkeerdelik uitbetaal.

43. Indien iemand voordele ontvang het waarop hy ingevolge die bepalings van hierdie Wet nie geregtig is nie, is hy teenoor die fonds aanspreeklik vir terugbetaling van die aldus ontvangte bedrag van voordele: Met dien verstande dat as die Sekretaris dit in 'n besondere geval onbillik ag om terugbetaling van die hele bedrag te eis, hy na goeë dunske terugbetaling van 'n kleiner bedrag kan eis, of sodanige persoon van die terugbetaling van die hele bedrag kan vrystel.

Voordele mag nie afgestaan, beswaar, in beslag geneem of in skuldvergeelyking gebring word nie.

44. (1) Voordele mag nie—

- (a) afgestaan of beswaar word nie;
- (b) op bevel van 'n geregshof in beslag geneem word nie;
- (c) in skuldvergeelyking gebring word met 'n skuld van die persoon wat op die voordele geregtig is nie.

- in a condition or manner which, in the opinion of the claims officer concerned, is likely to preclude such contributor from obtaining employment;
- (j) if he fails to comply with any provision of any law relating to unemployment, while such default continues;
 - (k) if he refuses, without good cause, to undergo training for employment under any scheme approved by the Secretary;
 - (l) in respect of any period during which there is for any reason a temporary reduction in the number of hours, days or weeks ordinarily worked in the business in which he is employed unless his contract of service or apprenticeship or learnership with his employer has been terminated;
 - (m) unless he has been employed as a contributor or otherwise in employment for at least thirteen weeks, whether for a continuous period or not, during the fifty-two weeks immediately preceding the date upon which a period of unemployment is deemed to have commenced: Provided that for the purposes of this paragraph such contributor shall be deemed to have been employed as a contributor during any period during which he was undergoing the continuous compulsory training contemplated in section 22 (2) (b) (i) of the Defence Act, 1957 (Act No. 44 of 1957).
- (2) For the purposes of this section the expression "suitable work" means—
- (a) in relation to a contributor who is ordinarily employed in Group I, II or III, any work, including work in agriculture or work as a domestic servant in a private household, which the contributor concerned is, in the opinion of the claims officer, physically capable of performing and the acceptance of which will not, in the opinion of the claims officer, cause the contributor concerned undue hardship and in respect of which the weekly earnings are not less than the weekly benefits which would be payable to such contributor if he is unemployed; and
 - (b) in relation to a contributor who is ordinarily employed in Group IV or V, for the first six weeks of unemployment, and in relation to all other contributors, for the first thirteen weeks of unemployment, work which the contributor concerned is, in the opinion of the claims officer, capable of performing and the acceptance of which will not, in the opinion of the claims officer, cause the contributor concerned undue hardship, and which is, unless in the opinion of the claims officer the contributor is not capable of undertaking the work in which he has been ordinarily employed, work of a similar class and in the same group as the work and group wherein the contributor concerned is ordinarily employed or any work in a higher group, and thereafter any work deemed suitable by the claims officer,
- but does not include employment in a situation which has become vacant in consequence of a stoppage of work such as is referred to in subsection (1) (f).
- 42.** A period of unemployment shall not be deemed to have commenced until the person entitled to benefits has lodged an application in accordance with section 35 with the claims officer concerned, or an agent duly authorized to receive such applications on behalf of that claims officer: Provided that if in the opinion of the claims officer, any delay in lodging the said application was caused by events beyond the control of the said person, the claims officer may determine a day within the period of the delay as the day on which the period of unemployment shall be deemed to have commenced. Commencement of period of unemployment.
- 43.** If any person has received benefits to which he is not entitled under the provisions of this Act, he shall be liable to repay to the fund the amount of the benefits so received: Provided that if the Secretary deems it inequitable in any particular case to demand repayment of the whole amount, he may in his discretion demand repayment of any lesser amount, or relieve such person of the repayment of the whole amount. Benefits paid in error.
- 44.** (1) Benefits shall not—
- (a) be capable of being assigned or charged;
 - (b) be attached by the order of any court;
 - (c) be set off against any debt due by the person entitled to such benefits.
- Benefits may not be assigned, charged, attached or set off.

(2) By die toepassing van subartikel (1) omvat „skuld” nie skuld wat uit hoofde van die bepalings van artikel 43 verskuldig is nie.

HOOFSTUK VII.

VERANDERING VAN SKALE VAN VOORDELE EN BYDRAES.

Verandering van
skale van
voordele en
bydraes onder
sekere
omstandighede.

45. (1) Indien die Sekretaris te eniger tyd, na oorlegpleging met die raad en die aktuaris, meen dat met inagneming van die laste van die fonds, die bates van die fonds meer as voldoende is om te voldoen aan aansoeke om voordele wat redelikerwys gedurende 'n tydperk van ernstige werkloosheid verwag kan word, doen hy dienoreenkomstig verslag aan die Minister, en daarop kan die Staatspresident by proklamasie in die *Staatskoerant*, vanaf 'n in die proklamasie vermelde datum, 'n vermeerdering voorskryf van die skale van voordele by artikel 36 of by 'n vorige kragtens hierdie artikel uitgevaardigde proklamasie voorgeskryf.

(2) Indien die Sekretaris te eniger tyd, na oorlegpleging met die raad en die aktuaris, van oordeel is dat die bates van die fonds onvoldoende is of nie toeneem nie in 'n mate wat as voldoende beskou kan word om te voldoen aan aansoeke om voordele wat redelikerwys gedurende 'n tydperk van ernstige werkloosheid verwag kan word, doen hy dienoreenkomstig verslag aan die Minister, en daarop kan die Staatspresident, by proklamasie in die *Staatskoerant*, vanaf 'n in die proklamasie vermelde datum, 'n vermeerdering van die in Bylae 1 of in 'n vorige kragtens hierdie artikel uitgevaardigde proklamasie, voorgeskrewe skale van bydraes, of 'n vermindering van die by 'n kragtens hierdie artikel uitgevaardigde proklamasie voorgeskrewe skale van voordele, voorskryf: Met dien verstande dat so 'n proklamasie nie 'n vermindering in die skale van voordele benede die by artikel 36 voorgeskrewe skale mag voorskryf nie.

(3) Geen proklamasie word kragtens subartikel (1) of (2) uitgevaardig nie tensy sowel die Senaat as die Volksraad dit by besluit goedgekeur het.

HOOFSTUK VIII.

BEPALINGS OM WERKLOOSHEID TE BESTRY.

Skemas om
werkloosheid
te bestry.

46. (1) Indien die Minister van oordeel is dat daar in 'n besigheid of gebied werkloosheid bestaan of waarskynlik salontstaan onder bydraers wat nie gereedlik in ander geskikte werk geplaas kan word nie, kan hy, op aanbeveling van die raad, voorsiening maak vir 'n skema om sodanige bydraers in werk te hou of om dié wat werkloos is of word in werk te plaas.

(2) Die Minister kan in so 'n skema—

(a) voorsiening maak vir enige aangeleentheid waarvoor hy dit nodig of raadsaam ag om voorsiening te maak, met inbegrip van die verlening van geldelike of ander hulp aan 'n werkgewer of bydraer of 'n klas werkgewer of bydraer waarop die skema betrekking het;

(b) onderskeid maak tussen verskillende klasse werkgewers en verskillende klasse bydraers op enige basis wat hy nodig ag om die oogmerke van die skema te bereik.

(3) Die Minister kan, na oorlegpleging met die Minister van Finansies, die betaling uit die fonds magtig van die hele of 'n gedeelte van 'n bedrag wat betaalbaar word in verband met die toepassing van die skema, met inbegrip van enige uitgawe aangegaan by die uitvoering daarvan.

(4) Die Minister kan te eniger tyd—

(a) na oorlegpleging met die Minister van Finansies, 'n magtiging ingevolge subartikel (3) verleen, intrek of verander;

(b) op aanbeveling van die raad, 'n skema intrek of wysig.

Opskorting van
sekere bepalings
van Wet.

47. (1) Wanneer die Minister van oordeel is dat die mate van werkloosheid in 'n besigheid in enige gebied sodanig is dat 'n noodtoestand bestaan, kan hy, na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant*, die werking van die bepalings van artikel 37 (2) of (3) of 41 (1) (l) of (m) vir die tydperk en onderworpe aan die voorwaardes, uitsonderings en uitsluitings wat in die kennisgewing vermeld word en of geheel en al of gedeeltelik, opskort ten opsigte van enige bydraers of enige klas bydraers wat in daardie besigheid in daardie gebied in diens is of was.

(2) Die Minister kan te eniger tyd by kennisgewing in die *Staatskoerant* 'n kragtens subartikel (1) uitgevaardigde kennisgewing wysig of intrek.

(2) For the purposes of subsection (1), 'debt' does not include any debt which becomes owing by virtue of the provisions of section 43.

CHAPTER VII.

ALTERATION OF RATES OF BENEFITS AND CONTRIBUTIONS.

45. (1) If the Secretary at any time, after consultation with the board and the actuary, deems the assets of the fund, after having taken the liabilities of the fund into consideration, to be greater than is required to meet any applications for benefits which may reasonably be expected during a period of severe unemployment, he shall report to the Minister accordingly, and thereupon the State President may by proclamation in the *Gazette*, with effect from a date specified in the proclamation, prescribe an increase in the rates of benefits prescribed by section 36 or by a previous proclamation issued under this section.

Alteration of rates of benefits and contributions in certain circumstances.

(2) If the Secretary at any time, after consultation with the board and the actuary, is of the opinion that the assets of the fund are insufficient or are not increasing to the extent deemed sufficient to meet applications for benefits which may reasonably be expected during a period of severe unemployment he shall report to the Minister accordingly, and thereupon the State President may by proclamation in the *Gazette*, with effect from a date specified in the proclamation, prescribe an increase in the rates of contributions specified in Schedule 1 or in a previous proclamation issued under this section, or a reduction in the rates of benefits prescribed by a proclamation issued under this section: Provided that no such proclamation shall prescribe a reduction in the rates of benefits below the rates prescribed by section 36.

(3) No proclamation shall be issued under subsection (1) or (2) unless both the Senate and the House of Assembly have by resolution approved thereof.

CHAPTER VIII.

PROVISIONS TO COMBAT UNEMPLOYMENT.

46. (1) If the Minister is of the opinion that unemployment exists or is likely to arise in any business or area among contributors who cannot readily be placed in other suitable employment, he may, on the recommendation of the board, provide for a scheme to keep such contributors in employment or to place those who are or who become unemployed in employment.

Schemes to combat unemployment.

(2) The Minister may in any such scheme—

- (a) provide for any matter for which he considers it necessary or expedient to provide, including the grant of financial or other assistance to any employer or contributor or any class of employers or contributors to whom the scheme relates;
- (b) differentiate between different classes of employers and different classes of contributors on any basis which he deems necessary in order to achieve the objects of the scheme.

(3) The Minister may, after consultation with the Minister of Finance, authorize the payment from the fund of the whole or any portion of any amount which may become payable in connection with the application of the scheme, including any expenditure incurred in the administration thereof.

(4) The Minister may at any time—

- (a) after consultation with the Minister of Finance, withdraw or alter any authority granted in terms of subsection (3);
- (b) on the recommendation of the board, withdraw or amend any scheme.

47. (1) Whenever the Minister is of the opinion that in any area the extent of the unemployment in any business is such that a state of emergency exists, he may, after consultation with the board, by notice in the *Gazette* suspend, for such period and subject to such conditions, exceptions and exclusions as may be specified in the notice and either wholly or in part, the operation of the provisions of section 37 (2) or (3) or 41 (1) (l) or (m) in respect of any contributors or any class of contributors who are or have been employed in that business in that area.

Suspension of certain provisions of Act.

(2) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of subsection (1).

Spesiale weeklikse toelaes.

48. (1) Wanneer 'n bydraer, nadat hy werkloos geword het, werk aanneem teen minder as die helfte van die gemiddelde weeklikse verdienste wat hy ontvang het gedurende die tydperk van drie maande onmiddellik voor die datum waarop hy werkloos geword het, is hy geregtig om, gedurende die tydperk wat hy aldus in diens bly, uit die fonds 'n spesiale weeklikse toelae te ontvang gelyk aan die verskil tussen sy nuwe weeklikse verdienste en die helfte van bedoelde gemiddelde verdienste: Met dien verstande dat bedoelde toelae—

- (a) nie die bedrag van voordele wat aan die bydraer betaalbaar sou gewees het as hy werkloos gebly het, oorskry nie;
- (b) vir hoogstens dertien weke gedurende enige tydperk van twee-en-vyftig agtereenvolgende weke betaal word;
- (c) nie betaal word nie indien die eisebeampte oortuig is dat die bydraer 'n ander werknemer vervang het wat 'n hoër verdienste ontvang het as die verdienste wat aan die betrokke bydraer aangebied is, en wat sonder voldoende rede deur die werkgewer ontslaan is;
- (d) ophou om betaalbaar te wees as die betrokke bydraer weier om beskikbare werk van 'n soortgelyke klas en in dieselfde groep as of in 'n hoër groep as die werk en groep waarin hy werksaam was onmiddellik voordat hy die werk ten opsigte waarvan die toelae betaalbaar geword het, aangeneem het, behalwe werk wat beskikbaar geword het as gevolg van 'n werkstilstand soos dié wat in artikel 41 (1) (f) bedoel word; en
- (e) *pro rata* verminder word na verhouding van enige wettige aftrekkings wat van die weeklikse verdienste van die betrokke bydraer gemaak word ten opsigte van 'n versuim deur hom om aan die bepalinge van sy dienskontrak te voldoen.

(2) Die in subartikel (1) bedoelde spesiale toelae word betaal slegs met ingang van die week waarin die betrokke bydraer die eisebeampte in die voorgeskrewe vorm in kennis stel van die aanname deur hom van die betrokke werk, die verdienste wat ten opsigte van daardie werk betaalbaar is en die naam en adres van die betrokke werkgewer.

(3) Die eisebeampte stuur 'n afskrif van 'n kennisgewing wat hy ingevolge subartikel (2) ontvang het aan die betrokke werkgewer, wat daarna weekliks aan die eisebeampte 'n staat in die voorgeskrewe vorm instuur, deur hom as juis gesertifiseer, wat die weeklikse verdienste wat die betrokke bydraer ontvang het, aantoon, asook die aftrekkings, indien daar is, wat van die verdienste van die bydraer gemaak is vanweë 'n versuim om aan die bepalinge van sy dienskontrak te voldoen.

(4) 'n Bydraer word, vir die tydperk waartydens 'n toelae ingevolge subartikel (1) aan hom betaalbaar is, by die toepassing van hierdie Wet, geag 'n bydraer te wees in die groep waarin hy werksaam was onmiddellik voordat hy die werk ten opsigte waarvan die toelae betaalbaar geword het, aangeneem het.

(5) 'n Bydraer word nie, by die toepassing van hierdie Wet, vir die tydperk waartydens so 'n toelae aan hom betaal word, geag in ontvangs van voordele te wees nie.

Betaling van opleidingskoste van bydraer.

49. (1) Wanneer 'n bydraer opleiding vir werk onder 'n deur die Sekretaris goedgekeurde skema ontvang, kan die Sekretaris, na oorlegpleging met die raad, uit die fonds die koste in verband met sodanige opleiding betaal wat hy raadsaam ag, en sodanige betalings kan of aan die betrokke bydraer of aan die inrigting waarin hy sodanige opleiding ontvang of aan die bydraer sowel as aan die inrigting gemaak word.

(2) Betalings kragtens hierdie artikel gemaak, oorskry nie ten opsigte van 'n bydraer die totale bedrag van die voordele wat, na die oordeel van die Sekretaris, aan daardie bydraer betaalbaar sou gewees het as hy gedurende die tydperk van sy opleiding werkloos was nie.

(3) By berekening, vir die doeleindes van subartikel (2), van die totale bedrag van die voordele wat, na die oordeel van die Sekretaris, aan 'n bydraer betaalbaar sou gewees het as hy gedurende die tydperk van sy opleiding werkloos was, word die bepalinge van artikels 37 (2) en (3) en 41 (1) (c) nie in ag geneem nie.

(4) Ondanks die bepalinge van subartikels (2) en (3), kan die Minister, wanneer hy, na oorlegpleging met die raad, oortuig is dat daar noodsaaklikheid bestaan vir die instelling van 'n skema om bydraers wat werkloos geword het vir geskikte werk op te lei, in oorleg met die Minister van Finansies magtiging daartoe verleen dat al die koste, of 'n deel van die koste, van die instelling en instandhouding van so 'n skema uit die fonds betaal word.

48. (1) Whenever a contributor after having become unemployed accepts employment at less than half the average weekly rate of earnings received by him during the period of three months immediately prior to the date upon which he became unemployed, he shall during the period he remains so employed, be entitled to receive out of the fund a special weekly allowance equal to the difference between his new weekly rate of earnings and half the said average rate of earnings: Provided that the said allowance shall—

Special weekly allowances.

- (a) not exceed the amount of the benefits which would have been payable to the contributor if he had remained unemployed;
- (b) be paid for not more than thirteen weeks in any period of fifty-two consecutive weeks;
- (c) not be paid if the claims officer is satisfied that the contributor has replaced another employee who was in receipt of a rate of earnings higher than the rate of earnings offered to the contributor concerned, and who was discharged by the employer without sufficient reason;
- (d) cease to be payable if the contributor concerned refuses to accept available work of a similar class and in the same group as or in any higher group than the work and group wherein he was employed immediately prior to acceptance by him of the employment in respect of which the allowance became payable, other than work which has become available in consequence of a stoppage of work such as is referred to in section 41 (1) (f); and
- (e) be reduced *pro rata* in proportion to any lawful deductions made from the weekly earnings of the contributor concerned in respect of any failure by him to fulfil the terms of his contract of service.

(2) The special allowance referred to in subsection (1) shall be paid only with effect from the week during which the contributor concerned notifies the claims officer in the prescribed form of the acceptance by him of the employment concerned, the rate of earnings payable in respect of such employment and the name and address of the employer concerned.

(3) The claims officer shall forward a copy of any notification received by him in terms of subsection (2) to the employer concerned who shall thereafter transmit weekly to the claims officer a statement in the prescribed form, certified by him as true, showing the weekly earnings received by the contributor concerned and the deductions, if any, made from the earnings of the contributor on account of any failure to fulfil the terms of his contract of service.

(4) A contributor shall for the period during which an allowance is payable to him in terms of subsection (1), be deemed for the purposes of this Act to be a contributor in the group in which he was employed immediately prior to acceptance by him of the employment in respect of which the allowance became payable.

(5) A contributor shall not for the period during which such an allowance is paid to him be deemed for the purposes of this Act to be in receipt of benefits.

49. (1) Whenever a contributor is undergoing training for employment under any scheme approved by the Secretary, the Secretary may, after consultation with the board, pay from the fund such expenses in connection with such training as he may deem expedient, and such payment may be made either to the contributor concerned or to the institution in which he is undergoing such training or to both the contributor and the institution.

Payment of training expenses of a contributor.

(2) Payments made under this section shall not in respect of any one contributor exceed the total amount of the benefits which would, in the opinion of the Secretary, have been payable to that contributor if he had been unemployed during the period of such training.

(3) In calculating, for the purposes of subsection (2), the total amount of the benefits which would, in the opinion of the Secretary, have been payable to a contributor if he had been unemployed during the period of his training, no regard shall be had to the provisions of sections 37 (2) and (3) and 41 (1) (c).

(4) Notwithstanding the provisions of subsections (2) and (3), whenever the Minister, after consultation with the board, is satisfied that there is a necessity for the establishment of a scheme to train for suitable employment contributors who have become unemployed, he may, in consultation with the Minister of Finance, authorize the payment of the whole or a portion of the cost of establishing and maintaining such a scheme from the fund.

HOOFSTUK IX.

UITVOERING EN TOEPASSING VAN WET.

Wyse van
berekening van
verdienste ten
einde groep
vas te stel.

50. (1) By die bepaling van die groep waaronder 'n bydraer ressorteer, moet sy verdienste, indien weekliks betaal, met twee-en-vyftig, en indien maandeliks betaal met twaalf vermenigvuldig word; of op die wyse bepaal word wat die beste daarop bereken is om die juiste waarde van die bydraer se verdienste op 'n jaarlikse basis vas te stel.

(2) 'n Geskil in verband met 'n in subartikel (1) bedoelde aangeleentheid word besleg deur die Sekretaris, wie se beslissing onderworpe is aan 'n appèl na die Minister.

(3) Die waarde van voedsel of huisvesting wat 'n werkgewer verskaf, word by die toepassing van hierdie artikel ooreenkomstig 'n by regulasie voorgeskrewe metode bepaal.

Bevoegdhede,
werksaamhede en
pligte van
Sekretaris.

51. (1) Die bevoegdhede, werksaamhede en pligte wat ingevolge hierdie Wet aan die Sekretaris verleen of opgelê word, word deur die Sekretaris onder die beheer en onderworpe aan die bevele van die Minister uitgeoefen, verrig en uitgevoer.

(2) Die Sekretaris kan, op die voorwaardes wat hy voorskryf, enige van sy bevoegdhede, werksaamhede of pligte ingevolge hierdie Wet aan 'n beampte of werknemer in sy Departement deleger, en enige bevoegdhede, werksaamhede of pligte wat deur so 'n beampte of werknemer uitgeoefen, verrig of uitgevoer word, word by die toepassing van hierdie Wet geag deur die Sekretaris uitgeoefen, verrig of uitgevoer te gewees het.

Sekretaris kan
eiendom verkry
en vervreem.

52. (1) Die Sekretaris kan, onderworpe aan die goedkeuring van die Minister van Finansies, eiendom wat geheel of gedeeltelik vir die doeleindes van hierdie Wet benodig is, aankoop of andersins verkry en enige aldus verkreeë eiendom verhuur of vervreem.

(2) Alle eiendom aldus verkry, word op die naam van die Sekretaris in trust vir die fonds gehou.

Jaarverslag.

53. (1) Die Sekretaris moet, na afloop van elke boekjaar en voor die een-en-dertigste dag van Maart van die daaropvolgende jaar, of so spoedig doenlik daarna, 'n verslag oor die handelinge van die fonds gedurende daardie boekjaar aan die Minister voorlê, met spesiale vermelding daarin van—

(a) die wyse waarop die raad en die komitees hul werksaamhede verrig;

(b) die getal werklose bydraers aan wie voordele betaal is en die totale bedrag van sodanige voordele,

en moet die in artikel 11 (2) bedoelde staat en balansstaat daarmee saamstuur.

(2) Die in subartikel (1) bedoelde verslag, tesame met die in artikel 11 (2) bedoelde staat van inkomste en uitgawes en balansstaat moet binne dertig dae na ontvangs daarvan deur die Minister in die Senaat en in die Volksraad ter Tafel gelê word as die Parlement dan in gewone sessie is of, as die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

Aanstelling van
inspekteurs.

54. (1) Die Minister kan, met inagneming van die wette betreffende die Staatsdiens, enige persoon as 'n inspekteur ingevolge hierdie Wet aanstel: Met dien verstande dat geen persoon aldus aangestel word nie, tensy die Kommissie oortuig is dat sy vaardigheid in die gebruik van albei amptelike tale sodanig is dat dit hom in staat stel om die pligte verbonde aan sy pos, op doeltreffende wyse uit te voer.

(2) Aan elke inspekteur word 'n sertifikaat verskaf, onderteken deur 'n amptenaar wat deur die Minister daartoe aangewys is en wat meld dat hy as inspekteur kragtens hierdie Wet aangestel is.

Bevoegdhede van
inspekteurs.

55. (1) (a) 'n Inspekteur kan te eniger tyd, sonder voorafgaande kennisgewing, enige besigheidperseel hoe genaamd betree of binnegaan en kan, terwyl hy op of in die perseel is of te eniger ander tyd, enige persoon wat op of in die perseel is of was, in die teenwoordigheid of afgesonderd van ander persone ondervra, en kan eis dat daardie persoon daar en dan, of op 'n tyd en plek wat die inspekteur bepaal, alle boeke of dokumente oortel wat op of in die perseel of in besit of bewaring of onder beheer van enige werkgewer deur wie die perseel geokkupeer of gebruik word, of van 'n werknemer van daardie werkgewer is of was, of kan te eniger tyd en te eniger plek van iemand wat die

CHAPTER IX.

ADMINISTRATION AND APPLICATION OF ACT.

50. (1) For the purpose of determining the group in which a contributor falls, his earnings shall, if paid weekly, be multiplied by fifty-two, and if paid monthly, by twelve, or shall be determined in the manner best calculated to give the true value of the earnings of the contributor on an annual basis. Method of calculating earnings for the purpose of determining group.

(2) Any dispute regarding any matter referred to in subsection (1) shall be settled by the Secretary whose decision shall be subject to appeal to the Minister.

(3) The value of any food or quarters supplied by an employer shall, for the purposes of this section, be determined in accordance with a method prescribed by regulation.

51. (1) The powers, functions and duties conferred or imposed upon the Secretary under this Act shall be exercised, performed and carried out by the Secretary subject to the directions and control of the Minister. Powers, functions and duties of Secretary.

(2) The Secretary may, subject to such conditions as he may prescribe, delegate any of his powers, functions or duties under this Act to any officer or employee in his department, and any powers exercised, functions performed or duties carried out by such officer or employee shall, for the purposes of this Act, be deemed to have been exercised, performed or carried out by the Secretary.

52. (1) Subject to the approval of the Minister of Finance, the Secretary may purchase or otherwise acquire property required wholly or partly for the purposes of this Act and may alienate or let any property so acquired. Secretary may acquire and alienate property.

(2) All property so acquired shall be held in the name of the Secretary in trust for the fund.

53. (1) The Secretary shall, after the conclusion of each financial year and before the thirty-first day of March of the following year, or as soon as practicable thereafter, submit a report to the Minister upon the transactions of the fund during that financial year, including therein special reference to— Annual report.

(a) the manner in which the board and the committees are performing their functions;

(b) the number of unemployed contributors to whom benefits have been paid and the total amount of such benefits,

and shall transmit therewith the statement and balance sheet referred to in section 11 (2).

(2) The report referred to in subsection (1) together with the statement of income and expenditure and the balance sheet referred to in section 11 (2) shall be laid upon the Table in the Senate and in the House of Assembly within thirty days after the receipt thereof by the Minister if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session.

54. (1) The Minister may, subject to the laws governing the public service, appoint any person as an inspector under this Act: Provided that no person shall be so appointed unless the Commission is satisfied that his proficiency in the use of both official languages is such as to render him capable of performing efficiently the duties attaching to the post. Appointment of inspectors.

(2) Every inspector shall be furnished with a certificate signed by an officer designated thereto by the Minister and stating that he has been appointed as an inspector under this Act.

55. (1) (a) An inspector may, without previous notice, at any time enter any business premises whatsoever and may, while he is upon or in the premises or at any other time, question any person who is or has been upon or in the premises, in the presence of or apart from others, and may require from any such person the production then and there, or at a time and place fixed by the inspector, of all books and documents which are or have been upon or in the premises or in the possession or custody or under the control of any employer by whom the premises are occupied or used, or of any employee of that employer, or may at any time and at any place require from any person, Powers of inspectors.

besit of bewaring of beheer het oor 'n boek of dokument betreffende die besigheid van iemand wat 'n werkgewer is of was, daar en dan of op 'n tyd en plek deur die inspekteur bepaal, die oorlegging van daardie boek of dokument eis, en kan al daardie boeke en dokumente ondersoek en daarvan uittreksels en afskrifte maak en kan 'n uitleg vorder van aantekeninge in sulke boeke of dokumente en kan enige sodanige boeke of dokumente wat na sy oordeel bewys mag oplewer van 'n misdryf volgens hierdie Wet, in beslag neem.

(b) 'n Inspekteur kan 'n tolk of ander assistent of 'n lid van 'n polisiemag met hom saamneem wanneer hy 'n perseel betree.

(2) 'n Werkgewer in verband met wie se besigheid 'n perseel geokkupeer of gebruik word, en elke persoon by hom in diens, moet te alle tye die hulp verskaf wat die inspekteur verlang om die perseel te betree of binne te gaan, of om die boeke en dokumente op of in die perseel te besigtig of te ondersoek, of om enige navraag daaromtrent te doen.

(3) 'n Inspekteur kan eis dat 'n bydraer 'n houer waarin geld wat by wyse van besoldiging aan hom betaal is of moet word, gehou is of word, en 'n staat wat aan hom in verband met die betaling deur sy werkgewer verstrekt is of verstrekt moet word, aan die inspekteur oorlê, en kan die inhoud van die houer ondersoek en die houer en staat behou.

(4) 'n Inspekteur kan eis dat 'n werknemer, of 'n werkgewer wat hy nie in staat was om by sy besigheidsplek te ondervra nie, op 'n deur die inspekteur bepaalde tyd en plek voor hom verskyn, en kan daardie werknemer of werkgewer daar en dan ondervra.

(5) 'n Inspekteur kan eis dat 'n werkgewer alle betalings wat aan 'n bydraer by hom in diens verskuldig is, in die teenwoordigheid van die inspekteur doen.

(6) 'n Inspekteur wat 'n bevoegdheid uitoefen of 'n plig uitvoer wat by hierdie Wet aan hom verleen of opgedra word, moet, op versoek, die sertifikaat toon wat ingevolge artikel 54 (2) aan hom verskaf is.

(7) By die toepassing van hierdie artikel word 'n tolk, terwyl hy optree onder die wettige bevel van die inspekteur wat hy vergesel, geag 'n inspekteur te wees en 'n vraag gestel deur, antwoord gegee aan, vereiste gestel deur of belemmering van 'n tolk terwyl hy aldus optree, word geag te wees 'n vraag gestel deur, antwoord gegee aan, vereiste gestel deur of belemmering van 'n inspekteur.

Aanstelling van agente.

56. (1) Die Sekretaris kan op die voorwaardes wat hy voorskryf, die agente aanstel wat nodig is vir die behoorlike uitvoering van hierdie Wet, en kan aan hulle die gebiede toewys en die pligte oplê wat hy goedvind.

(2) 'n Kragtens subartikel (1) aangestelde agent ontvang uit die gelde van die fonds die besoldiging ten opsigte van sy dienste wat die Sekretaris in oorleg met die Tesourie bepaal.

Vrystelling van belasting.

57. Die ontvangste van en toevallings aan die fonds, met inbegrip van toevallings uit beleggings, is van inkomstebelasting vrygestel.

Sekere stukke vrygestel van seëlregte.

58. Ondanks andersluidende bestaande wetsbepalings betreffende seëlregte, is 'n beëdigde verklaring, sertifikaat, kwitanisie of ander stuk wat ingevolge 'n bepaling van hierdie Wet vereis of uitgereik word, van seëlregte vrygestel.

Voorrang van bydraes en ander gelde.

59. Die bedrag van enige bydraes, pene of ander aan die fonds deur 'n werkgewer verskuldigde betaling—

(a) op die datum van die sekwestrasie of afstand van die werkgewer se boedel ingevolge die wetsbepalings betreffende insolvensie; of

(b) op die datum wanneer begin word met likwidasie ingevolge die wet op maatskappye, as die werkgewer 'n maatskappy is,

het ondanks andersluidende wetsbepalings, voorrang bo alle skulde hoegenaamd, behalwe skulde wat deur spesiale verband, stilswyende hipoteek, pand of retensiereg gesekureer is en die uitgawes, koste, gelde en aansprake bedoel in die Insolvensiewet, 1936 (Wet No. 24 van 1936), en, in die geval van die likwidasie van 'n maatskappy, die uitgawes behoorlik opgeloop in verband met die likwidasie, met inbegrip van die besoldiging van die likwidateur.

who has the possession or custody or control of any book or document relating to the business of any person who is or was an employer, the production then and there, or at a time and place fixed by the inspector, of that book or document, and may examine and make extracts from and copies of all such books and documents, and may require an explanation of any entries in any such books or documents, and may seize any such books or documents as in his opinion may afford evidence of any offence under this Act.

(b) An inspector may take with him into or on to any premises any interpreter or other assistant or any member of a police force.

(2) An employer in connection with whose business any premises are occupied or used, and every person employed by him, shall at all times furnish such facilities as are required by the inspector for entering the premises or for inspecting or examining the books and documents upon or in the premises or for making any inquiry in relation thereto.

(3) An inspector may require any contributor to produce to him any container in which any money paid or to be paid to him by way of remuneration was or is contained, and any statement furnished or to be furnished to him by his employer concerning the payment, and may examine the contents of the container and retain the container and statement.

(4) An inspector may require any employee, or any employer whom he has been unable to question at his place of business to appear before him at any time and place fixed by the inspector and may then and there question that employee or employer.

(5) An inspector may require any employer to make all payments due to any contributor employed by him in the presence of an inspector.

(6) An inspector exercising any power or carrying out any duty conferred or imposed upon him by this Act shall, on demand, produce the certificate furnished to him in terms of section 54 (2).

(7) For the purposes of this section an interpreter shall, while acting under the lawful directions of the inspector he accompanies, be deemed to be an inspector, and any question put through, reply made to, requirement made by or hindering of an interpreter while so acting, shall be deemed to be a question put by, reply made to, requirement made by or hindering of an inspector.

56. (1) The Secretary may, subject to such conditions as he may prescribe, appoint such agents as may be necessary for the proper administration of this Act, and may assign to them such areas and may impose upon them such duties as he may deem fit. Appointment of agents.

(2) An agent appointed under subsection (1) may receive out of the moneys of the fund such remuneration for his services as may be determined by the Secretary in consultation with the Treasury.

57. The receipts and accruals of the fund, including the accruals from any investments, shall be exempt from income tax. Exemption from tax.

58. Notwithstanding anything to the contrary in any law in force relating to stamp duty, any affidavit, certificate, receipt or other document required or issued under any provision of this Act shall be exempt from stamp duty. Certain documents exempt from stamp duty.

59. The amount of any contributions, penalty or other payment due to the fund by an employer— Priority of contributions and other moneys.

- (a) at the date of the sequestration or assignment of the employer's estate under the law relating to insolvency; or
- (b) at the date of the commencement of the winding-up under the law relating to companies, if the employer is a company,

shall, notwithstanding anything to the contrary in any other law contained, have priority over all debts whatsoever other than debts secured by special mortgage, tacit hypothec, pledge or right of retention and the expenses, costs, fees and charges referred to in the Insolvency Act, 1936 (Act No. 24 of 1936), and in the case of the winding-up of a company, all expenditure properly incurred in the winding-up, including the remuneration of the liquidator.

Bewyslewering.

60. (1) Elke aantekening van 'n besluit deur die Sekretaris, die raad of 'n komitee geneem en elke afskrif van of uittreksel uit 'n aantekening in 'n boek of stuk deur die Sekretaris, die raad of 'n komitee gehou en van 'n by die Sekretaris, die raad of 'n komitee ingediende stuk wat heet deur die Sekretaris of voorsitter van die raad of van 'n komitee, na gelang van die geval, as 'n juiste afskrif of uittreksel gesertifiseer te wees, word by oorlegging in 'n hof as *prima facie*-getuienis van die aldus gesertifiseerde feite aanvaar, sonder bewys van die handtekening van die Sekretaris of bedoelde voorsitter, na gelang van die geval.

(2) By verrigtinge ingevolge hierdie Wet, is 'n beëdigde verklaring wat heet deur die Sekretaris gemaak te wees, waarin vermeld word—

- (a) dat 'n persoon of groep persone 'n werkgewer of bydraer ingevolge hierdie Wet is; of
- (b) dat 'n persoon ingevolge hierdie Wet wettiglik verplig is of was om 'n bedrag aan die Sekretaris te betaal; of
- (c) dat 'n in paragraaf (b) bedoelde bedrag of 'n gedeelte daarvan op die in die beëdigde verklaring vermelde datum betaal was of nie betaal was nie,

by blote oorlegging daarvan by daardie verrigtinge deur enige persoon, maar behoudens die bepalinge van subartikel (3), *prima facie*-bewys van die daarin vermelde feite.

(3) Die persoon wat voorsit by die verrigtinge waar 'n in subartikel (2) bedoelde beëdigde verklaring as bewys aangevoer word, kan self en moet op versoek van enige party by die verrigtinge, die persoon wat die beëdigde verklaring gemaak het, laat dagvaar om mondeling getuienis af te lê, of skriftelike ondervraging aan hom laat stuur vir beantwoording en bedoelde ondervraging en enige antwoord onder eed wat heet 'n antwoord te wees van sodanige persoon is insgelyks toelaatbaar as getuienis by sodanige verrigtinge.

(4) Iemand wat die Sekretaris in 'n in artikel 30 (1) bedoelde staat verwittig het dat hy 'n bydraer of bydraers in sy diens het en die Sekretaris nie daarna meegedeel het dat hy opgehou het om bydraers in diens te hê nie, word geag, tensy die teendeel bewys word, 'n werkgewer te wees.

(5) Waar 'n bedrag wat aan die Sekretaris betaalbaar is ingevolge artikel 29 (3), betaal word op die basis van 'n ander muntstelsel as dié waarop die bedrag aldus betaalbaar op die betrokke tydperk gebaseer is of was, word die bedrag aldus betaal, indien die Sekretaris dit as wesenlik gelyk aan die bedrag ag wat ingevolge daardie artikel betaalbaar is, geag die bedrag te wees wat aldus betaalbaar is.

Strafbepalings.

61. (1) Iemand wat—

- (a) in 'n aansoek om voordele ingevolge hierdie Wet of in 'n aansoek om die betaling van 'n bedrag ingevolge artikel 40, of in 'n kennisgewing of staat wat ingevolge hierdie Wet gegee of verstrek moet word, 'n verklaring maak of laat maak wat in 'n wesenlike besonderheid vals is, wetende dat dit vals is; of
- (b) opsetlik 'n valse inskrywing op 'n bydraer se verslagkaart maak; of
- (c) weier of in gebreke bly om sy verslagkaart aan sy werkgewer ingevolge artikel 33 (4) te oorhandig; of
- (d) valslik voorgee dat hy 'n inspekteur is; of
- (e) aan 'n inspekteur 'n verklaring doen wat in 'n wesenlike besonderheid vals is, wetende dat dit vals is; of
- (f) weier of in gebreke bly om 'n vraag wat 'n inspekteur by die verrigting van sy werksaamhede aan hom gestel het, na sy beste vermoë te beantwoord; of
- (g) weier of in gebreke bly om na sy beste vermoë te voldoen aan 'n vereiste wat 'n inspekteur by die verrigting van sy werksaamhede gestel het; of
- (h) 'n inspekteur by die verrigting van sy werksaamhede hinder; of
- (i) 'n bepaling van 'n regulasie oortree of weier of in gebreke bly om daaraan te voldoen; of
- (j) in die geval van 'n werkgewer—
 - (i) in gebreke bly om te voldoen aan 'n bepaling van artikel 29 (3) of 'n bepaling van artikel 29 (7) oortree; of
 - (ii) in gebreke bly om te voldoen aan 'n bepaling van artikel 30; of
 - (iii) in gebreke bly om te voldoen aan 'n bepaling van artikel 28, 32, 33 of 48 (3); of
 - (iv) in gebreke bly om op die vervaldatum enige bydraes of ander betaling ingevolge hierdie Wet te betaal,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sowel sodanige boete as sodanige gevangenisstraf.

60. (1) Every record of a decision made by the Secretary, Evidence.
the board or any committee, and every copy of or extract from an entry in any book or record kept by the Secretary, the board or any committee, and of any document filed with the Secretary, the board or any committee, purporting to be certified by the Secretary or chairman of the board or of a committee, as the case may be, to be a true copy or extract, shall upon production be received in any court of law as *prima facie* evidence of the matters so certified without proof of the signature of the Secretary or the said chairman, as the case may be.

(2) In any proceedings under this Act, an affidavit purporting to be made by the Secretary in which it is stated—

- (a) that any person or body of persons is an employer or a contributor under this Act; or
- (b) that any person is or was lawfully required under this Act to pay any amount to the Secretary; or
- (c) that any amount referred to in paragraph (b) or any portion thereof had or had not been paid on a date specified in the affidavit,

shall on its mere production in those proceedings by any person, but subject to the provisions of subsection (3), be *prima facie* proof of the facts stated therein.

(3) The person presiding at the proceedings in which any affidavit referred to in subsection (2) is adduced in evidence, may himself and shall at the request of any party to the proceedings cause the person who made the affidavit to be subpoenaed to give oral evidence, or cause written interrogatories to be submitted to him for reply and such interrogatories and any reply on oath purporting to be a reply from such person shall in like manner be admissible as evidence in such proceedings.

(4) Any person who has notified the Secretary in any statement referred to in section 30 (1) that he has a contributor or contributors in his employment and has not subsequently informed the Secretary that he has ceased to employ contributors, shall be presumed, unless the contrary is proved, to be an employer.

(5) Where any amount which is payable to the Secretary in terms of section 29 (3) is paid on the basis of a coinage system other than that on which the amount so payable is or was for the time being based, the amount so paid shall, if it is considered by the Secretary to be substantially equivalent to the amount payable in terms of that section, be deemed to be the amount so payable.

61. (1) Any person who—

- (a) in an application for benefits under this Act or in an application for the payment of an amount in terms of section 40 or in any notice or statement required to be given or furnished under this Act, knowingly makes or causes to be made a statement which is false in a material particular; or Penalties.
- (b) wilfully makes any false entry on a contributor's record card; or
- (c) refuses or fails to produce to his employer his record card in terms of section 33 (4); or
- (d) falsely holds himself out to be an inspector; or
- (e) makes any statement to an inspector which is false in any material particular knowing the same to be false; or
- (f) refuses or fails to answer to the best of his power any question which an inspector in the performance of his functions has put to him; or
- (g) refuses or fails to comply to the best of his power with any requirement made by an inspector in the performance of his functions; or
- (h) hinders an inspector in the performance of his functions, or
- (i) contravenes or refuses or fails to comply with any provision of any regulation; or
- (j) being an employer—
 - (i) fails to comply with any provision of section 29 (3) or contravenes any provision of section 29 (7); or
 - (ii) fails to comply with any provision of section 30; or
 - (iii) fails to comply with any provision of section 28, 32, 33 or 48 (3); or
 - (iv) fails to pay on the due date any contributions or other payment under this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

(2) Ondanks andersluidende wetsbepalings, het 'n landdros-hof regsbevoegdheid om enige straf op te lê wat hierdie Wet voorskryf of om enige bevel uit te vaardig waarvoor hierdie Wet voorsiening maak.

HOOFSTUK X.

REGULASIES.

Regulasies.

62. (1) Die Minister kan regulasies uitvaardig betreffende—

- (a) die inligting en besonderhede wat 'n werkgewer ingevolge artikel 28 (1) en 30 (1) moet verstrek;
- (b) die vorm van 'n aansoek om voordele ingevolge artikel 35;
- (c) die wyse waarop die waarde van voedsel of huisvesting wat deur 'n werkgewer verskaf word, by die toepassing van artikel 50 bepaal moet word;
- (d) die aantekeninge wat werkgewers ingevolge artikel 32 moet hou, met inbegrip van die vorm waarin en die tye waarop die in subartikel (2) van daardie artikel bedoelde inligting aan die Sekretaris verstrek moet word;
- (e) die vorm waarin en die wyse waarop 'n staat wat 'n werkgewer ingevolge hierdie Wet moet verstrek, ingestuur moet word;
- (f) die vorm van enige ander stuk, aantekening of boek wat vir die uitvoering van die bepalinge van hierdie Wet nodig is;
- (g) die uitreiking of oorlegging van of beskikking oor verslagkaarte van bydraers en die vervanging van verlore kaarte;
- (h) die wyse waarop voordele betaal word;
- (i) die prosedure wat gevolg moet word by 'n appèl ingevolge artikel 21 of artikel 27 en die bevoegdhede van die raad of 'n komitee, na gelang van die geval, ten opsigte van so 'n appèl;
- (j) die besoldiging of toelaes betaalbaar aan lede van die raad of van 'n komitee wat nie beamptes is nie; en
- (k) in die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(2) Regulasies kragtens subartikel (1) uitgevaardig, word in die Senaat en in die Volksraad ter Tafel gelê binne veertien dae na die afkondiging daarvan, as die Parlement dan in sessie is, en as die Parlement nie dan in sessie is nie, binne veertien dae na die aanvang van sy eersvolgende sessie.

(3) Indien die Senaat of die Volksraad 'n besluit aanneem waarby so 'n regulasie afgekeur word, verval daardie regulasie vanaf 'n datum in die besluit vermeld te word, en geen regulasie met 'n soortgelyke strekking word daarna kragtens subartikel (1) uitgevaardig nie, behalwe met behoorlike inagneming van die bepalinge van die besluit of van 'n latere besluit wat daardie besluit herroep of wysig.

Spesiale
regulasies vir
die doeleindes
van artikels
38, 39, 40 en 49.

63. (1) Die Minister kan regulasies uitvaardig betreffende—

- (a) die mediese ondersoek van 'n applikant om 'n toelaes kragtens artikel 38;
- (b) die gelde wat uit die fonds betaalbaar is aan 'n geneesheer ten opsigte van so 'n ondersoek;
- (c) die aanvang van die tydperk waartydens 'n bydraer, ondanks die bepalinge van artikel 42, by die toepassing van artikel 38 (1) geag word werkloos te gewees het;
- (d) in die algemeen, enige ander aangeleentheid wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van artikel 38 te bereik;
- (e) die mediese ondersoek van 'n applikant om voordele kragtens artikel 39;
- (f) die gelde uit die fonds ten opsigte van so 'n ondersoek betaalbaar;
- (g) die inligting wat deur 'n werkgewer ten opsigte van 'n aansoek om voordele kragtens artikel 39 verstrek moet word;
- (h) in die algemeen, enige ander aangeleentheid wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van artikel 39 te bereik;
- (i) die vorm van 'n aansoek om die betaling van 'n bedrag ingevolge artikel 40 (1);
- (j) die dokumentêre getuienis wat deur 'n applikant om sodanige betaling verstrek moet word;
- (k) die inligting wat deur 'n werkgewer in verband met 'n aansoek om die betaling van 'n bedrag ingevolge artikel 40 (1) verstrek moet word;

(2) Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by, or make any order provided for in, this Act.

CHAPTER X.

REGULATIONS.

62. (1) The Minister may make regulations as to— Regulations.

- (a) the information and particulars required to be furnished by an employer in terms of sections 28 (1) and 30 (1);
- (b) the form of an application for benefits under section 35;
- (c) the method of determining, for the purposes of section 50, the value of food or quarters supplied by an employer;
- (d) the records to be kept by employers in terms of section 32, including the form in which and the times at which the information referred to in subsection (2) of that section shall be furnished to the Secretary;
- (e) the form and manner in which any statement required to be furnished by an employer under this Act shall be submitted;
- (f) the form of any other document, record or book required for the carrying out of the provisions of this Act;
- (g) the issue, production or disposal of record cards of contributors and the replacement of lost cards;
- (h) the method of payment of benefits;
- (i) the procedure to be followed in an appeal under section 21 or section 27 and the powers of the board or a committee, as the case may be, in respect of such appeal;
- (j) the remuneration or allowances payable to members of the board or of any committee who are not officers, and
- (k) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Regulations made under subsection (1) shall, within fourteen days after the promulgation thereof, be laid upon the Table in the Senate and in the House of Assembly, if Parliament is then in session, and if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

(3) If a resolution is passed by the Senate or the House of Assembly disapproving of any such regulation, that regulation shall lapse as from a date to be specified in the resolution, and no regulation having a similar import shall thereafter be made under subsection (1), except with due regard to the terms of such resolution or of any subsequent resolution rescinding or modifying such resolution.

63. (1) The Minister may make regulations as to—

Special regulations for the purposes of sections 38, 39, 40 and 49.

- (a) the medical examination of an applicant for an allowance under section 38;
- (b) the fees payable to a medical practitioner from the fund in respect of such an examination;
- (c) the commencement of the period during which a contributor shall, notwithstanding the provisions of section 42, be deemed to have been unemployed for the purposes of section 38 (1);
- (d) generally, any other matter which he considers it necessary or expedient to prescribe in order that the purposes of section 38 may be achieved;
- (e) the medical examination of an applicant for benefits under section 39;
- (f) the fees payable from the fund in respect of such an examination;
- (g) the information to be furnished by an employer in regard to an application for benefits under section 39;
- (h) generally, any other matter which he considers it necessary or expedient to prescribe in order that the purposes of section 39 may be achieved;
- (i) the form of an application for the payment of an amount in terms of section 40 (1);
- (j) the documentary evidence to be furnished by an applicant for such payment;
- (k) the information to be furnished by an employer in regard to an application for the payment of an amount in terms of section 40 (1);

- (l) in die algemeen, enige ander aangeleentheid wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van artikel 40 te bereik;
 - (m) die keur van bydraers om opleiding te ondergaan ten opsigte van 'n in artikel 49 (4) bedoelde skema, die tydperk en kursusse van die opleiding, en alle aangeleenthede wat na die oordeel van die Minister vir die instelling en behoorlike bestuur van so 'n skema noodsaaklik is of daarmee in verband staan.
- (2) Regulasies ingevolge subartikel (1) (e), (f), (g) of (h) word na oorlegpleging met die raad uitgevaardig.

HOOFSTUK XI.

ALGEMEEN.

Voorbehoude.

64. (1) Enige persoon wat te eniger tyd werkloos word en wat, as dit nie vir die herroeping van die Werkloosheidversekeringswet, 1946 (Wet No. 53 van 1946), en die Wysigingswet op Werkloosheidversekering, 1949 (Wet No. 41 van 1949), deur hierdie Wet was nie, ingevolge artikel 17 (3) van genoemde Wysigingswet op Werkloosheidversekering, 1949, geregtig sou gewees het om terwyl hy aldus werkloos is enige voordele uit die fonds te ontvang, is geregtig om sodanige voordele uit die fonds te ontvang asof genoemde Wette nie herroep was nie en asof 'n kennisgewing wat ingevolge artikel 2 (4) of (5) van hierdie Wet uitgevaardig is 'n kennisgewing was wat ingevolge die ooreenstemmende bepaling van eersgenoemde Wet uitgevaardig is.

(2) 'n Bepaling van artikel 30 van die Werkloosheidversekeringswet, 1946, wat onmiddellik voor die inwerkingtreding van hierdie Wet ten opsigte van enige persoon van toepassing was, hou, ondanks die herroeping van die Werkloosheidversekeringswet, 1946, deur hierdie Wet, aan om van toepassing te wees ten opsigte van sodanige persoon asof hierdie Wet nie aangeneem was nie.

Herroeping van wette.

65. (1) Behoudens die bepalinge van artikel 64 en van subartikels (2) en (3) van hierdie artikel, word die wette in Bylae 2 genoem hierby herroep vir sover in die derde kolom van daardie Bylae aangedui word.

(2) 'n Tydperk waartydens iemand geag was 'n bydraer te wees of as 'n bydraer in diens te wees of werkloos te wees by die toepassing van die Werkloosheidversekeringswet, 1946 (Wet No. 53 van 1946), word geag 'n tydperk te wees waartydens hy 'n bydraer was of as 'n bydraer in diens was of werkloos was by die toepassing van hierdie Wet, en 'n tydperk ten opsigte waarvan daar aan 'n bydraer voordele of toelaes ingevolge die Werkloosheidversekeringswet, 1946, betaal was, word geag 'n tydperk te wees ten opsigte waarvan daar voordele of toelaes ingevolge hierdie Wet aan hom betaal is.

(3) Regulasies uitgevaardig of enigiets gedoen kragtens 'n bepaling van 'n by subartikel (1) herroepe Wet word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgevaardig of gedoen te gewees het.

Kort titel en inwerkingtreding.

66. Hierdie Wet heet die Werkloosheidversekeringswet, 1966, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

- (l) generally, any other matter which he considers it necessary or expedient to prescribe in order that the purposes of section 40 may be achieved;
 - (m) the selection of contributors to undergo training in respect of any scheme referred to in section 49 (4), the period and courses of such training, and all matters which in the opinion of the Minister are necessary for or incidental to the establishment and proper conduct of such a scheme.
- (2) Regulations under subsection (1) (e), (f), (g) or (h) shall be made after consultation with the board.

CHAPTER XI.

GENERAL.

64. (1) Any person who at any time becomes unemployed **Savings.** and who would but for the repeal of the Unemployment Insurance Act, 1946 (Act No. 53 of 1946), and the Unemployment Insurance Amendment Act, 1949 (Act No. 41 of 1949), by this Act, have been entitled in terms of section 17 (3) of the said Unemployment Insurance Amendment Act, 1949, to receive out of the fund any benefits while he is so unemployed, shall be entitled to receive such benefits out of the fund as if the said Acts had not been repealed and as if any notice issued under section 2 (4) or (5) of this Act were a notice issued under the corresponding provision of the firstmentioned Act.

(2) Any provision of section 30 of the Unemployment Insurance Act, 1946, which immediately prior to the commencement of this Act applied in respect of any person shall, notwithstanding the repeal of the Unemployment Insurance Act, 1946, by this Act, continue to apply in respect of such person as if this Act had not been passed.

65. (1) Subject to the provisions of section 64 and of sub- **Repeal of laws.** sections (2) and (3) of this section, the laws mentioned in Schedule 2 are hereby repealed to the extent specified in the third column of that Schedule.

(2) Any period during which any person was regarded as a contributor or as being employed as a contributor or as being unemployed for the purposes of the Unemployment Insurance Act, 1946 (Act No. 53 of 1946), shall be regarded as a period during which he was a contributor or was employed as a contributor or was unemployed for the purposes of this Act, and any period in respect of which any contributor was paid benefits or allowances under the Unemployment Insurance Act, 1946, shall be deemed to be a period in respect of which he was paid benefits or allowances under this Act.

(3) Any regulations made or anything done under any provision of any law repealed by subsection (1) shall be deemed to have been made or done under the corresponding provision of this Act.

66. This Act shall be called the Unemployment Insurance **Short title and commencement.** Act, 1966, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Bylae 1.

SKALE VAN BYDRAES DEUR WERKGEWERS EN BYDRAERS.

Groep volgens die skaal van bydraer se jaarlikse verdienste.	Bydraes per week.	
	Deur die werkgewer ten opsigte van elke bydraer in sy diens.	Deur elke bydraer.
I Tot en met R234 per jaar	Een sent	Een sent
II Meer as R234 maar nie meer as R390 per jaar nie	Twee sent	Twee sent
III Meer as R390 maar nie meer as R546 per jaar nie	Drie sent	Drie sent
IV Meer as R546 maar nie meer as R702 per jaar nie	Vier sent	Vier sent
V Meer as R702 maar nie meer as R858 per jaar nie	Vyf sent	Vyf sent
VI Meer as R858 maar nie meer as R1,014 per jaar nie	Ses sent	Ses sent
VII Meer as R1,014 maar nie meer as R1,170 per jaar nie	Sewe sent	Sewe sent
VIII Meer as R1,170 maar nie meer as R1,326 per jaar nie	Agt sent	Agt sent
IX Meer as R1,326 maar nie meer as R1,482 per jaar nie	Agt sent	Nege sent
X Meer as R1,482 maar nie meer as R1,638 per jaar nie	Agt sent	Tien sent
XI Meer as R1,638 maar nie meer as R1,794 per jaar nie	Agt sent	Elf sent
XII Meer as R1,794 maar nie meer as R2,860 per jaar nie	Agt sent	Twaalf sent

Bylae 2.

WETTE HERROEP.

No. en Jaar van Wet.	Titel van Wet.	In hoeverre herroep.
No. 53 van 1946.	Werkloosheidversekeringswet, 1946.	Die geheel.
No. 41 van 1949.	Wysigingswet op Werkloosheidversekering, 1949.	Die geheel.
No. 57 van 1951.	Handelskeepvaartwet, 1951.	Soveel van die Eerste Bylae as wat betrekking het op die wysiging van artikel 39 van die Werkloosheidversekeringswet, 1946 (Wet No. 53 van 1946).
No. 48 van 1952.	Wysigingswet op Werkloosheidversekering, 1952.	Die geheel.
No. 10 van 1954.	Wysigingswet op Werkloosheidversekering, 1954.	Die geheel.
No. 9 van 1957.	Wysigingswet op Werkloosheidversekering, 1957.	Die geheel.
No. 76 van 1959.	Wysigingswet op Werkloosheidversekering, 1959.	Die geheel.
No. 63 van 1960.	Wysigingswet op Werkloosheidversekering, 1960.	Die geheel.
No. 13 van 1961.	Wysigingswet op Werkloosheidversekering, 1961.	Die geheel.
No. 60 van 1962.	Wysigingswet op Werkloosheidversekering, 1962.	Die geheel.
No. 37 van 1965.	Wysigingswet op Werkloosheidversekering, 1965.	Die geheel.

Schedule 1.

RATES OF CONTRIBUTIONS BY EMPLOYERS AND CONTRIBUTORS.

Group according to rate of contributor's annual earnings.	Contributions per week.	
	By the employer in respect of every contributor in his employ.	By every contributor.
I Up to R234 per annum	One cent	One cent
II Exceeding R234 but not exceeding R390 per annum	Two cents	Two cents
III Exceeding R390 but not exceeding R546 per annum	Three cents	Three cents
IV Exceeding R546 but not exceeding R702 per annum	Four cents	Four cents
V Exceeding R702 but not exceeding R858 per annum	Five cents	Five cents
VI Exceeding R858 but not exceeding R1,014 per annum	Six cents	Six cents
VII Exceeding R1,014 but not exceeding R1,170 per annum	Seven cents	Seven cents
VIII Exceeding R1,170 but not exceeding R1,326 per annum	Eight cents	Eight cents
IX Exceeding R1,326 but not exceeding R1,482 per annum	Eight cents	Nine cents
X Exceeding R1,482 but not exceeding R1,638 per annum	Eight cents	Ten cents
XI Exceeding R1,638 but not exceeding R1,794 per annum	Eight cents	Eleven cents
XII Exceeding R1,794 but not exceeding R2,860 per annum	Eight cents	Twelve cents

Schedule 2.

LAWS REPEALED.

No. and Year of Law.	Title of Act.	Extent of Repeal.
No. 53 of 1946.	Unemployment Insurance Act, 1946.	The whole.
No. 41 of 1949.	Unemployment Insurance Amendment Act, 1949.	The whole.
No. 57 of 1951.	Merchant Shipping Act, 1951.	So much of the First Schedule as relates to the amendment of section 39 of the Unemployment Insurance Act, 1946 (Act No. 53 of 1946).
No. 48 of 1952.	Unemployment Insurance Amendment Act, 1952.	The whole.
No. 10 of 1954.	Unemployment Insurance Amendment Act, 1954.	The whole.
No. 9 of 1957.	Unemployment Insurance Amendment Act, 1957.	The whole.
No. 76 of 1959.	Unemployment Insurance Amendment Act, 1959.	The whole.
No. 63 of 1960.	Unemployment Insurance Amendment Act, 1960.	The whole.
No. 13 of 1961.	Unemployment Insurance Amendment Act, 1961.	The whole.
No. 60 of 1962.	Unemployment Insurance Amendment Act, 1962.	The whole.
No. 37 of 1965.	Unemployment Insurance Amendment Act, 1965.	The whole.

WET

Tot wysiging van die Wet op die Verkoop van Bederfbare Landbouprodukte, 1961; om die verpligte registrasie van handelaars af te skaf; om die besigheid wat 'n kommissie-agent dryf wanneer hy produkte ten behoeve van en volgens 'n ooreenkoms met 'n beherende raad ingestel kragtens die Bemarkingswet, 1937, verkoop, van die bepalings van genoemde Wet uit te sluit; om die gronde waarop 'n aansoek om registrasie of hernuwing van registrasie as kommissie-agent geweier kan word en die registrasie van 'n kommissie-agent opgeskort of ingetrek kan word, uit te brei; om die bepalings met betrekking tot die indiënsneming en registrasie van verkoopsmanne en die opskorting of intrekking van so 'n registrasie, of die weiering van 'n aansoek om so 'n registrasie, uit te brei; om die verbodsbepalings uit te brei wat op kommissie-agente van toepassing is en om die bepalings met betrekking tot die vereistes wat hulle moet nakom indien hulle produkte wat aan hulle vir verkoop toevertrou is, vir hulleself of 'n ander persoon koop, uit te brei; om voorsiening te maak dat 'n spesiale koöperatiewe boeremaatskappy wat in sy hoedanigheid as kommissie-agent slegs met sy lede handel dryf, vrygestel sal wees van die verstrekking van sekuriteit wat van 'n kommissie-agent vereis word; om voorsiening te maak dat die koste van 'n geding vir die verhaal van die opbrengs van produkte, teen die sekuriteit gevorder kan word; en om voorsiening te maak vir ander aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 30 September 1966.)

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

Wysiging van
artikel 1 van
Wet 2 van 1961.

1. Artikel 1 van die Wet op die Verkoop van Bederfbare Landbouprodukte, 1961 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van „besending” deur die volgende omskrywing te vervang:
„„besending” enige hoeveelheid produkte wat uit afsonderlike eenhede van of dieselfde soort of verskillende soorte produkte bestaan en wat gelyktydig aan 'n kommissie-agent vir verkoop ten behoeve van enige persoon toevertrou word;”;
- (b) deur die omskrywing van „groothandelhoeveelheid” te skrap;
- (c) deur die omskrywing van „handelaar” deur die volgende omskrywing te vervang:
„„handelaar” iemand wat as prinsipaal die besigheid dryf van produkte te koop en te verkoop;”;
- (d) deur die omskrywing van „plaaslike bestuur” deur die volgende omskrywing te vervang:
„„plaaslike bestuur” enige instelling of liggaam wat in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog word;”.

Vervanging
van artikel
2 van Wet 2
van 1961.

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

- „Besigheid van kommissie-agent of makelaar verbied tensy geregistreer.
2. (1) Niemand, behalwe 'n plaaslike bestuur, mag besigheid dryf as kommissie-agent of makelaar nie tensy hy as sodanig geregistreer is.
- (2) Hierdie Wet is nie van toepassing nie met betrekking tot die besigheid deur iemand gedryf van produkte te verkoop ten behoeve van en volgens 'n ooreenkoms met 'n beherende raad, soos omskryf in artikel 1 van die Bemarkingswet, 1937 (Wet No. 26 van 1937), in sy hoedanigheid as agent van daardie raad.

No. 31, 1966.]

ACT

To amend the Perishable Agricultural Produce Sales Act, 1961, so as to abolish the compulsory registration of dealers; to exclude from the provisions of the said Act the business carried on by a commission agent when he sells produce on behalf of and in terms of an agreement with a regulatory board established under the Marketing Act, 1937; to extend the grounds on which an application for registration or renewal of registration as commission agent may be refused and the registration of a commission agent may be suspended or cancelled; to extend the provisions relating to the employment and registration of salesmen and the suspension or cancellation of such a registration, or the refusal of an application for such a registration; to extend the provisions relating to the prohibitions applicable to commission agents and the requirements with which they are to comply if they buy produce, entrusted to them for sale, for themselves or other persons; to provide that a farmers' special co-operative company which in its capacity as commission agent trades with its members only, shall be exempted from the giving of the security which a commission agent is required to give; to provide that the costs of an action for the recovery of the proceeds of produce may be claimed against the security; and to provide for other incidental matters.

(English text signed by the State President.)

(Assented to 30th September, 1966.)

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

1. Section 1 of the Perishable Agricultural Produce Sales Act, 1961 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 1 of Act 2 of 1961.

(a) by the substitution for the definition of "consignment" of the following definition:

"'consignment' means any quantity of produce consisting of distinct units of either the same kind or different kinds of produce simultaneously entrusted to a commission agent for sale on behalf of any person;";

(b) by the substitution for the definition of "dealer" of the following definition:

"'dealer' means any person who as principal carries on the business of purchasing and selling produce;";

(c) by the substitution for the definition of "local authority" of the following definition:

"'local authority' means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961);"; and

(d) by the deletion of the definition of "wholesale quantity".

2. The following section is hereby substituted for section 2 of the principal Act:

Substitution of section 2 of Act 2 of 1961.

"Business of commission agent or broker prohibited unless registered. 2. (1) No person, other than a local authority, shall carry on business as a commission agent or broker unless he is registered as such.

(2) This Act shall not apply with reference to the business carried on by any person of selling produce on behalf of and in terms of an agreement with a regulatory board, as defined in section 1 of the Marketing Act, 1937 (Act No. 26 of 1937), in his capacity as agent of that board.

(3) 'n Vennootskap word nie as sodanig geregistreer nie, maar 'n vennootskap dryf nie as sodanig besigheid as kommissie-agent of makelaar nie tensy elke lid van die vennootskap as sodanig geregistreer is."

Wysiging van artikel 3 van Wet 2 van 1961.

3. Artikel 3 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) Aansoek om registrasie as 'n kommissie-agent of makelaar word by die sekretaris in die voorgeskrewe vorm en op die voorgeskrewe wyse gedoen en word van die voorgeskrewe registrasiegeld vergesel.”; en
- (b) deur subartikel (4) deur die volgende subartikel te vervang:
- „(4) Behoudens die bepalings van artikel 7, is registrasie van krag vir 'n tydperk van twaalf maande vanaf 'n datum in die betrokke sertifikaat van registrasie vermeld.”.

Herroeping van artikel 4 van Wet 2 van 1961.

4. Artikel 4 van die Hoofwet word hierby herroep.

Wysiging van artikel 5 van Wet 2 van 1961.

5. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) Aansoek om die hernuwing van registrasie word by die sekretaris in die voorgeskrewe vorm en op die voorgeskrewe wyse gedoen en word van die voorgeskrewe hernuwingsgeld vergesel.”.

Vervanging van artikel 6 van Wet 2 van 1961.

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

„Registrasie kan in sekere omstandighede geweier word.

6. (1) Die sekretaris kan 'n aansoek om registrasie of hernuwing van registrasie, na gelang van die geval, weier indien hy oortuig is dat—

- (a) die applikant of 'n werknemer van die applikant 'n bepaling van hierdie Wet oortree het of versuim het om daaraan te voldoen;
- (b) 'n vorige registrasie van die applikant kragtens hierdie Wet ingetrek is;
- (c) 'n registrasie van iemand kragtens hierdie Wet ingetrek is as gevolg van 'n handeling of versuim van die applikant of 'n werknemer van die applikant;
- (d) 'n registrasie van 'n werknemer van die applikant kragtens hierdie Wet ingetrek is;
- (e) die applikant 'n voorwaarde vermeld in sy sertifikaat van registrasie of sertifikaat van hernuwing van registrasie oortree het of versuim het om daaraan te voldoen;
- (f) die aansoek 'n verklaring bevat wat in 'n wesenlike opsig vals is;
- (g) die applikant skuldig bevind is aan 'n misdryf waarby bedrog of oneerlikheid betrokke was;
- (h) die applikant 'n ongerehabiliteerde insolvent is; of
- (i) die applikant, in verband met sy besigheid as kommissie-agent of makelaar, hom skuldig gemaak het aan enige ander optrede wat na die oordeel van die sekretaris die weiering van die aansoek regverdig.

(2) Wanneer 'n in subartikel (1) (a), (c), (d), (e) of (i) bedoelde aangeleentheid in die loop van die besigheid van 'n vennootskap plaasvind en die sekretaris nie kan bepaal of 'n besondere lid van die vennootskap daarvoor aanspreeklik is nie, word elke lid van daardie vennootskap by die toepassing van hierdie artikel geag aldus aanspreeklik te wees tensy hy tot oortuiging van die sekretaris kan bewys dat hy nie aldus aanspreeklik is nie en dat hy nie kon verhoed het dat bedoelde aangeleentheid plaasvind nie.”.

Vervanging van artikel 7 van Wet 2 van 1961.

7. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

„Opskorting of intrekking van registrasie.

7. (1) Die Minister kan die registrasie van 'n kommissie-agent of makelaar opskort vir enige tydperk deur hom bepaal, of so 'n registrasie intrek, indien hy met betrekking tot bedoelde kommissie-agent of makelaar oortuig is dat—

(3) A partnership shall not be registered as such, but a partnership shall not as such carry on business as a commission agent or broker unless each member of the partnership is registered as such."

3. Section 3 of the principal Act is hereby amended—
(a) by the substitution for subsection (1) of the following subsection:
"Application for registration as a commission agent or broker shall be made to the secretary in the form and manner prescribed and shall be accompanied by the prescribed registration fee."; and
(b) by the substitution for subsection (4) of the following subsection:
"(4) Subject to the provisions of section 7, registration shall be of force for a period of twelve months from a date specified in the relevant certificate of registration."
4. Section 4 of the principal Act is hereby repealed.
5. Section 5 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
"(1) Application for the renewal of registration shall be made to the secretary in the form and manner prescribed and shall be accompanied by the prescribed renewal fee."
6. The following section is hereby substituted for section 6 of the principal Act:
"Registration may be refused in certain circumstances. 6. (1) The secretary may refuse an application for registration or the renewal of registration, as the case may be, if he is satisfied that—
(a) the applicant or any employee of the applicant has contravened or has failed to comply with any provision of this Act;
(b) any previous registration of the applicant has been cancelled under this Act;
(c) any registration of any person has been cancelled under this Act in consequence of any act or omission of the applicant or any employee of the applicant;
(d) any registration of any employee of the applicant has been cancelled under this Act;
(e) the applicant has contravened or has failed to comply with any condition specified in his certificate of registration or certificate of renewal of registration;
(f) the application contains a statement which is false in any material respect;
(g) the applicant has been convicted of an offence involving fraud or dishonesty;
(h) the applicant is an unrehabilitated insolvent; or
(i) the applicant, in relation to his business as commission agent or broker, has been guilty of any other conduct which in the opinion of the secretary warrants the refusal of the application.
(2) Whenever a matter referred to in subsection (1) (a), (c), (d), (e) or (i) takes place in the course of the business of a partnership and the secretary is unable to determine whether any particular member of the partnership is responsible therefor, each member of that partnership shall, for the purposes of this section, be deemed to be so responsible, unless he can prove to the satisfaction of the secretary that he is not so responsible and that he could not have prevented such matter taking place."
7. The following section is hereby substituted for section 7 of the principal Act:
"Suspension or cancellation of registration. 7. (1) The Minister may suspend the registration of any commission agent or broker for any period specified by him, or cancel such registration, if he is satisfied with reference to such commission agent or broker that—

Amendment of section 3 of Act 2 of 1961.

Repeal of section 4 of Act 2 of 1961.

Amendment of section 5 of Act 2 of 1961.

Substitution of section 6 of Act 2 of 1961.

Substitution of section 7 of Act 2 of 1961.

- (a) hy 'n bepaling van hierdie Wet oortree het of versuim het om daaraan te voldoen;
- (b) sy aansoek om registrasie of hernuwing van registrasie 'n verklaring bevat wat in 'n wesenlike opsig vals is;
- (c) hy 'n voorwaarde vermeld in sy sertifikaat van registrasie of sertifikaat van hernuwing van registrasie oortree het of versuim het om daaraan te voldoen;
- (d) hy skuldig bevind is aan 'n misdryf waarby bedrog of oneerlikheid betrokke was;
- (e) hy 'n ongerehabiliteerde insolvent is; of
- (f) hy, in verband met sy besigheid as kommissie-agent of makelaar, hom skuldig gemaak het aan 'n ander optrede wat na die oordeel van die Minister die opskorting of intrekking van sy registrasie regverdig.

(2) Die bepalinge van artikel 6 (2) is *mutatis mutandis* van toepassing met betrekking tot enige in subartikel (1) (a), (c) of (f) van hierdie artikel bedoelde aangeleentheid."

Vervanging van artikel 8 van Wet 2 van 1961.

8. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

„Registrasie van verkoopsmanne.

8. (1) Behalwe soos in subartikel (2) bepaal, mag 'n kommissie-agent nie 'n verkoopsman wat nie ten opsigte van sy lopende diensttermyn by die betrokke kommissie-agent as sodanig geregistreer is nie, in sy diens neem of in sy diens hê nie.

(2) (a) 'n Kommissie-agent kan 'n persoon as 'n verkoopsman in sy diens neem of hy kan enigeen van sy werknemers opdrag gee om die pligte en werksaamhede van 'n verkoopsman te verrig voordat sodanige persoon of werknemer as 'n verkoopsman geregistreer is, mits sodanige persoon of werknemer nie iemand is wie se registrasie kragtens hierdie Wet na die beste wete van die betrokke kommissie-agent ingetrek, opgeskort of geweier is nie, en hy moet 'n in subartikel (3) bedoelde aansoek ten opsigte van sodanige persoon of werknemer binne dertig dae na sodanige indiensneming of opdrag by die sekretaris indien.

(b) Hierdie Wet is op 'n in paragraaf (a) bedoelde persoon of werknemer van toepassing asof sodanige persoon of werknemer as 'n verkoopsman geregistreer is.

(3) Behoudens die bepalinge van subartikel (4) moet 'n aansoek om die registrasie van 'n verkoopsman deur die betrokke kommissie-agent by die sekretaris in die voorgeskrewe vorm en op die voorgeskrewe wyse gedoen word en van die voorgeskrewe registrasiegeld vergesel word: Met dien verstande dat geen registrasiegeld betaalbaar is nie ten opsigte van 'n verkoopsman wat deur 'n plaaslike bestuur geregistreer word.

(4) Wanneer aansoek gedoen word om die registrasie as verkoopsman van 'n persoon wat in enige hoedanigheid in diens was of in diens is van 'n kommissie-agent op 'n mark onder beheer van 'n plaaslike bestuur, of wat self die besigheid van kommissie-agent op so 'n mark dryf of gedryf het, moet die aansoek vergesel gaan van 'n sertifikaat in die voorgeskrewe vorm, uitgereik deur die markmeester van die mark waar daardie persoon aldus in diens is of laas in diens was of die besigheid van kommissie-agent dryf of laas gedryf het, na gelang van die geval, ten opsigte van sy diens of besigheid op daardie mark.

(5) Behoudens die bepalinge van subartikel (6) moet die sekretaris die aansoek toestaan en 'n sertifikaat van registrasie aan die kommissie-agent ten opsigte van die betrokke verkoopsman uitreik.

(6) Die sekretaris kan 'n aansoek om registrasie van 'n verkoopsman weier of die registrasie van 'n verkoopsman vir 'n bepaalde tyd opskort of sodanige registrasie intrek indien hy oortuig is dat die applikant of die verkoopsman 'n bepaling van hierdie Wet oortree het of versuim het om daaraan te voldoen of dat die betrokke verkoopsman skuldig bevind is aan 'n misdryf waarby bedrog of oneerlikheid betrokke was.

- (a) he has contravened or has failed to comply with any provision of this Act;
- (b) his application for registration or renewal of registration contains a statement which is false in any material respect;
- (c) he has contravened or has failed to comply with any condition specified in his certificate of registration or certificate of renewal of registration;
- (d) he has been convicted of an offence involving fraud or dishonesty;
- (e) he is an unrehabilitated insolvent; or
- (f) he has, in relation to his business as commission agent or broker, been guilty of any other conduct which in the opinion of the Minister warrants the suspension or cancellation of his registration.

(2) The provisions of section 6 (2) shall *mutatis mutandis* apply with reference to any matter referred to in subsection (1) (a), (c) or (f) of this section."

8. The following section is hereby substituted for section 8 of the principal Act: Substitution of section 8 of Act 2 of 1961.

'Registra-
tion of
salesmen.

8. (1) Except as provided in subsection (2), a commission agent shall not employ or have in his service a salesman who is not registered as such in respect of his current period of service with the commission agent concerned.

(2) (a) A commission agent may employ any person as a salesman or he may order any of his employees to perform the duties and functions of a salesman before such person or employee is registered as a salesman, provided such person or employee is to the best of the knowledge of the commission agent concerned not a person whose registration under this Act has been cancelled, suspended or refused, and he shall submit to the secretary within thirty days of such employment or order an application referred to in subsection (3) in respect of such person or employee.

(b) This Act shall apply to a person or employee referred to in paragraph (a) as if such person or employee were registered as a salesman.

(3) Subject to the provisions of subsection (4), an application for the registration of a salesman shall be made by the commission agent concerned to the secretary in the form and manner prescribed, and shall be accompanied by the prescribed registration fee: Provided that no registration fee shall be payable in respect of a salesman who is registered by a local authority.

(4) Whenever application is made for the registration as salesman of any person who is or was in the employ of a commission agent in any capacity on a market under the control of a local authority, or who himself is carrying on or carried on the business of commission agent on such a market, such application shall be accompanied by a certificate in the prescribed form, issued by the market master of the market where such person is or was last so employed or is carrying on or last carried on the business of commission agent, as the case may be, in respect of his employment or business on that market.

(5) Subject to the provisions of subsection (6), the secretary shall grant the application and issue a certificate of registration to the commission agent in respect of the salesman concerned.

(6) The secretary may refuse an application for the registration of a salesman or he may suspend the registration of a salesman for a specified period or he may cancel such registration if he is satisfied that the applicant or the salesman has contravened or has failed to comply with any provision of this Act or that the salesman concerned has been convicted of an offence involving fraud or dishonesty.

(7) Behoudens die bepalings van subartikel (6), is die registrasie van 'n verkoopsman van krag vir solank hy sonder onderbreking in sy diens 'n werkneme van die betrokke kommissie-agent bly.

(8) Artikel 3 (2) en (5) is *mutatis mutandis* van toepassing met betrekking tot 'n registrasie kragtens hierdie artikel."

Vervanging van artikel 10 van Wet 2 van 1961.

9. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

„Register.

10. 'n Register word gehou deur 'n beamppte wat deur die sekretaris vir hierdie doel aangewys is en sodanige register vermeld—

- (a) die naam en besigheidsadres van elke persoon wat geregistreer is en in die geval van 'n verkoopsman, ook die naam en besigheidsadres van die kommissie-agent wat hom as verkoopsman laat registreer het;
- (b) die registrasienommer aan elke sodanige persoon ingevolge artikel 9 toegeken;
- (c) besonderhede van die sekuriteit deur 'n kommissie-agent ingevolge artikel 18 verstrekk;
- (d) die datum van intrekking of opskorting van enige registrasie of van die verval van die registrasie van 'n verkoopsman by die beëindiging van sy dienstermyn as 'n werknemer van die betrokke kommissie-agent;
- (e) in die geval van 'n kommissie-agent of makelaar, of hy 'n lid is van 'n vennootskap en, indien wel, besonderhede van sodanige vennootskap; en
- (f) die addisionele inligting wat die sekretaris noodsaaklik ag."

Vervanging van artikel 11 van Wet 2 van 1961.

10. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

„Oorhandiging van sertifikaat van registrasie of sertifikaat van hernuwing.

11. Iemand wie se registrasie as kommissie-agent of makelaar kragtens hierdie Wet ingetrek of opgeskort is, of die betrokke kommissie-agent, in die geval van 'n verkoopsman wie se registrasie aldus ingetrek of opgeskort is of verval het by die beëindiging van sy dienstermyn as 'n werknemer van die kommissie-agent wat hom as verkoopsman laat registreer het, moet die betrokke sertifikaat van registrasie of sertifikaat van hernuwing van registrasie aan die sekretaris oorhandig binne sewe dae nadat die betrokke intrekking, opskorting of verval plaasgevind het."

Vervanging van artikel 12 van Wet 2 van 1961.

11. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

„Kennisgewing van intrekking of opskorting moet gepubliseer word.

12. Die sekretaris moet besonderhede van elke intrekking of opskorting van registrasie van 'n kommissie-agent of makelaar in die *Staatkoerant* en, indien hy dit nodig ag, in een of meer koerante publiseer."

Vervanging van artikel 13 van Wet 2 van 1961.

12. Artikel 13 van die Hoofwet word hierby deur die volgende artikel vervang:

„Sekere inligting moet aan sekretaris verstrekk word.

13. (1) 'n Kommissie-agent of makelaar verstrekk onverwyld kennis aan die sekretaris—

- (a) van enige verandering van sy besigheidsadres;
 - (b) van die ontbinding van 'n vennootskap waarvan hy 'n lid is;
 - (c) as hy 'n lid van 'n vennootskap word;
 - (d) van die volle name van elke persoon wat hy as verkoopsman in diens neem of van enige van sy werknemers wat hy opdrag gee om die pligte of werksaamhede van 'n verkoopsman te verrig, met vermelding van die datum van sodanige indiensneming of opdrag; en
 - (e) van die datum waarop die dienstydpersoon van 'n persoon by hom in diens wat as verkoopsman geregistreer is, of wie se registrasie as sodanig hangende is, om enige rede geëindig het, met vermelding van besonderhede van en die redes vir sodanige beëindiging,
- en die sekretaris wysig die in artikel 10 bedoelde register dienooreenkomstig.

(2) 'n Kommissie-agent of makelaar verstrekk die addisionele inligting ten opsigte van 'n in subartikel (1) genoemde aangeleentheid wat die sekretaris verlang."

(7) Subject to the provisions of subsection (6), registration of a salesman shall be of force as long as he continues without a break in his employment to be an employee of the commission agent concerned.

(8) Section 3 (2) and (5) shall *mutatis mutandis* apply with reference to a registration under this section.”.

9. The following section is hereby substituted for section 10 of the principal Act: Substitution of section 10 of Act 2 of 1961.

“Register. 10. A register shall be kept by an officer designated by the secretary for this purpose and such register shall state—

- (a) the name and business address of every person who is registered and in the case of a salesman, also the name and business address of the commission agent who caused him to be registered as a salesman;
- (b) the registration number allotted to any such person in terms of section 9;
- (c) particulars of the security given by a commission agent in terms of section 18;
- (d) the date of cancellation or suspension of any registration or of the lapsing of the registration of a salesman on the termination of his period of service as an employee of the commission agent concerned;
- (e) in the case of a commission agent or broker, whether he is a member of a partnership and, if so, particulars of such partnership; and
- (f) such additional information as the secretary may consider necessary.”.

10. The following section is hereby substituted for section 11 of the principal Act: Substitution of section 11 of Act 2 of 1961.

“Surrender of certificate of registration or certificate of renewal. 11. Any person whose registration as commission agent or broker has been cancelled or suspended under this Act, or the commission agent concerned, in the case of a salesman whose registration has been so cancelled or suspended or has lapsed on the termination of his period of service as an employee of the commission agent who caused him to be registered as a salesman, shall surrender the relevant certificate of registration or certificate of renewal of registration to the secretary within seven days after the cancellation, suspension or lapsing concerned has taken place.”.

11. The following section is hereby substituted for section 12 of the principal Act: Substitution of section 12 of Act 2 of 1961.

“Notice of cancellation or suspension to be published. 12. The secretary shall publish particulars of every cancellation or suspension of registration of a commission agent or broker in the *Gazette* and, if he deems it necessary, in one or more newspapers.”.

12. The following section is hereby substituted for section 13 of the principal Act: Substitution of section 13 of Act 2 of 1961.

“Certain information to be furnished to secretary. 13. (1) A commission agent or broker shall forthwith notify the secretary—

- (a) of any change of his business address;
- (b) of the dissolution of a partnership of which he is a member;
- (c) if he becomes a member of a partnership;
- (d) of the full names of any person whom he employs as a salesman or of any of his employees whom he orders to perform the duties or functions of a salesman, stating the date of such employment or order; and
- (e) of the date on which the period of service of any person in his employ, who is registered as a salesman or whose registration as such is pending, terminated for any reason, stating particulars of and the reasons for such termination, and the secretary shall alter the register referred to in section 10 accordingly.

(2) A commission agent or broker shall furnish such additional information in regard to any matter referred to in subsection (1) as the secretary may require.”.

Wysiging van
artikel 14 van
Wet 2 van 1961,
soos gewysig deur
artikel 1 van
Wet 8 van 1962
en artikel 1 van
Wet 17 van 1965.

13. Artikel 14 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) maak opsetlik deur woord, daad of andersins enige wanvoorstelling betreffende die uiterlike voorkoms, grootte, soort, graad, kwaliteit, gewig of hoeveelheid van produkte deur hom ontvang, gekoop, verkoop, vir verkoop aangebied of gehanteer in die loop van besigheid nie;”;
 - (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) bly in gebreke om binne 'n tydperk van sewe besigheidsdae nadat hy oor enige produkte beskik, aan sy prinsipaal korrek en ten volle op die voorgeskrewe wyse vir die opbrengs van daardie produkte rekenskap te gee en die saldo van daardie opbrengs, na aftrekking van enige bedrag wat hy geregtig is om te behou, aan sy prinsipaal te betaal nie;”;
 - (c) deur paragraaf (d) van genoemde subartikel deur die volgende paragraaf te vervang:

„(d) verkoop wetens produkte wat aan hom vir verkoop toevertrou is, aan iemand in wie se besigheid hy, sy vrou of vennoot of werknemer enige geldelike belang het nie, sonder om sodanige feit aan sy prinsipaal skriftelik mee te deel wanneer die by paragraaf (a) vereiste rekenskap gegee word;”;
 - (d) deur paragraaf (f) van genoemde subartikel deur die volgende paragraaf te vervang:

„(f) verkoop by veiling enige produkte wat aan hom vir verkoop toevertrou is nie behalwe op 'n mark onder beheer van 'n plaaslike bestuur of op 'n perseel deur 'n plaaslike bestuur verhuur of goedgekeur as 'n mark;”;
 - (e) deur aan die end van paragraaf (g) van genoemde subartikel die woord „of” te skrap;
 - (f) deur die volgende paragrawe by genoemde subartikel te voeg:

„(i) vertoon 'n monster geneem van produkte aan hom vir verkoop toevertrou, of verkoop sodanige produkte volgens monster nie tensy sodanige monster in alle opsigte verteenwoordigend is van die produkte waarop die monster heet betrekking te hê; of

(j) verkoop uit die hand enige produkte wat aan hom vir verkoop toevertrou is nie sonder om onverwyld wanneer hy die produkte verkoop ten opsigte van elke sodanige verkoping 'n verkoopnota uit te reik waarin duidelik en leesbaar aangetoon word—

 - (i) die naam van die kommissie-agent;
 - (ii) die naam van die betrokke prinsipaal;
 - (iii) die hoeveelheid of gewig en beskrywing van die verkoopte produkte; en
 - (iv) die pryse waarteen daardie produkte verkoop is,

en waarvan 'n kopie aan die prinsipaal verstrekk moet word, wanneer die by paragraaf (a) vereiste rekenskap gegee word, nadat daarop aangeteken is die bedrae (indien enige) wat die markmeester geregtig is om van die koopprys af te trek en die netto bedrag wat die markmeester ten opsigte van die betrokke produkte aan die kommissie-agent moet oorbetal.”; en
 - (g) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Geen handelaar bly in gebreke om binne die tydperk bepaal in enige ooreenkoms tussen hom en die verkoper van enige produkte of, as geen tydperk bepaal is nie, binne 'n tydperk van een-en-twintig dae na lewering van die produkte aan hom, sodanige verkoper ten volle vir daardie produkte te betaal nie.”.

Vervanging van
artikel 15 van
Wet 2 van 1961.

14. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:
- „Koop van produkte deur kommissie-agent.
15. (1) 'n Kommissie-agent kan met die skriftelike toestemming van 'n prinsipaal wat produkte aan hom vir verkoop toevertrou het, enige hoeveelheid van daardie produkte vir homself of ten behoeve van 'n ander persoon koop—

13. Section 14 of the principal Act is hereby amended—

Amendment of section 14 of Act 2 of 1961, as amended by section 1 of Act 8 of 1962 and section 1 of Act 17 of 1965.

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

“(b) wilfully misrepresent by word, deed or otherwise the outward appearance, size, kind, grade, quality, weight or quantity of any produce received, purchased, sold, offered for sale or handled by him in the course of business;”;

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

“(a) fail, within a period of seven business days after he disposes of any produce, to account in the prescribed manner correctly and in full to his principal for the proceeds of that produce and to pay to his principal the balance of those proceeds after deducting any amount which he is entitled to retain;”;

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

“(d) knowingly sell any produce which has been entrusted to him for sale, to any person in whose business he, his wife or partner or employee has any financial interest, without informing his principal in writing of such fact when account is given as required by paragraph (a);”;

- (d) by the substitution for paragraph (f) of the said subsection of the following paragraph:

“(f) sell by auction any produce entrusted to him for sale other than on a market under the control of a local authority or on premises let or approved by a local authority as a market;”;

- (e) by the deletion at the end of paragraph (g) of the said subsection of the word “or”;

- (f) by the addition to the said subsection of the following paragraphs:

(i) display any sample taken from produce entrusted to him for sale, or sell such produce by sample unless such sample is in all respects representative of the produce to which the sample purports to relate; or

(j) sell by private treaty any produce entrusted to him for sale without issuing forthwith, when he sells such produce, in respect of each such sale a sales note indicating clearly and legibly—

- (i) the name of the commission agent;
- (ii) the name of the principal concerned;
- (iii) the quantity or weight and description of the produce sold; and
- (iv) the prices at which such produce was sold, and of which a copy shall be furnished to the principal when account is given as required by paragraph (a), after there has been endorsed thereon the amounts (if any) which the market master is entitled to deduct from the purchase price, and the net amount which the market master is to pay over to the commission agent in respect of the produce concerned.”; and

- (g) by the substitution for subsection (3) of the following subsection:

“(3) No dealer shall fail, within the period specified in any agreement between him and the seller of any produce or, if no period is specified, within a period of twenty-one days after delivery to him of the produce, to pay such seller in full for that produce.”.

14. The following section is hereby substituted for section 15 of the principal Act:

Substitution of section 15 of Act 2 of 1961.

“Purchase of produce by commission agent.

15. (1) A commission agent may, with the written consent of a principal who has entrusted produce to him for sale, purchase any quantity of that produce for himself or on behalf of another person—

- (a) by 'n veiling waarby hy nie self die afslaer is of as persoon optree wat geregtig is om 'n veiling te hou nie;
 - (b) indien daardie produkte by veiling aangebied is en nie die reserweprys wat daarop geplaas is, behaal het nie en by sluiting van die veiling onverkoop is, uit die hand teen 'n prys wat nie minder is nie as die hoogste bod by sodanige veiling ten opsigte van daardie produkte verkry; of
 - (c) indien daardie produkte vir verkoop aangebied word op 'n mark waar veilings ten opsigte van die betrokke soort produkte gewoonlik nie gehou word nie, uit die hand.
- (2) 'n Kommissie-agent wat produkte koop soos in subartikel (1) beoog, moet—
- (a) in die geval waar hy by veiling produkte vir homself of ten behoeve van 'n ander persoon koop, onverwyld wanneer hy die produkte koop aan die afslaer of persoon wat die veiling behartig sy eie naam en, indien hy die produkte ten behoeve van 'n ander persoon koop, ook die naam van daardie persoon verstrek; of
 - (b) in die geval waar hy uit die hand produkte vir homself of ten behoeve van 'n ander persoon koop, onverwyld wanneer hy die produkte koop op die in artikel 14 (2) (j) bedoelde verkoopnota aanteken dat hy die produkte vir homself of ten behoeve van 'n ander persoon, na gelang van die geval, koop, en in laasgenoemde geval, ook die naam van daardie persoon; en
 - (c) wanneer hy aan sy prinsipaal rekenskap gee soos by artikel 14 (2) (a) vereis word, bedoelde prinsipaal skriftelik meedeel of hy die produkte vir homself of ten behoeve van 'n ander persoon gekoop het, en of hy daardie produkte uit die hand of by veiling gekoop het.
- (3) Die in subartikel 2 (a) bedoelde afslaer of persoon wat die veiling behartig, moet, benewens nakoming van die bepalings van die Wet op die Verkoping van Lewende Hawe en Produkte, 1956 (Wet No. 37 van 1956), vir sover as wat bedoelde bepalings van toepassing is met betrekking tot produkte soos in hierdie Wet omskryf, die naam van die betrokke kommissie-agent en, indien van toepassing, ook die naam deur die kommissie-agent kragtens subartikel (2) (a) van hierdie artikel aan hom verstrek op die verkoopnota aanteken wat in artikel 3 van bedoelde Wet op die Verkoping van Lewende Hawe en Produkte, 1956, genoem word.”.

Vervanging van artikel 17 van van Wet 2 van 1961.

15. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanteke-
ninge.

17. 'n Kommissie-agent, makelaar of handelaar hou in enige van die amptelike tale van die Republiek voldoende boek van die dryf van sy besigheid as sodanig, en moet elke sodanige boek, tesame met die bewysstukke, kwitansies, verkoopnotas en ander stukke wat op 'n inskrywing daarin betrekking het, en elke in artikel 14 (2) (b) en (g) en artikel 15 (1) bedoelde skriftelike toestemming en 'n juiste kopie van elke in artikel 14 (2) (d) en artikel 15 (2) (c) bedoelde skriftelike mededeling, behou vir 'n tydperk van minstens drie jaar nadat die laaste inskrywing ten opsigte van enige transaksie in sodanige boek gemaak is of nadat 'n handeling laas uit hoofde van sodanige toestemming verrig is of die betrokke mededeling gemaak is, na gelang van die geval.”.

Vervanging van artikel 18 van Wet 2 van 1961.

16. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

„Sekuri-
teit deur
kommissie-
agent.

18. Niemand, behalwe 'n plaaslike bestuur, mag die besigheid van kommissie-agent dryf nie tensy hy die voorgeskrewe sekuriteit verstrek het om enige verpligting na te kom wat mag ontstaan teenoor iemand ten opsigte van die opbrengs van produkte wat so iemand aan hom vir verkoop toevertrou het, met inbegrip van 'n verpligting om die getakseerde koste van 'n geding vir die verhaal van sodanige opbrengs te betaal, maar met uitsluiting van 'n ver-

- (a) at an auction at which he is not himself the auctioneer or acting as a person entitled to conduct an auction;
- (b) if such produce was put up for sale by auction and did not attain the reserve price placed thereon and remains unsold at the conclusion of the auction, by private treaty at a price which is not lower than the highest bid received at that auction in respect of such produce; or
- (c) if such produce is put up for sale on a market where auctions in respect of the kind of produce concerned are as a rule not held, by private treaty.

(2) A commission agent who purchases produce as contemplated in subsection (1), shall—

- (a) in the case where he purchases produce by auction for himself or on behalf of another person, forthwith when he purchases the produce furnish to the auctioneer or person conducting the auction his own name and, if he is purchasing the produce on behalf of another person, also the name of that person; or
- (b) in the case where he purchases produce by private treaty for himself or on behalf of another person, forthwith when he purchases the produce endorse on the sales note referred to in section 14 (2) (j) that he is purchasing the produce for himself or on behalf of another person, as the case may be, and in the latter case, also the name of that person; and
- (c) when he accounts to his principal as required by section 14 (2) (a), inform the said principal in writing whether he has bought the produce for himself or on behalf of another person, and whether he has bought that produce by private treaty or by auction.

(3) The auctioneer or person conducting the auction who is referred to in subsection 2 (a) shall, in addition to complying with the provisions of the Livestock and Produce Sales Act, 1956 (Act No. 37 of 1956), in so far as the said provisions apply with reference to produce as defined in this Act, endorse the name of the commission agent concerned and, if applicable, also the name furnished to him by the commission agent under subsection 2 (a) of this section on the sales note mentioned in section 3 of the said Livestock and Produce Sales Act, 1956.”.

15. The following section is hereby substituted for section 17 of the principal Act: Substitution of section 17 of Act 2 of 1961.

“Records. **17.** A commission agent, broker or dealer shall maintain, in either of the official languages of the Republic, adequate books of the conduct of his business as such, and shall keep each such book, together with the vouchers, receipts, sales notes and other documents that relate to any entry appearing therein, and each written permission or consent referred to in section 14 (2) (b) and (g) and section 15 (1) and a true copy of every written communication referred to in section 14 (2) (d) and section 15 (2) (c), for a period of at least three years after the last entry in respect of any transaction has been made in such book or after any action was last taken under such permission or consent or the relevant communication was made, as the case may be.”.

16. The following section is hereby substituted for section 18 of the principal Act: Substitution of section 18 of Act 2 of 1961.

“Security by commission agent. **18.** No person, other than a local authority, shall carry on the business of a commission agent unless he has given the prescribed security to fulfil any obligation that may arise towards any person in respect of the proceeds of produce entrusted to him by that person for sale, including any obligation to pay the taxed costs of any action for the recovery of such proceeds but excluding any obligation to pay

pligting om rente op sodanige opbrengs te betaal: Met dien verstande dat in die geval van 'n koöperatiewe landbouvereniging, 'n koöperatiewe landboumaatskappy of 'n spesiale koöperatiewe boere-maatskappy geregistreer ingevolge die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), sekuriteit verstrek word slegs ten opsigte van besigheid wat so 'n vereniging of maatskappy dryf met persone wat nie lede daarvan is nie, en dat waar so 'n vereniging of maatskappy slegs met sy lede besigheid dryf, geen sekuriteit verstrek word nie."

Vervanging van artikel 22 van Wet 2 van 1961.

17. Artikel 22 van die Hoofwet word hierby deur die volgende artikel vervang:

„Geheimhouding.

22. Niemand mag enige inligting openbaar wat hy by die uitoefening van sy bevoegdhede of vervulling van sy pligte kragtens hierdie Wet verkry het nie, behalwe—

(a) in die mate waarin dit vir die behoorlike toepassing van hierdie Wet nodig mag wees; of

(b) vir doeleindes van 'n regsgeding daarkragtens: Met dien verstande dat die sekretaris aan 'n markmeester of persoon wat toesig het oor 'n mark die inligting kan verstrek wat hy dienstig ag."

Wysiging van artikel 23 van Wet 2 van 1961.

18. Artikel 23 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) artikel 2, 8 (1) of (2), 11, 13, 14, 15, 16, 17, 18, 19 of 22 oortree of versuim om daaraan te voldoen;" en

(b) deur die woorde „tweehonderd pond" deur die woorde „vierhonderd rand" te vervang.

Wysiging van artikel 26 van Wet 2 van 1961.

19. Artikel 26 (3) van die Hoofwet word hierby gewysig deur die woorde „honderd pond" deur die woorde „tweehonderd rand" te vervang.

Vervanging in Wet 2 van 1961 van „Goewerneur-generaal" deur „Staatspresident".

20. Die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal" oral waar dit voorkom deur die woord „Staatspresident" te vervang.

Kort titel.

21. Hierdie Wet heet die Wysigingswet op die Verkoop van Bederfbare Landbouprodukte, 1966.

interest on such proceeds: Provided that in the case of a co-operative agricultural society, a co-operative agricultural company or a farmers' special co-operative company registered in terms of the Co-operative Societies Act, 1939 (Act No. 29 of 1939), security shall be given only in respect of business conducted by such society or company with persons who are not members thereof, and that where such society or company trades with its members only, no security shall be given."

17. The following section is hereby substituted for section 22 of the principal Act: Substitution of section 22 of Act 2 of 1961

"Preservation of secrecy. 22. No person shall disclose any information obtained in the discharge of his powers or duties under this Act, except—

- (a) to the extent to which it may be necessary for the proper administration of this Act; or
- (b) for the purposes of any legal proceedings thereunder:

Provided that the secretary may furnish a market master or person in charge of a market with such information as he may deem expedient."

18. Section 23 of the principal Act is hereby amended— Amendment of section 23 of Act 2 of 1961.
(a) by the substitution for paragraph (a) of the following paragraph:

"(a) contravenes or fails to comply with section 2, 8 (1) or (2), 11, 13, 14, 15, 16, 17, 18, 19 or 22;" and

- (b) by the substitution for the words "two hundred pounds" of the words "four hundred rand".

19. Section 26 (3) of the principal Act is hereby amended by the substitution for the words "one hundred pounds" of the words "two hundred rand". Amendment of section 26 of Act 2 of 1961.

20. The principal Act is hereby amended by the substitution for the word "Governor-General" wherever it occurs of the words "State President". Substitution in Act 2 of 1961 for "Governor-General" of "State President".

21. This Act shall be called the Perishable Agricultural Produce Sales Amendment Act, 1966. Short Title.

WET

Tot instelling van 'n Raad op Grondbesit en die bepaling van sy werksaamhede; om vir die verkryging en ontwikkeling van grond vir of vir gebruik in verband met boerderydoeleindes voorsiening te maak; en om vir ander bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 September 1966.)*

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

Woordom-
skrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „hierdie Wet” ook regulasies kragtens hierdie Wet uitgevaardig; (iv)
- (ii) „lid van die raad” ook 'n addisionele lid van die raad; (ii)
- (iii) „Minister” die Minister van Landboukrediet en Grondbesit; (iii)
- (iv) „raad” die by artikel 2 ingestelde raad. (i)

Raad op
Grondbesit.

2. (1) Hierby word daar 'n raad ingestel bekend as die Raad op Grondbesit, wat, behoudens die bepalinge van subartikel (2), bestaan uit vier lede van wie—

- (a) een die voorsitter van die by artikel 2 van die Wet op Landboukrediet, 1966, ingestelde Landboukredietraad is en ook voorsitter van die raad is;
- (b) die ander lede deur die Minister aangestel word.

(2) Die Minister kan te eniger tyd een of meer addisionele lede op die raad aanstel om aan deur die Minister bepaalde werksaamhede van die raad deel te neem en so 'n addisionele lid tree as lid van die raad op slegs in verband met aangeleenthede wat met bedoelde werksaamhede in verband staan.

(3) 'n Lid van die raad beklee sy amp vir die tydperk, maar hoogstens vyf jaar, wat die Minister ten tyde van die aanstelling bepaal, maar kan weer aangestel word: Met dien verstande dat, indien daar na sy oordeel gegronde redes daarvoor bestaan, die Minister te eniger tyd die ampstermyn van 'n lid kan beëindig.

(4) 'n Lid van die raad ontruim sy amp—

- (a) indien sy ampstermyn verstryk het of deur die Minister beëindig word;
- (b) indien hy hom verkiesbaar stel by 'n party- of amptelike benoeming van 'n kandidaat vir die Parlement of 'n Provinsiale Raad of 'n poging aanwend om hom by so 'n benoeming te laat benoem;
- (c) indien sy boedel gesekwestreer word of hy om in artikel 10 (1) (c) van die Wet op Landboukrediet, 1966, bedoelde bystand aansoek doen;
- (d) indien hy bedank.

(5) Die besoldiging, toelaes, verlof- of ander voorregte en diensvoorwaardes van 'n lid van die raad of sy plaasvervanger wat nie ingevolge 'n ander wet as hierdie Wet in die voltydse diens van die Staat is nie, word van tyd tot tyd deur die Minister in oorleg met die Minister van Finansies bepaal: Met dien verstande dat die besoldiging, toelaes, verlof- of ander voorregte en diensvoorwaardes van 'n gewone lid, 'n addisionele lid en 'n plaasvervanger van 'n lid verskillend kan wees.

Werksaamhede
van die raad.

3. Die werksaamhede van die raad is om die Minister van advies te dien in verband met die waarde van grond en regte op of ten opsigte van grond, die vervreemding en toewysing van Staatsgrond, en in verband met enige ander aangeleentheid wat die Minister na die raad verwys.

No. 32, 1966.]

ACT

To establish a Land Tenure Board and to define its functions; to provide for the acquisition and development of land for or for use in connection with farming purposes; and to provide for other incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 30th September, 1966.)*

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

1. In this Act, unless the context otherwise indicates—

Definitions.

 - (i) "board" means the board established by section 2; (iv)
 - (ii) "member of the board" includes an additional member of the board; (ii)
 - (iii) "Minister" means the Minister of Agricultural Credit and Land Tenure; (iii)
 - (iv) "this Act" includes regulations made under this Act. (i)
2. (1) There is hereby established a board to be known as the Land Tenure Board, which shall, subject to the provisions of subsection (2), consist of four members of whom—

Land Tenure Board.

 - (a) one shall be the chairman of the Agricultural Credit Board established by section 2 of the Agricultural Credit Act, 1966, and shall also be chairman of the board;
 - (b) the other members shall be appointed by the Minister.

(2) The Minister may at any time appoint one or more additional members to the board to participate in such functions of the board as the Minister may determine, and any such additional member shall act as a member of the board only in connection with matters relating to such functions.

(3) A member of the board shall hold office for such period not exceeding five years as the Minister may determine at the time of the appointment, but shall be eligible for re-appointment: Provided that if in his opinion there are good reasons for doing so, the Minister may at any time terminate the period of office of any member.

(4) A member of the board shall vacate his office—

 - (a) if his period of office has expired or is terminated by the Minister;
 - (b) if he seeks election at any party or official nomination of candidates for Parliament or a Provincial Council, or attempts to have himself nominated at any such nomination;
 - (c) if his estate is sequestrated or he applies for assistance contemplated in section 10 (1) (c) of the Agricultural Credit Act, 1966;
 - (d) if he resigns.

(5) The remuneration, allowances, leave or other privileges and conditions of service of any member of the board or his alternate, not being in the full-time employment of the State under any law other than this Act, shall be determined from time to time by the Minister acting in consultation with the Minister of Finance: Provided that the remuneration, allowances, leave or other privileges and conditions of service of an ordinary member, an additional member and an alternate member may differ.
3. The functions of the board shall be to advise the Minister in regard to the value of land and any rights in or over land, the alienation and allocation of State land, and in regard to any other matter which the Minister may refer to the board.

Functions of the board.

Verkryging van grond vir boerdery-doeleindes.

4. (1) Die Minister kan—
 (a) uit gelde deur die Parlement vir die doel bewillig, grond aankoop wat hy vir of vir gebruik in verband met boerderydoeleindes geskik ag;
 (b) Staatsgrond verruil vir ander grond wat hy vir of vir gebruik in verband met sodanige doeleindes geskik ag en ten opsigte van die aldus verruilde grond 'n grondbrief uitreik.

(2) Die Minister kan grond of regte op of ten opsigte van grond (uitgesonderd grond in 'n gebied wat 'n afgesonderde Bantoegebied of 'n oopgestelde gebied binne die bedoeling van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), is, en waarvan die Suid-Afrikaanse Bantoe-trust, of 'n Bantoe, soos in daardie Wet omskryf, die aldus omskrewe geregistreerde eienaar is) in 'n kragtens artikel 59 van die Waterwet, 1956 (Wet No. 54 van 1956), omskrewe Staatswaterbeheergebied vir of vir gebruik in verband met boerderydoeleindes onteien.

(3) Die Onteiningswet, 1965 (Wet No. 55 van 1965), geld *mutatis mutandis* ten opsigte van die onteining van grond of regte op of ten opsigte van grond kragtens hierdie artikel.

(4) Grond kragtens hierdie artikel verkry, word getransporeer aan en geregistreer op naam van die Republiek van Suid-Afrika.

Beskikking oor Staatsgrond wat nie vir boerdery-doeleindes geskik is nie.

5. Daar kan oor Staatsgrond wat, na die oordeel van die Minister, nie vir boerderydoeleindes geskik is of daarvoor benodig is nie, kragtens artikel 2 van die Wet op die Beskikking oor Staatsgrond, 1961 (Wet No. 48 van 1961), beskik word.

Ontwikkeling van Staatsgrond vir boerdery-doeleindes.

6. Die Minister kan Staatsgrond wat na die oordeel van die raad vir of vir gebruik in verband met boerderydoeleindes geskik is, vir of vir gebruik in verband met sodanige doeleindes ontwikkel of enige werke daarop aanbring.

Misdrywe.

7. 'n Persoon wat—

(a) lid van die raad is en by 'n bespreking van of 'n stemming oor 'n aangeleentheid voor die raad, aanwesig is of daaraan deelneem, of die sienswyse of stem van 'n ander sodanige lid ten opsigte van bedoelde aangeleentheid probeer beïnvloed, indien daardie persoon of na sy wete, 'n ander persoon wat in die derde of 'n nader graad van bloed- of aanverwantskap aan hom verwant is, 'n geldelike of ander belang, hetsy as 'n vennoot, skuldeiser, skuldenaar of andersins, by bedoelde aangeleentheid het;

(b) lid van die raad is en regstreeks of onregstreeks vergoeding of beloning van 'n persoon ontvang ten opsigte van of in verband met 'n aangeleentheid wat deur die raad behandel word;

(c) lid van die raad is en, behalwe in 'n verslag aan die Minister of die Sekretaris van Landboukrediet en Grondbesit, openbaar maak hoe hy of 'n ander sodanige lid gestem het oor 'n aangeleentheid wat met die verrigting van die werksaamhede van die raad in verband staan, of wat sy sienswyse of dié van 'n ander sodanige lid omtrent bedoelde aangeleentheid is of was;

(d) ten opsigte van of in verband met 'n aangeleentheid wat deur die raad behandel word, vergoeding of beloning aan 'n lid van die raad gee of aanbied met die oogmerk om hom op korrupte wyse te beïnvloed of te beweeg om in stryd met sy plig ingevolge hierdie Wet te handel,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

Regulasies.

8. Die Minister kan regulasies uitvaardig met betrekking tot—

(a) die byeenroep van en die prosedure en kworum op vergaderings van die raad en die aanstelling van plaasvervangers van lede van die raad;

(b) enige ander aangeleentheid ten opsigte waarvan dit na sy oordeel nodig of dienstig is om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

Delegering van bevoegdhe.

9. Die Minister kan enige bevoegdheid by hierdie Wet aan hom verleen, uitgesonderd die in artikels 2 en 8 bedoelde bevoegdhede, aan 'n beampte van die Staat deleger, maar

4. (1) The Minister may—

Acquisition of
land for farming
purposes.

- (a) out of moneys appropriated by Parliament for the purpose, purchase any land which he considers suitable for or for use in connection with farming purposes;
- (b) exchange any State land for any other land which he considers suitable for or for use in connection with such purposes, and issue a deed of grant in respect of any land so exchanged.

(2) The Minister may expropriate for or for use in connection with farming purposes any land or rights in or over land (other than land in an area which is a scheduled Bantu area or a released area within the meaning of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), of which the South African Bantu Trust, or a Bantu, as defined in that Act, is the registered owner as so defined) in a Government water control area defined under section 59 of the Water Act, 1956 (Act No. 54 of 1956).

(3) The Expropriation Act, 1965 (Act No. 55 of 1965), shall *mutatis mutandis* apply in respect of the expropriation of any land or rights in or over land under this section.

(4) Land acquired under this section shall be transferred to and registered in the name of the Republic of South Africa.

5. State land, which in the opinion of the Minister is not suitable or required for farming purposes, may be disposed of under section 2 of the State Land Disposal Act, 1961 (Act No. 48 of 1961).

Disposal of State
land not suitable
for farming
purposes.

6. The Minister may develop for or for use in connection with farming purposes any State land which in the opinion of the board is suitable for or for use in connection with any such purposes, or construct any works thereon.

Development of
State land for
farming purposes.

7. Any person who—

Offences.

- (a) being a member of the board, is present at or takes part in any discussion of or voting upon any matter before the board, or endeavours to influence the opinion or vote of any other such member in respect of such matter, if such or to his knowledge any other person related to him in the third or a closer degree of affinity or consanguinity has any pecuniary or other interest in such matter, whether as a partner, creditor, debtor or otherwise;
- (b) being a member of the board, receives directly or indirectly any fee or reward from any person in respect of or in connection with any matter dealt with by the board;
- (c) being a member of the board, discloses, except in a report to the Minister or the Secretary for Agricultural Credit and Land Tenure, the vote or opinion of himself or any other such member on any matter relating to the performance of the functions of the board;
- (d) in respect of or in connection with any matter dealt with by the board, gives or offers any fee or reward to any member of the board for the purpose of corruptly influencing or inducing him to act in conflict with his duty under this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or, in default of payment, to imprisonment for a period not exceeding five years.

8. The Minister may make regulations relating to—

Regulations.

- (a) the calling of and procedure and quorum at meetings of the board and the appointment of alternates to members of the board;
- (b) any other matter in respect of which he deems it necessary or expedient to make regulations in order to achieve the objects of this Act.

9. The Minister may delegate any power conferred upon him by this Act, other than the powers referred to in sections 2 and 8, to any officer of the State, but is not thereby divested

Delegation
of powers.

word nie daardeur enige van sy aldus gedelegeerde bevoegdhede ontnem nie, en kan 'n beslissing van die beampte wysig of intrek.

Verwysings na sentrale landraad word as verwysing na raad uitgelê.

10. 'n Verwysing na die „sentrale landraad” in 'n wetsbepaling wat nie deur die Wet op Landboukrediet, 1966, herroep word nie, word as 'n verwysing na die raad uitgelê.

Kort titel en inwerkingtreding.

11. Hierdie Wet heet die Wet op Grondbesit, 1966, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

of any power so delegated, and may amend or withdraw any decision of such officer.

10. Any reference to the "central land board" in any law not repealed by the Agricultural Credit Act, 1966, shall be construed as a reference to the board.

References to central land board to be construed as references to board.

11. This Act shall be called the Land Tenure Act, 1966, and shall come into operation on a date to be fixed by the State President by notice in the *Gazette*.

Short title and date of commencement.

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INHOUD.

Departement van die Eerste Minister.

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