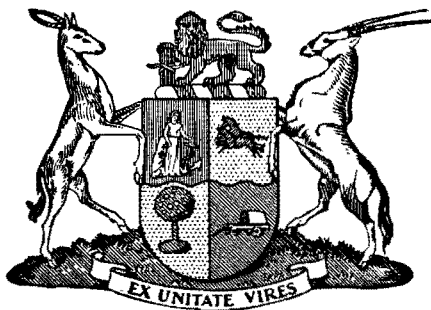


**EXTRAORDINARY**



**BUITENGEWONE**

**THE UNION OF SOUTH AFRICA**

# Government Gazette

## Staatskoerant

**VAN DIE UNIE VAN SUID-AFRIKA**

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KAAPSTAD, 14 JUNIE 1949.**

**PRYS 6d. [No. 4182.]**

**OFFICE OF THE PRIME MINISTER.**

**KANTOOR VAN DIE EERSTE MINISTER.**

The following Government Notice is published for general information:—

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 1107.] [14th June, 1949.

No. 1107.] [14 Junie 1949.

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Acts, which are hereby published for general information:—

Hierby word bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

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No. 34, 1949.]

# ACT

**To amend the Irrigation and Conservation of Waters Act, 1912, and the Oliphants River Irrigation Works Act, 1943; and to provide for the inclusion of certain land situated in the Territory of South-West Africa in an irrigation district.**

(*Afrikaans Text signed by the Governor-General.*)  
(Assented to 10th June, 1949.)

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

## Definitions.

1. In this Act the expression "principal Act" means the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), and any expression to which in the principal Act a meaning has been assigned bears, when used in this Act, the same meaning.

Amendment of section 7*bis* of Act 8 of 1912, as inserted by section 2 of Act 30 of 1944.

2. Section *seven bis* of the principal Act is hereby amended by the substitution for sub-section (4) of the following sub-sections:

"(4) If, after the commencement of the Irrigation Amendment Act, 1949, land which is or at any time has been held under a Crown grant issued or a deed of transfer passed by the State under any law relating to land settlement and in respect of which water may be supplied in terms of paragraph (e) of sub-section (1) from any Government irrigation work, is alienated or leased *in longum tempus* to a person who is—

(a) an owner;

(b) a lessee under any law relating to land settlement; or

(c) a lessee *in longum tempus*,

of other land in respect of which water may be supplied in terms of the said paragraph (e) of sub-section (1) from the same or any other Government irrigation work, the land so alienated or leased shall, unless the Minister, on the recommendation of the central land board, otherwise directs, cease to form part of an area of land to be irrigated by means of water from the Government irrigation work in question for the period during which it is held or leased *in longum tempus* by any such person as is referred to in paragraph (a), (b) or (c), and shall, for such period, be excluded from the schedule prepared under sub-section (1) in respect of the area to be so irrigated.

(5) Notwithstanding the provisions of the Hartebeestpoort Irrigation Scheme (Crocodile River) Act, 1914 (Act No. 32 of 1914), the Marico-Bosveld Irrigation Scheme Act, 1932 (Act No. 10 of 1932), the Vaal River Development Scheme Act, 1934 (Act No. 38 of 1934), and the Oliphants River Irrigation Works Act, 1943 (Act No. 10 of 1943), the provisions of this section shall apply to the Hartebeestpoort, Marico-Bosveld, Vaal River and Oliphants River Government irrigation works, and the provisions of sub-sections (1), (2) and (3) shall be deemed to have applied to the Vaal River Government irrigation works from the first day of November, 1946."

Amendment of section 32*bis* of Act 8 of 1912, as inserted by section 6 of Act 30 of 1944.

3. Section *thirty-two bis* of the principal Act is hereby amended—

(a) by the substitution for the words "The president of a water court shall have power at any time prior to the hearing of an application by that water court or during an adjournment of the hearing thereof" of the words "An itinerant water court judge shall have power at any time prior to the filing of an application in a water court or the hearing thereof by a water court or during an adjournment of the hearing thereof"; and

(b) by the substitution in paragraph (e) for the word "president" of the word "judge".

Amendment of section 85 of Act 8 of 1912.

4. Section *eighty-five* of the principal Act is hereby amended by the insertion after paragraph (b) of the proviso to sub-section (1) of the following paragraph:

No. 34, 1949.]

# WET

**Tot wysiging van die Besproeiings- en Waterbewarings Wet, 1912, en die Wet op die Olifantsrivier-besproeiingswerke, 1943; en om voorsiening te maak vir die insluiting van sekere grond geleë in die Gebied Suidwes-Afrika in 'n besproeiingsdistrik.**

(Afrikaanse Teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 10 Junie 1949.)

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. In hierdie Wet beteken die uitdrukking „Hoofwet” die Besproeiings- en Waterbewarings Wet, 1912 (Wet No. 8 van 1912), en 'n uitdrukking waaraan 'n betekenis in die Hoofwet toegeskryf is, het dieselfde betekenis wanneer dit in hierdie Wet voorkom. Woordbepaling.
2. Artikel *sewe bis* van die Hoofwet word hiermee gewysig deur sub-artikel (4) deur die volgende sub-artikels te vervang: Wysiging van artikel 7bis van Wet 8 van 1912, soos ingevoeg deur artikel 2 van Wet 30 van 1944.

„(4) Indien na de inwerkingtreding van de ‚Wysigingswet op Besproeiing, 1949’, grond die gehouden wordt of te eniger tijd gehouden is krachtens een Kroongrondbrief uitgereikt of een transportakte gepasseerd door de Staat ingevolge een wet op nederzetting en ten opzichte waarvan krachtens paragraaf (e) van sub-artikel (1) uit een Staatsbesproeiingswerk water verschaft mag worden, vervreemd of *in longum tempus* verhuurd wordt aan iemand die—

  - (a) een eigenaar;
  - (b) een huurder ingevolge een wet op nederzetting; of
  - (c) een huurder *in longum tempus*,

is van ander grond ten opzichte waarvan krachtens bedoelde paragraaf (e) van sub-artikel (1) water uit hetzelfde of een ander Staatsbesproeiingswerk verschaft kan worden, houdt de aldus vervreemde of verhuurde grond, tenzij de Minister op aanbeveling van de centrale landraad anders gelast, op deel uit te maken van een gebied door middel van water uit het betrokken Staatsbesproeiingswerk te worden besproeid, voor het tijdperk waarvoor dezelve door een in paragraaf (a), (b) of (c) bedoelde persoon gehouden of *in longum tempus* gehuurd wordt, en wordt dezelve voor dat tijdperk van de krachtens sub-artikel (1) opgestelde lijst uitgesloten ten opzichte van het gebied aldus te worden besproeid.

(5) Ondanks de bepalingen van de Hartebeestpoort Besproeiingsschema (Krokodilrivier) Wet, 1914 (Wet No. 32 van 1914), de ‚Marico-Bosveld Besproeiingskema Wet, 1932’ (Wet No. 10 van 1932), de ‚Vaalrivier Uitbreidingskema Wet, 1934’ (Wet No. 38 van 1934), en de ‚Wet op die Olifantsrivier-besproeiingswerke, 1943’ (Wet No. 10 van 1943) zijn de bepalingen van dit artikel van toepassing op de Staatsbesproeiingswerken Hartebeestpoort, Marico-Bosveld, Vaalrivier en Olifantsrivier en worden de bepalingen van sub-artikels (1), (2) en (3) geacht vanaf de eerste dag van November 1946 op het Staatsbesproeiingswerk Vaalrivier van toepassing te zijn geweest.”
3. Artikel *twee-en-dertig bis* van die Hoofwet word hiermee gewysig— Wysiging van artikel 32bis van Wet 8 van 1912, soos ingevoeg deur artikel 6 van Wet 30 van 1944.
  - (a) deur die woorde „De president van een waterhof is bevoegd om te eniger tijd vòòr het verhoor van een applikatie door dat waterhof of gedurende een verdaging van het verhoor daarvan” deur die woorde „Een rondgaande waterhofrechter is bevoegd te eniger tijd vòòr de indiening van een aanzoek bij een waterhof of het verhoor daarvan door een waterhof of gedurende een verdaging van het verhoor daarvan” te vervang; en
  - (b) deur in paragraaf (e) die woord „president” deur die woord „rechter” te vervang.
4. Artikel *vyf-en-tagtig* van die Hoofwet word hiermee gewysig deur na paragraaf (b) van die voorbehoudsbepaling by sub-artikel (1) die volgende paragraaf in te voeg: Wysiging van artikel 85 van Wet 8 van 1912.

“(b)*bis* whenever the owner of land in any irrigation district is not permanently resident on such land, then his accredited representative, while he resides and superintends the operations carried on thereon, shall for all purposes be entitled to have his name placed on the irrigation voters’ list of such district in place and stead of the owner;”.

Amendment of section 98 of Act 8 of 1912, as substituted by section 9 of Act 46 of 1934.

5. Section *ninety-eight* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section:

“(6) Whenever the Governor-General has appropriated any land or right over land under the provisions of this section, the registrar of deeds in charge of the deeds registry in which the land concerned is registered shall, if requested thereto by the Director and pending the transfer or registration in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), of the said land or right, as the case may be, make a note in the appropriate register that such land or right has been acquired by the Governor-General.”.

Amendment of section 115 of Act 8 of 1912, as amended by section 16 of Act 46 of 1934.

6. Section *one hundred and fifteen* of the principal Act is hereby amended by the insertion after the word “under” of the words “part (b) of”.

Amendment of section 133 of Act 8 of 1912, as amended by section 112 of Act 32 of 1917 and section 10 of Act 30 of 1944.

7. Section *one hundred and thirty-three* of the principal Act is hereby amended by the addition at the end thereof, of the following sub-section:

“(4) Any person who has been convicted of any offence in terms of the provisions of this Act, and who after such conviction persists in the course of conduct which constituted the said offence, shall be guilty of a continuing offence and liable on conviction to a fine not exceeding forty shillings in respect of every day that he so persists or has so persisted.”.

Insertion of section 6*bis* in Act 10 of 1943.

8. The following section is hereby inserted in the Oliphants River Irrigation Works Act, 1943, after section *six*:

“Minister *6bis*. Notwithstanding anything in this Act may supply water from contained, the Minister may, in such manner and subject to such conditions as he may deem fit, works to supply water from the works for any purpose to any person. any person (including the Railway Administration) and may fix and recover charges in respect of water supplied under this section.”.

Inclusion of certain land situated in the Territory of South-West Africa in an irrigation district.

9. (1) Subject to the provisions of section *eighty* of the principal Act, the Governor-General may include in an irrigation district proclaimed under section *eighty-one* of the principal Act, a piece of land situated in the Territory of South-West Africa, being a half-mile in width and bounded on the south by the boundary between the Union and the said Territory and extending from the weir constructed by the Government across the Orange River known as the Vioolsdrift Weir along the right bank of the Orange River up to and including the piece of land known as Lot No. 161 of the settlement known as the Vioolsdrift Settlement.

(2) In regard to an irrigation district such as is referred to in sub-section (1), the provisions of Chapter VI of the principal Act shall apply *mutatis mutandis* but subject to the provisions of sub-sections (3), (4) and (5), as if the aforesaid piece of land were situated in the Union.

(3) The irrigation work constructed by the Government in the said Territory for the irrigation of certain land in the said Territory (in terms of the agreement between the Minister of Lands of the Union and the Administrator of the said Territory, dated the eighth day of September, 1933), being part of the said Vioolsdrift Settlement, situated on the Orange River in the Division of Namaqualand and also in the said Territory, shall be deemed to be a Government irrigation work constructed in terms of sub-section (1) of section *seven* of the principal Act.

(4) Notwithstanding the provisions of section *twenty* of the Irrigation Amendment Act, 1934 (Act No. 46 of 1934), the Minister may grant to any irrigation board established in terms of sub-section (2), on such conditions as he may think fit to impose, permission to abstract and convey in the Government

„(b)bis wanneer ook de eigeenaar van grond in een besproeiingsdistrikt niet permanent op zodanige grond woonachtig is, dan is zijn gemachtigde vertegenwoordiger, terwyl hij erop woont en toezicht houdt over de werkzaamheden erop voortgezet, voor alle doeleinden gerechtigd om zijn naam op de besproeiingskieslijst van zodanig distrikt in plaats en stede van de eigeenaar geplaatst te hebben;”.

5. Artikel *agt-en-negentig* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

„(6) Wanneer de Goeverneur-generaal ingevolge de bepalingen van dit artikel grond of een recht op grond zich toegeëigend heeft, maakt de registrateur van akten aan het hoofd van het registratiekantoor van akten waarin de grond geregistreerd is, indien door de Direkteur daartoe verzocht en hangende de overdracht of registratie van bedoeld grond of recht, al naar het geval, overeenkomstig de „Registrasie van Aktes Wet, 1937” (Wet No. 47 van 1937), in het gepaste register een aantekening dat bedoeld grond of recht door de Goeverneur-generaal verkregen is.”.

Wysiging van artikel 98 van Wet 8 van 1912, soos vervang deur artikel 9 van Wet 46 van 1934.

6. Artikel *honderd-en-vyftien* van die Hoofwet word hiermee gewysig deur na die woorde „uit krachte van” die woorde „deel (b) van” in te voeg.

Wysiging van artikel 115 van Wet 8 van 1912, soos gewysig deur artikel 16 van Wet 46 van 1934.

7. Artikel *honderd drie-en-dertig* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

„(4) Iemand die wegens een overtreding ingevolge de bepalingen van deze Wet veroordeelt is, en die na zodanige veroordeling voortgaat met de handelwijze waaruit die overtreding bestond, is aan een voortdurende overtreding schuldig en bij veroordeling strafbaar met een boete van hoogstens veertig shillings ten opzichte van elke dag waarop hij aldus voortgaat of voortgegaan heeft.”.

Wysiging van artikel 133 van Wet 8 van 1912, soos gewysig deur artikel 112 van Wet 32 van 1917 en artikel 10 van Wet 30 van 1944.

8. Die volgende artikel word hiermee na artikel *ses* van die Wet op die Olifantsrivier-besproeiingswerke, 1943, ingevoeg:

„Minister kan water uit werke aan enige persoon lewer.

*6bis*. Ondanks die bepalinge van hierdie Wet, kan die Minister, op die wyse en onderworpe aan sulke voorwaardes as wat hy goed ag, water uit die werke, vir enige doel, aan enige persoon (insluitende die Spoorwegadministrasie) lewer en kan ten opsigte van water wat kragtens hierdie artikel gelewer word, vordering vasstel en verhaal.”.

Invoeging van artikel *6bis* in Wet 10 van 1943.

9. (1) Behoudens die bepalinge van artikel *tagtig* van die Hoofwet, kan die Goewerneur-generaal 'n stuk grond in die Gebied Suidwes-Afrika geleë, synde 'n halfmyl breed en begrens aan die suidekant deur die grenslyn tussen die Unie en genoemde Gebied en wat strek van die stu-dam, bekend as die Violsdrift stu-dam wat oor die Oranjerivier deur die Regering aangelê is, al langs die regteroewer van die Oranjerivier tot by en insluitende die stuk grond bekend as Erf No. 161 van die nedersetting bekend as die Violsdrift Nedersetting, in 'n kragtens artikel *een-en-tagtig* van die Hoofwet geproklameerde besproeiingsdistrikt insluit.

Insluiting van sekere grond geleë in die Gebied Suidwes-Afrika in 'n besproeiingsdistrikt.

(2) Die bepalinge van Hoofstuk VI van die Hoofwet is, behoudens die bepalinge van sub-artikels (3), (4) en (5), *mutatis mutandis* ten opsigte van 'n in sub-artikel (1) bedoelde besproeiingsdistrikt van toepassing, asof die voornoemde stuk grond in die Unie geleë was.

(3) Die besproeiingswerk wat deur die Regering in genoemde Gebied vir die besproeiing van sekere grond in genoemde Gebied aangelê is (ingevolge die ooreenkoms, gedateer die agste dag van September 1933, tussen die Minister van Lande van die Unie en die Administrateur van genoemde Gebied), synde 'n deel van genoemde Violsdrift Nedersetting geleë aan die Oranjerivier in die Afdeling Namakwaland en ook in genoemde Gebied, word geag 'n ingevolge sub-artikel (1) van artikel *sewe* van die Hoofwet aangelegde Staatsbesproeiingswerk te wees.

(4) Ondanks die bepalinge van artikel *twintig* van die Besproeiings-Wysigingswet, 1934 (Wet No. 46 van 1934), kan die Minister aan 'n ingevolge sub-artikel (2) ingestelde besproeiingsraad, op sodanige voorwaardes as wat hy wenslik ag om te stel, vergunning verleen om soveel water vir die besproeiing van

irrigation work referred to in sub-section (3) for the irrigation of land comprised in that portion of the Vioolsdrift Settlement which is situated in the aforesaid Territory, such quantity of water from the Orange River as the Minister may deem necessary.

(5) For the purpose of the application of sub-sections (1) and (2), owners of land situated on the right bank of the Orange River, within the piece of land referred to in sub-section (1), shall have all the rights of riparian owners under the principal Act, but subject at all times to the prior rights of riparian owners on the left bank of the Orange River.

Short title.

**10.** This Act shall be called the Irrigation Amendment Act, 1949.

grond wat deel uitmaak van daardie gedeelte van die Vioolsdrift Nedersetting wat in voornoemde Gebied geleë is, uit die Oranjerivier te haal en in die in sub-artikel (3) bedoelde Staatsbesproeiingswerk te vervoer, as wat die Minister nodig ag.

(5) Vir die doel van die toepassing van sub-artikels (1) en (2), het die eienaars van grond geleë aan die regteroewer van die Oranjerivier, binne die in sub-artikel (1) bedoelde stuk grond, al die regte van oewereienaars kragtens die Hoofwet dog onderworpe te alle tye aan die staande regte van oewereienaars op die linkeroewer van die Oranjerivier.

10. Hierdie Wet heet die Wysigingswet op Besproeiing, 1949. Kort titel.

No. 35, 1949.]

**ACT**

**To amend the War Special Pensions Act, 1919, the War Special Pensions Act Amendment Act, 1920, the Old Age Pensions Act, 1928, the Blind Persons Act, 1936, the Government Service Pensions Act, 1936, the War Pensions Act, 1941, and the War Pensions Act, 1942; to make provision for pension benefits for certain persons employed at research institutes and for certain matters incidental thereto, to extend the power to perform the functions assigned to the Treasury in certain Acts, to officers in the Department of Pensions, and to provide for the inclusion in pensionable service of certain periods of service in the Special Service and Pioneer Battalions.**

(English Text signed by the Governor-General.)  
(Assented to 10th June, 1949.)

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

Substitution of section 46 of Act 42 of 1919, as amended by section 23 of Act 41 of 1920.

1. The following section is hereby substituted for section *forty-six* of the War Special Pensions Act, 1919:

“Claims to be decided by Military Pensions Boards against such decisions lie to Military Pensions Appeal Tribunal and Medical Appeal Boards. 46. The provisions of sections *thirty-two*, *thirty-three*, *thirty-four* and sub-section (4) of section *thirty-seven* of the War Pensions Act, 1942 (Act No. 44 of 1942), shall *mutatis mutandis* apply in respect of all claims for awards under this Act.”

Amendment of section 49 of Act 42 of 1919, as amended by section 7 of Act 17 of 1947.

2. Section *forty-nine* of the War Special Pensions Act, 1919, is hereby amended by the insertion in sub-section (2) after the word “person”, where it appears for the second and third times, of the words “or his wife”; and by the substitution in the said sub-section for the word “him” of the words “such person or his wife”.

Repeal of section 27 of Act 41 of 1920, as amended by section 17 of Act 45 of 1941.

3. Section *twenty-seven* of the War Special Pensions Act Amendment Act, 1920, is hereby repealed.

Amendment of section 1 of Act 22 of 1928, as amended by section 1 of Act 34 of 1931, section 1 of Act 34 of 1937 and section 2 of Act 48 of 1944.

4. Section *one* of the Old Age Pensions Act, 1928, is hereby amended by the addition at the end of the proviso thereto of the following paragraph:

“(v) in the case of a white person, residence in the Territory of South-West Africa shall for the purposes of paragraph (d) be deemed to be residence in the Union.”

Amendment of section 4 of Act 11 of 1936.

5. Section *four* of the Blind Persons Act, 1936, is hereby amended by the addition at the end of the proviso thereto of the following paragraph:

“(vi) no person shall be entitled to a pension if he refuses, for reasons which the commissioner considers to be inadequate, to submit himself to any medical treatment which may be recommended by a medical practitioner referred to in section *two*.”

Amendment of section 62 of Act 32 of 1936, as amended by section 11 of Act 32 of 1946.

6. Section *sixty-two* of the Government Service Pensions Act, 1936, is hereby amended by the substitution in the definition of “full benefit” for the words “the benefit is paid” of the words “any benefit is paid from the fund to a member or to or for the benefit of his dependants or into the Consolidated Revenue Fund in terms of section *seventy-one bis*.”



No. 35, 1949.]

# WET

Tot wysiging van die „Oorlogs Speciale Pensioenen Wet, 1919”, die „Oorlogs Speciale Pensioenen Wet Wijzigingswet, 1920”, die Ouderdomspensioenwet, 1928, die Wet op Blindes, 1936, die Regeringsdiens Pensioenwet, 1936, die Oorlogspensioenwet, 1941, en die Oorlogspensioenwet, 1942 ; om voorsiening te maak vir pensioenvoordele vir sekere persone wat by navorsingsinstitute in diens is en vir sekere bykomstige aangeleenthede, om die bevoegdheid om die werksaamhede te verrig wat in sekere Wette aan die Tesourie opgedra is, ook aan beamptes van die Departement van Pensioene te verleen, en om voorsiening te maak vir die insluiting by pensioengewende diens van sekere termyne van diens in die Speciale Diens- en Pionierbataljons.

(Engelse Tekse deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 10 Junie 1949.)

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Artikel *ses-en-veertig* van die „Oorlogs Speciale Pensioenen Wet, 1919”, word hiermee deur die volgende artikel vervang :
 

<p>„De Militaire Pensioenraden beslissen aanspraken en teen zodanige beslissings kan geappelleerd worden naar de Militaire Pensioen Appel Tribunal en Mediese Appellraden.</p>	<p>46. De bepalingen van artikels <i>twee en dertig, drie en dertig, vier en dertig</i> en sub-artikel (4) van artikel <i>seven en dertig</i> van de „Oorlogspensioenwet, 1942” (Wet No. 44 van 1942), zijn <i>mutatis mutandis</i> van toepassing ten aanzien van alle aanspraken op toekenningen krachtens deze Wet.”.</p>	<p>Vervanging van artikel 46 van Wet 42 van 1919, soos gewysig deur artikel 23 van Wet 41 van 1920.</p>
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  2. Artikel *negen-en-veertig* van die „Oorlogs Speciale Pensioenen Wet, 1919”, word hiermee gewysig deur in sub-artikel (2) die woorde „zo iemand” deur die woorde „die persoon of zijn vrouw” te vervang ; deur in genoemde sub-artikel die woord „iemand” waar dit die tweede keer voorkom deur die woorde „een persoon of zijn vrouw” te vervang ; en deur in genoemde sub-artikel die woord „hem” deur die woorde „die persoon of zijn vrouw” te vervang.
  3. Artikel *sewen-en-twintig* van die „Oorlogs Speciale Pensioenen Wet Wijzigingswet, 1920”, word hiermee herroep.
 

		<p>Wysiging van artikel 49 van Wet 42 van 1919, soos gewysig deur artikel 7 van Wet 17 van 1947.</p>
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  4. Artikel *een* van die Ouderdomspensioenwet, 1928, word hiermee gewysig deur aan die end van die voorbehoudsbepaling daarby die volgende paragraaf by te voeg :
 

<p>„(v) in die geval van ’n blanke, verblyf in die Gebied Suidwes-Afrika, by die toepassing van paragraaf (d), geag word verblyf in die Unie te wees.”.</p>		<p>Herroeping van artikel 27 van Wet 41 van 1920, soos gewysig deur artikel 17 van Wet 45 van 1941.</p>
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  5. Artikel *vier* van die Wet op Blindes, 1936, word hiermee gewysig deur aan die end van die voorbehoudsbepaling daarby die volgende paragraaf by te voeg :
 

<p>„(vi) niemand op ’n pensioen geregtig is nie indien hy op gronde wat die kommissaris as onvoldoende beskou, weier om hom te onderwerp aan enige geneeskundige behandeling wat deur ’n in artikel <i>twee</i> bedoelde geneesheer aanbeveel mag word.”.</p>		<p>Wysiging van Artikel 1 van Wet 22 van 1928, soos gewysig deur artikel 1 van Wet 34 van 1931, artikel 1 van Wet 34 van 1937 en artikel 2 van Wet 48 van 1944.</p>
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  6. Artikel *twee-en-sestig* van die Regeringsdiens Pensioenwet, 1936, word hiermee gewysig deur in die woordbepaling van „volle voordeel” die woorde „die voordeel uitbetaal word” deur die woorde „enige voordeel uit die fonds aan ’n lid of aan of ten bate van sy afhanklikes uitbetaal word of kragtens artikel *een-en-sewentig bis* in die Gekonsolideerde Inkomste-fonds gestort word” te vervang.
- |  |  |   |
|--|--|---|
|  |  | <p>Wysiging van artikel 62 van Wet 32 van 1936, soos gewysig deur artikel 11 van Wet 32 van 1946.</p> |
|--|--|---|

Amendment of section 69 of Act 32 of 1936.

7. Section *sixty-nine* of the Government Service Pensions Act, 1936, is hereby amended by the addition at the end of paragraph (a) of sub-section (2) of the words "or into the Consolidated Revenue Fund in terms of section *seventy-one bis*."

Insertion of section 71*bis* in Act 32 of 1936.

8. The following section is hereby inserted in the Government Service Pensions Act, 1936, after section *seventy-one*:

"Disposal of unclaimed benefits. 71*bis*. If a benefit due to or in respect of a member in terms of the provisions of this Chapter has not been claimed within a period of twelve months from the date of retirement, discharge or death of that member, such benefit shall as soon as may be thereafter, be paid into the Consolidated Revenue Fund and if such member or his dependants subsequently claim payment thereof, an amount equal to the said benefit shall be paid to or for the benefit of the person entitled to it out of moneys appropriated by Parliament for the purpose."

Amendment of section 30 of Act 45 of 1941, as amended by section 58 of Act 44 of 1942, section 10 of Act 48 of 1944, section 2 of Act 43 of 1946 and section 5 of Act 41 of 1948.

9. Section *thirty* of the War Pensions Act, 1941, is hereby amended—

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

"Provided further that for the purposes of paragraph (c) residence in Basutoland, Swaziland, the Bechuanaland Protectorate or the Territory of South-West Africa, or, in the case of a person who was repatriated from Argentina, in that country, shall be deemed to be residence in the Union."; and

(b) by the addition at the end thereof of the following sub-section:

"(3) Notwithstanding the provisions of paragraphs (b) and (c) of sub-section (1), a war veteran who is domiciled and resident in Basutoland, Swaziland, the Bechuanaland Protectorate or the Territory of South-West Africa at the time of making application for a veteran's pension and who is otherwise entitled to a veteran's pension under this Part may, subject to such conditions as the Minister may determine, be awarded such a pension: Provided that if such a war veteran is resident in the Territory of South-West Africa and receives a pension under the Old Age Pensions Ordinance, 1942 (Ordinance No. 13 of 1942), of that Territory, there shall be deducted from the said veteran's pension an amount equal to the pension and periodical allowance paid to him under the provisions of that Ordinance: Provided further that for the purposes of sub-section (2) of section *two* and section *four* of the Old Age Pensions Act, 1928, as applied by section *thirty-one* of this Act, such war veteran shall be deemed to be resident in the district of Pretoria."

Amendment of section 7 of Act 44 of 1942, as substituted by section 9 of Act 58 of 1946.

10. (1) Section *seven* of the War Pensions Act, 1942, is hereby amended by the addition at the end of sub-section (2) of the following proviso:

"Provided that the whole of any gratuity awarded to a volunteer under this Act at any time prior to the date of promulgation of the War Pensions Laws Amendment Act, 1946 (Act No. 58 of 1946), or such portion of such gratuity as the Commissioner may determine, may be set off against a gratuity payable under this sub-section."

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1946.

Amendment of section 38 of Act 44 of 1942, as amended by section 14 of Act 17 of 1947.

11. Section *thirty-eight* of the War Pensions Act, 1942, is hereby amended by the insertion in sub-section (2) after the word "person", where it appears for the second and third times, of the words "or his wife", and by the substitution in the said sub-section for the word "him" of the words "such person or his wife".

Certain persons employed at research institutes to become members of Provident Fund established under section 12 of Act 20 of 1917.

12. (1) In this section—

"research institute" means an association—

(a) formed for the purpose of undertaking scientific industrial research and registered under the provisions of section *twenty-one* of the Companies Act, 1926 (Act No. 46 of 1926);

7. Artikel *negen-en-sestig* van die Regeringsdiens Pensioenwet, 1936, word hiermee gewysig deur in paragraaf (a) van sub-artikel (2) na die woord „uitbetaal” die woorde „of ingevolge artikel *een-en-sewentig bis* in die Gekonsolideerde Inkomstefonds gestort” in te voeg.

Wysiging van artikel 69 van Wet 32 van 1936.

8. Die volgende artikel word hiermee na artikel *een-en-sewentig* van die Regeringsdiens Pensioenwet, 1936, ingevoeg:

Invoeging van artikel 71bis in Wet 32 van 1936.

„Besteding van onopgeëiste voordele. 71bis. Indien 'n voordeel wat ingevolge die bepalings van hierdie Hoofstuk aan of ten opsigte van 'n lid verskuldig is nie binne 'n tydperk van twaalf maande vanaf die datum van aftreding, afdanking, ontslag of die dood van daardie lid opgeëis is nie, word sodanige voordeel, so gou doenlik daarna, in die Gekonsolideerde Inkomstefonds gestort, en indien so 'n lid of sy afhanklikes later betaling daarvan eis, word 'n bedrag gelyk aan bedoelde voordeel aan of ten bate van die persoon wat daarop geregtig is betaal uit gelde wat vir die doel deur die Parlement beskikbaar gestel word.”

9. Artikel *dertig* van die Oorlogspensioenwet, 1941, word hiermee gewysig—

Wysiging van artikel 30 van Wet 45 van 1941, soos gewysig deur artikel 58 van Wet 44 van 1942, artikel 10 van Wet 48 van 1944, artikel 2 van Wet 43 van 1946 en artikel 5 van Wet 41 van 1948.

(a) deur die tweede voorbehoudsbepaling by sub-artikel (1) deur die volgende voorbehoudsbepaling te vervan:

„Met dien verstande voorts dat verblyf in Basoetoland, Swazieland, die Betsjoeanaland-Protectoraat of die Gebied Suidwes-Afrika, of, in die geval van iemand wat uit Argentinië gerepatrieer is, in daardie land, by die toepassing van paragraaf (c) geag word verblyf in die Unie te wees.”; en

(b) deur aan die end daarvan die volgende sub-artikel by te voeg:

„(3) Ondanks die bepalings van paragrawe (b) en (c) van sub-artikel (1), kan op die voorwaardes wat die Minister bepaal, aan 'n oudstryder wat in Basoetoland, Swazieland, die Betsjoeanaland-Protectoraat of die Gebied Suidwes-Afrika gedomisilieer en woonagtig is wanneer hy om 'n oudstryderspensioen aansoek doen en wat andersins kragtens hierdie Deel op 'n oudstryderspensioen geregtig is, so 'n pensioen toegeken word: Met dien verstande dat indien so 'n oudstryder in die Gebied Suidwes-Afrika woonagtig is en kragtens die Ouderdomspensioen-ordonnansie, 1942 (Ordonnansie No. 13 van 1942), van daardie Gebied, 'n pensioen ontvang, dan word 'n bedrag gelyk aan die pensioen en gereelde toelae wat aan hom betaal word kragtens die bepalings van daardie Ordonnansie, van bedoelde oudstryderspensioen afgetrek: Met dien verstande voorts dat, vir die doeleindes van sub-artikel (2) van artikel *twee* en artikel *vier* van die Ouderdomspensioenwet, 1928, soos by artikel *een-en-dertig* van hierdie Wet van toepassing verklaar, so 'n oudstryder geag word in die distrik Pretoria woonagtig te wees.”

10. (1) Artikel *sewe* van die Oorlogspensioenwet, 1942, word hiermee gewysig deur aan die end van sub-artikel (2) die volgende voorbehoudsbepaling by te voeg:

Wysiging van artikel 7 van Wet 44 van 1942, soos vervang deur artikel 9 van Wet 58 van 1946.

„Met dien verstande dat die geheel van enige gratifikasie wat te eniger tyd voor die datum van promulgasie van die Wysigingswet op die Oorlogspensioenwette, 1946 (Wet No. 58 van 1946), kragtens hierdie Wet aan 'n vrywilliger toegeken is, of so 'n gedeelte van sodanige gratifikasie as wat die kommissaris mag vasstel, verrek kan word teen 'n gratifikasie wat kragtens hierdie sub-artikel betaalbaar is.”

(2) Dit word geag dat sub-artikel (1) op die eerste dag van April 1946 in werking getree het.

11. Artikel *agt-en-dertig* van die Oorlogspensioenwet, 1942, word hiermee gewysig deur in sub-artikel (2) die woord „iemand” op albei plekke waar dit voorkom deur die woorde „'n persoon of sy vrou” te vervang, en deur in genoemde sub-artikel die woord „hom” deur die woorde „so 'n persoon of sy vrou” te vervang.

Wysiging van artikel 38 van Wet 44 van 1942, soos gewysig deur artikel 14 van Wet 17 van 1947.

12. (1) In hierdie artikel beteken—

„navorsingsinstituut” 'n vereniging—

(a) wat ingestel is met die doel om wetenskaplike nywerheidsnavorsing te onderneem en wat kragtens die bepalings van artikel *een-en-twintig* van die Maatskappywet, 1926 (Wet No. 46 van 1926), geregistreer is;

Sekere persone wat by navorsingsinstitute in diens is moet lede van die kragtens artikel 12 van Wet 20 van 1917 ingestelde Voorzorgfonds word.

- (b) of which at least one member has been nominated by the Council for Scientific and Industrial Research referred to in section *two* of the Scientific Research Council Act, 1945 (Act No. 33 of 1945);
- (c) which is in receipt of a grant from the said Council in terms of paragraph (i) of sub-section (1) of section *four* of the lastmentioned Act; and
- (d) which has been recognized by the Treasury for the purposes of this section;

"Treasury" means the Minister of Finance or any officer in the Department of Finance or the Department of Pensions authorized by the said Minister to perform the functions assigned to the Treasury in this section.

(2) Every whole time officer on the permanent establishment of a research institute shall, subject to the approval of the Treasury and the succeeding provisions of this section, become a member of and shall contribute to the Provident Fund established under section *twelve* of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), as from the date on which the research institute is or was registered under the provisions of section *twenty-one* of the Companies Act, 1926, or from the date of his appointment to the said establishment, whichever may be the later date, whether that date is a date prior or subsequent to the date of commencement of this Act, as if he were a member of the teaching or administrative staff of a college or university as defined in section *one* of the said Higher Education Additional Provision Act, 1917, and the research institute shall for all purposes of the said Provident Fund be regarded as a college or university as so defined.

(3) Any person who was or is a member of the teaching or administrative staff of a college or university as defined in section *one* of the Higher Education Additional Provision Act, 1917, and who was or is a member of the said Provident Fund and who has been or is transferred to the service of an association referred to in paragraph (i) of sub-section (1) of section *four* of the Scientific Research Council Act, 1945, prior to the registration of that association under the provisions of section *twenty-one* of the Companies Act, 1926, shall be deemed to have been or to be seconded from the service of such college or university to the service of such association up to the day preceding such registration and shall contribute to the said Provident Fund in respect of such period of secondment: Provided that the contributions which would otherwise have been payable by the council of a college or university and by the Government in respect of the period of secondment, shall be paid by the association, the council of the college or university or the Government in full or in such proportions as the Treasury may determine.

(4) The board of control of a research institute shall be deemed to be a "council" as defined by the regulations governing the said Provident Fund and shall, anything to the contrary notwithstanding, collect and pay into the Provident Fund, at such times and in such manner as the Treasury may determine, the contributions due by officers of the board who are or who become members of the said Fund and shall likewise pay into the Provident Fund the contributions that would otherwise have been payable by the Government in respect of such officers.

(5) For the purposes of sections *twenty-six* and *twenty-seven* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), as amended, a research institute shall be deemed to be an institution of higher education, and for the purposes of sections *twenty-five* and *sixty-six bis* of the said Act shall be deemed to be a body established by law.

Reference to officer in Department of Finance in certain Acts to include reference to officer in Department of Pensions.

13. (1) Any reference in the Government Service Pensions Act, 1936 (Act No. 32 of 1936), or any other law relating to pensions, to an officer in the Department of Finance shall be deemed to include a reference to an officer in the Department of Pensions.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1949.

Service in Special Service and Pioneer Battalions may, subject to conditions, be included in pensionable service.

14. (1) Notwithstanding the provisions of any other law, any person who, immediately prior to the date upon which he enlisted for military service, was a member of the Special Service or Pioneer Battalion and who has been appointed to a post in the public service and has elected, in terms of sub-section (5) of section *four* of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944), to have the period or periods of his military service included in his pensionable service

- (b) waarvan minstens een lid deur die in artikel twee van die Wet op die Wetenskaplike Navorsingsraad, 1945 (Wet No. 33 van 1945), bedoelde Wetenskaplike en Nywerheidsnavorsingsraad aangestel is ;
- (c) wat kragtens paragraaf (i) van sub-artikel (1) van artikel vier van laasgenoemde Wet 'n bydrae van genoemde raad ontvang ; en
- (d) wat vir die doeleindes van hierdie artikel deur die Tesourie erken is ;

„Tesourie” die Minister van Finansies of enige beampte in die Departement van Finansies of die Departement van Pensioene wat deur bedoelde Minister gemagtig is om die werksaamhede te verrig wat in hierdie artikel aan die Tesourie opgedra word.

(2) Elke voltydse amptenaar op die vaste diensstaat van 'n navorsingsinstituut word, behoudens die goedkeuring van die Tesourie en die hieropvolgende bepalings van hierdie artikel, 'n lid van en dra tot die kragtens artikel twaalf van die „Wet tot Addisionele Regeling van het Hoger Onderwijs, 1917” (Wet No. 20 van 1917), ingestelde Voorsorgfonds by vanaf die datum waarop die navorsingsinstituut kragtens artikel een-en-twintig van die Maatskappywet, 1926, geregistreer word of geregistreer is, of vanaf die datum van sy aanstelling op bedoelde diensstaat, na gelang die een of ander datum die laaste is, hetsy daardie datum 'n datum voor of na die datum van inwerkingtreding van hierdie Wet is, asof hy 'n lid was van die onderwys- of administratiewe personeel van 'n kollege of universiteit soos by artikel een van genoemde „Wet tot Addisionele Regeling van het Hoger Onderwijs, 1917” omskryf, en die navorsingsinstituut word vir alle doeleindes van genoemde Voorsorgfonds beskou as 'n kollege of universiteit soos aldus omskryf.

(3) Iemand wat 'n lid was of is van die onderwys- of administratiewe personeel van 'n kollege of universiteit soos by artikel een van die „Wet tot Addisionele Regeling van het Hoger Onderwijs, 1917”, omskryf, en wat 'n lid was of is van bedoelde Voorsorgfonds en wat oorgeplaas is of oorgeplaas word na die diens van 'n in paragraaf (i) van sub-artikel (1) van artikel vier van die Wet op die Wetenskaplike Navorsingsraad, 1945, bedoelde vereniging, voordat daardie vereniging kragtens die bepalings van artikel een-en-twintig van die Maatskappywet, 1926, geregistreer is, word geag tydelik uit die diens van sodanige kollege of universiteit na die diens van sodanige vereniging oorgeplaas te gewees het of oorgeplaas te wees, tot op die dag vóór sodanige registrasie, en dra ten opsigte van sodanige tydperk van tydelike oorplasing tot die bedoelde Voorsorgfonds by: Met dien verstande dat die bydraes wat andersins ten opsigte van die tydperk van tydelike oorplasing deur die raad van 'n kollege of universiteit en deur die Regering betaalbaar sou gewees het, deur die vereniging, die raad van die kollege of universiteit of die Regering, ten volle, of volgens sulke verhoudings as wat die Tesourie mag bepaal, betaal moet word.

(4) Die beheerraad van 'n navorsingsinstituut word geag 'n „raad” te wees soos omskryf by die regulasies wat bedoelde Voorsorgfonds reël, en moet, ondanks andersluidende bepalings, op sulke tye en op sodanige wyse as wat die Tesourie mag bepaal, die bydraes verskuldig deur beamptes van die raad wat lede van bedoelde Fonds is of word, invorder en in die Voorsorgfonds inbetaal en moet ook die bydraes wat andersins deur die Regering ten opsigte van sulke beamptes betaalbaar sou gewees het in die Voorsorgfonds inbetaal.

(5) By die toepassing van artikels ses-en-twintig en sewen-en-twintig van die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936), soos gewysig, word 'n navorsingsinstituut geag 'n inrigting vir hoër onderwys te wees en by die toepassing van artikels vyf-en-twintig en ses-en-sestig bis van genoemde Wet word dit geag 'n liggaam by wet ingestel te wees.

13. (1) 'n Verwysing in die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936), of in enige ander wet wat op pensioene betrekking het, na 'n beampte in die Departement van Finansies word geag 'n verwysing na 'n beampte in die Departement van Pensioene in te sluit.

(2) Dit word geag dat sub-artikel (1) op die eerste dag van Januarie 1949 in werking getree het.

Verwysing in sekere Wette na beampte in Departement van Finansies sluit 'n verwysing na beampte in Departement van Pensioene in.

14. (1) Ondanks andersluidende wetsbepalings kan enige persoon wat, onmiddellik voor die datum waarop hy vir militêre diens ingeskryf het, 'n lid van die Spesiale Diens- of Pionierbataljon was en wat in 'n pos in die staatsdiens aangestel is en ooreenkomstig sub-artikel (5) van artikel vier van die Wet op Staatsamptenare (Militêre Diens), 1944 (Wet No. 27 van 1944), gekies het om die termyn of termyne van sy militêre

Diens in die Spesiale Diens- of Pionierbataljons kan, onderworpe aan voorwaardes, by pensioengewende diens ingesluit word.

may, subject to the provisions of paragraphs (a), (b) and (c) of section *sixteen* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), elect to contribute to the pension fund in respect of such period of his continuous service in the said Battalions as may be approved by the Treasury: Provided that—

- (a) an election so to contribute shall be exercised in writing within thirty days of the date upon which the person concerned is called upon by the head of his Department to do so;
- (b) any such person who elects so to contribute and who at the termination of his period of service in the said Battalions was paid a benefit under the provisions of the Government Service Pensions Act, 1936, shall refund the said benefit in such instalments as the Treasury may determine.

(2) For the purpose of this section the expressions "department", "military service", "public service" and "the pension fund" shall bear the meanings assigned to them in section *one* of the Public Servants (Military Service) Act, 1944, and the expression "Treasury" means the Minister of Finance or any officer in the Department of Finance or the Department of Pensions authorized by the said Minister to perform the functions assigned to the Treasury in this section.

Short title.

15. This Act shall be called the Pension Laws Amendment Act, 1949.

diens by sy pensioengewende diens te laat insluit, behoudens die bepalings van paragrawe (a), (b) en (c) van artikel *sestien* van die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936), kies om tot die pensioenfonds by te dra ten opsigte van sodanige termyn van sy onafgebroke diens in genoemde Bataljons as wat die Tesourie goedkeur: Met dien verstande dat—

- (a) 'n keuse om aldus by te dra skriftelik gedoen moet word binne dertig dae vanaf die datum waarop die betrokke persoon deur die hoof van sy departement daartoe aangesê word;
- (b) so 'n persoon wat kies om aldus by te dra en aan wie by die beëindiging van sy dienstermyn in genoemde Bataljons 'n voordeel kragtens die bepalings van die Regeringsdiens Pensioenwet, 1936, betaal is, die bedoelde voordeel moet terugbetaal in sodanige paaimente as wat die Tesourie bepaal.

(2) By die toepassing van hierdie artikel het die uitdrukkings „departement”, „militêre diens”, „staatsdiens” en „die pensioenfonds” die betekenis wat daaraan toegeskryf word by artikel *een* van die Wet op Staatsamptenare (Militêre Diens), 1944, en beteken die uitdrukking „Tesourie” die Minister van Finansies of enige beampste in die Departement van Finansies of die Departement van Pensioene wat deur bedoelde Minister gemagtig is om die werksaamhede te verrig wat in hierdie artikel aan die Tesourie opgedra word.

15. Hierdie Wet heet die Wysigingswet op die Pensioen- Kort titel. wette, 1949.

No. 36, 1949.]

# ACT

## To amend the Workmen's Compensation Act, 1941.

*(Afrikaans Text signed by the Governor-General.)**(Assented to 10th June, 1949.)*

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

Amendment of section 2 of Act 30 of 1941, as amended by section 1 of Act 27 of 1945.

1. Section *two* of the Workmen's Compensation Act, 1941 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion in the definition of "employer individually liable" of all the words after the word "fund"; and
- (b) by the insertion after the definition of "local authority" of the following definition:
  - "machinery", except in sub-paragraphs (iv) and (v) of paragraph (a) of sub-section (1) of section *forty-three*, means—
  - (a) any stationary or portable engine, boiler or other steam apparatus;
  - (b) any appliance or combination of appliances, intended for developing, receiving, storing, transmitting or converting power; and
  - (c) any vehicle driven by mechanical power;"

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

2. Section *three* of the principal Act is hereby amended—

- (a) by the substitution in sub-paragraph (i) of paragraph (c) of sub-section (1) and in paragraph (b) of sub-section (2) for the words "seven hundred and fifty" of the words "one thousand";
- (b) by the substitution in paragraph (g) of sub-section (2) for the words after the word "agriculture" of the words "except in respect of accidents connected with the use of machinery or arising out of and in the course of employment in a factory as defined in section *three* of the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941)";
- (c) by the substitution in paragraph (j) of sub-section (2) for the words after the word "minerals" of the words "except in respect of accidents connected with the use of machinery or explosives"; and
- (d) by the deletion of the proviso to sub-section (2).

Amendment of section 8 of Act 30 of 1941, as amended by section 5 of Act 27 of 1945.

3. Section *eight* of the principal Act is hereby amended by the substitution for sub-sections (1), (2) and (3) of the following sub-sections:

"(1) Where an accident in respect of which compensation is payable, was caused in circumstances creating a legal liability in some person other than the employer (hereinafter referred to as the third party) to pay damages to the workman in respect thereof—

- (a) the workman may both claim compensation under this Act and take proceedings in a court of law against the third party to recover damages: Provided that where any such proceedings are instituted the court shall in awarding damages, have regard to the amount which, by virtue of the provisions of paragraph (b), is likely to become payable to the commissioner or the employer individually liable (hereinafter referred to as the employer), as the case may be, by the third party; and
- (b) the commissioner or the employer by whom compensation is payable shall have a right of action against the third party for the recovery of the compensation he is obliged to pay under this Act as a result of the accident, and may exercise such right either by intervening in proceedings instituted by the workman against the third party or by instituting separate proceedings: Provided that the amount recoverable in terms of this paragraph shall not exceed



No. 36, 1949.]

# WET

## Tot wysiging van die Ongevallewet, 1941.

(Afrikaanse Teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 10 Junie 1949.)

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel twee van die Ongevallewet, 1941 (hieronder die Hoofwet genoem), word hierby gewysig—
  - (a) deur in die omskrywing van „werkgewer individueel aanspreeklik” al die woorde na die woord „stort” te skrap; en
  - (b) deur na die omskrywing van „plaaslike bestuur” die volgende omskrywing in te voeg:
 

„masjinerie”, behalwe in sub-paragrafe (iv) en (v) van paragraaf (a) van sub-artikel (1) van artikel drie-en-veertig—

    - (a) ’n vasstaande of vervoerbare masjien, stoomketel of ander stoomapparaat;
    - (b) ’n toestel of kombinasie van toestelle bedoel vir die voortbring, ontvangs, opgaar, oorsending of omsetting van krag; en
    - (c) ’n voertuig wat deur meganiese krag aangedryf word;”.
2. Artikel drie van die Hoofwet word hierby gewysig—
  - (a) deur in sub-paragraaf (i) van paragraaf (c) van sub-artikel (1) en in paragraaf (b) van sub-artikel (2) die woord „sewehonderd-en-vyftig” deur die woord „duisend” te vervang;
  - (b) deur in paragraaf (g) van sub-artikel (2) die woorde na die woord „landbou” deur die woorde „behalwe ten opsigte van ongevallen wat met die gebruik van masjinerie in verband staan of wat ontstaan uit en plaasvind in die loop van diens in ’n fabriek soos in artikel drie van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), omskryf” te vervang;
  - (c) deur in paragraaf (j) van sub-artikel (2) die woorde na die woord „minerale” deur die woorde „behalwe ten opsigte van ongevallen wat met die gebruik van masjinerie of springstowwe in verband staan” te vervang; en
  - (d) deur die voorbehoudsbepaling by sub-artikel (2) te skrap.
3. Artikel agt van die Hoofwet word hierby gewysig deur sub-artikels (1), (2) en (3) deur die volgende sub-artikels te vervang:
 

„(1) Wanneer ’n ongeval ten opsigte waarvan skadeloosstelling betaalbaar is, onder omstandighede veroorsaak is wat iemand anders as die werkgewer (hieronder die derde party genoem) regtens vir die betaling van skadevergoeding ten opsigte daarvan aan die werksman aanspreeklik maak—

  - (a) kan die werksman skadeloosstelling ingevolge hierdie Wet eis sowel as in ’n geregshof teen die derde party geregtelike stappe doen om skadevergoeding te verhaal: Met dien verstande dat, ingeval sodanige stappe gedoen word, die hof by die toewysing van skadevergoeding rekening moet hou met die bedrag wat uit hoofde van die bepalings van paragraaf (b) waarskynlik deur die derde party aan die kommissaris of die werkgewer individueel aanspreeklik (hieronder die werkgewer genoem), al na die geval, betaal sal moet word; en
  - (b) het die kommissaris of die werkgewer deur wie skadeloosstelling betaalbaar is, die reg om teen die derde party geregtelike stappe te doen vir die verhaal van die skadeloosstelling wat hy ingevolge hierdie Wet weens die ongeval verplig is om te betaal, en kan hy daardie reg uitoefen of deur in ’n geding deur die werksman teen die derde party ingestel, tussenbei te tree, of deur self geregtelike stappe te doen: Met dien verstande dat die ingevolge hierdie paragraaf

Wysiging van artikel 2 van Wet 30 van 1941, soos gewysig deur artikel 1 van Wet 27 van 1945.

Wysiging van artikel 3 van Wet 30 van 1941, soos gewysig deur artikel 2 van Wet 27 van 1945, en artikel 28 van Wet 48 van 1947.

Wysiging van artikel 8 van Wet 30 van 1941, soos gewysig deur artikel 5 van Wet 27 van 1945.

the amount of damages, if any, which in the opinion of the court would have been awarded to the workman but for the provisions of this Act.

(2) The workman shall before instituting proceedings under sub-section (1), in writing notify the commissioner or the employer, as the case may be, of his intention to do so, and shall likewise notify the commissioner or the employer if he decides to abandon such proceedings or to relinquish or settle his claim for damages, and shall in connection with any such notification furnish such particulars as the commissioner may require.

(3) Notwithstanding anything contained in any law, no claim by the commissioner or by the employer under sub-section (1) shall become prescribed until after expiration of a period of three months from the date on which the commissioner has made an award of compensation certified by him to be a final award, provided written notice of the intention of the commissioner or the employer to institute proceedings in terms of this section has been given to the third party within twelve months of the receipt by the commissioner or the employer, as the case may be, of due notice of the accident."

Amendment of section 11 of Act 30 of 1941.

4. Section *eleven* of the principal Act is hereby amended by the substitution in paragraph (a) for the words "ordinarily resident in the Union" of the words "a member of the crew of the ship or aircraft".

Amendment of section 12 of Act 30 of 1941, as amended by section 6 of Act 27 of 1945.

5. Section *twelve* of the principal Act is hereby amended by the insertion in sub-section (3) after the word "functions" of the words "to any person appointed under sub-section (2) or".

Amendment of section 13 of Act 30 of 1941, as amended by section 7 of Act 27 of 1945.

6. Section *thirteen* of the principal Act is hereby amended by the substitution for sub-sections (1), (2), (3) and (4) of the following sub-sections:

"(1) The Minister may, subject to the provisions of this section, appoint, for such period and on such conditions as he may in any case determine, so many persons (representing workmen and employers respectively) as he may deem necessary as assessors who shall in the manner prescribed assist the commissioner in the hearing of any objections lodged with him in terms of section *twenty-five*.

(2) An assessor may be appointed generally or may be designated to be an assessor in respect of any one or more areas or businesses.

(3) The number of assessors so appointed or designated to represent workmen shall be equal to the number of assessors so appointed or designated to represent employers.

(4) Before appointing any person as an assessor under sub-section (1), the Minister shall consult the trade unions or employers' organizations which, in his opinion, are principally concerned."

Amendment of section 24 of Act 30 of 1941.

7. Section *twenty-four* of the principal Act is hereby amended—

(a) by the deletion of paragraph (d) of sub-section (1);

(b) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis*. The commissioner may, after notice to any party concerned, at any time review any decision, not being an award of compensation, given by him under this Act."; and

(c) by the substitution in sub-section (2) for the words after the word "compensation" of the words "or, in the case of any decision referred to in sub-section (1)*bis*, confirm, set aside or vary that decision".

Amendment of section 25 of Act 30 of 1941, as amended by section 9 of Act 27 of 1945.

8. Section *twenty-five* of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of sub-section (3) of the following paragraph:

"(a) An objection lodged in terms of the foregoing provisions shall be considered and determined by the commissioner assisted by two assessors appointed or designated under section *thirteen*, to be selected by him for the purpose, of whom one shall be an assessor representing workmen and one an assessor representing employers: Provided that the commissioner may, if he deems it

verhaalbare bedrag nie die bedrag van die skadeloosstelling (as daar is) mag oorskry wat volgens die oordeel van die hof aan die werksman toegeken sou geword het as hierdie Wet nie bestaan het nie.

(2) Die werksman moet, voordat hy ingevolge sub-artikel (1) geregtelike stappe doen, die kommissaris of die werkgewer, al na die geval, skriftelik in kennis stel van sy voorneme om dit te doen, en moet die kommissaris of die werkgewer insgelyks in kennis stel indien hy besluit om sodanige stappe te laat vaar of om van sy eis om skadevergoeding af te sien of dit te skik, en moet in verband met so 'n kennisgewing die besonderhede verstrek wat deur die kommissaris verlang word.

(3) Ondanks enigiets in een of ander wet vervat, verjaar 'n eis ingevolge sub-artikel (1) deur die kommissaris of die werkgewer nie voor verstryking van 'n tydperk van drie maande vanaf die datum waarop die kommissaris skadeloosstelling toegeken en dit as 'n finale toekenning gesertifiseer het nie, mits van die voorneme van die kommissaris of die werkgewer om geregtelike stappe kragtens hierdie artikel te doen skriftelik aan die derde party kennis gegee is binne twaalf maande na ontvangs deur die kommissaris of die werkgewer, al na die geval, van behoorlike kennisgewing van die ongeval."

4. Artikel *elf* van die Hoofwet word hierby gewysig deur Wysiging van artikel 11 van Wet 30 van 1941. in paragraaf (a) die woorde „gewoonlik binne die Unie woon” deur die woorde „'n lid van die bemanning van die skip of lugvaartuig is” te vervang.

5. Artikel *twaalf* van die Hoofwet word hierby gewysig Wysiging van artikel 12 van Wet 30 van 1941, soos gewysig deur artikel 6 van Wet 27 van 1945. deur in sub-artikel (3) na die woord „ampspilte” die woorde „aan 'n kragtens sub-artikel (2) aangestelde persoon of” in te voeg.

6. Artikel *dertien* van die Hoofwet word hierby gewysig Wysiging van artikel 13 van Wet 30 van 1941, soos gewysig deur artikel 7 van Wet 27 van 1945. deur sub-artikels (1), (2), (3) en (4) deur die volgende sub-artikels te vervang:

„(1) Die Minister kan, onderworpe aan die bepalings van hierdie artikel, vir die tydperk en op die voorwaardes wat hy in enige geval bepaal, soveel persone (om onderskeidelik werksmense en werkgewers te verteenwoordig) as wat hy nodig ag, aanstel as assessore wat op die voorgeskrewe wyse die kommissaris moet bystaan met die verhoor van besware wat ingevolge artikel *vyf-en-twintig* by hom ingedien word.

(2) 'n Assessor kan algemeen aangestel of as assessor ten opsigte van een of meer gebiede of besighede aangewys word.

(3) Die aantal assessore aldus aangestel of aangewys om werksmense te verteenwoordig, moet gelyk wees aan die aantal assessore aldus aangestel of aangewys om werkgewers te verteenwoordig.

(4) Voordat iemand kragtens sub-artikel (1) as assessor aangestel word, moet die Minister die vakverenigings of werkgewersorganisasies raadpleeg wat na sy mening hoofsaaklik daarby belang het."

7. Artikel *vier-en-twintig* van die Hoofwet word hierby Wysiging van artikel 24 van Wet 30 van 1941. gewysig—

(a) deur paragraaf (d) van sub-artikel (1) te skrap;

(b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis*. Die kommissaris kan, na kennisgewing aan enigiemand wat daarby belang het, te eniger tyd 'n beslissing, uitgesonderd 'n toekenning van skadeloosstelling, wat kragtens hierdie Wet deur hom geneem is, hersien.”; en

(c) deur in sub-artikel (2) die woorde na die woord „beveel” deur die woorde „of, in die geval van 'n beslissing bedoel in sub-artikel (1)*bis*, daardie beslissing bevestig, opsy sit of wysig” te vervang.

8. Artikel *vyf-en-twintig* van die Hoofwet word hierby Wysiging van artikel 25 van Wet 30 van 1941, soos gewysig deur artikel 9 van Wet 27 van 1945. gewysig—

(a) deur paragraaf (a) van sub-artikel (3) deur die volgende paragraaf te vervang:

„(a) 'n Beswaar kragtens die voorgaande bepalings ingedien word oorweeg en daaroor word beslis deur die kommissaris bygestaan deur twee van die ingevolge artikel *dertien* aangestelde of aangewese assessore wat hy vir die doel kies, en van wie een 'n assessor moet wees wat werksmense verteenwoordig en een 'n assessor wat werkgewers verteenwoordig: Met dien verstande

expedient, invite the assistance of any medical assessors appointed under sub-section (4)*bis* of section *thirteen*.”; and

- (b) by the substitution for sub-section (5) of the following sub-section:

“(5) In any proceedings under this section, the commissioner may make such order as to costs and the payment thereof as he deems fit.”.

Amendment of section 27 of Act 30 of 1941, as amended by section 10 of Act 27 of 1945.

9. Section *twenty-seven* of the principal Act is hereby amended—

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

“(1) If an accident happens to a workman resulting in his disablement or death, the workman shall be entitled to the benefits under this Act: Provided that—

(a) no periodical payments shall be made in respect of the first three days of disablement which lasts for less than two weeks;

(b) if the accident is attributable to the serious and wilful misconduct of the workman, no compensation shall be payable under this Act, unless the accident results in serious disablement, or the workman dies in consequence thereof leaving a dependant wholly dependent upon him, and the commissioner or, if authorized thereto by the commissioner, the employer individually liable, may further refuse to pay the cost of medical aid, or such portion thereof as the commissioner may determine.”; and

- (b) by the deletion of sub-section (1)*bis*.

Amendment of section 31 of Act 30 of 1941 as amended by section 13 of Act 27 of 1945.

10. Section *thirty-one* of the principal Act is hereby amended by the insertion in sub-paragraph (i) of paragraph (a) of sub-section (1) after the word “law” of the words “or by an employer individually liable or a mutual association otherwise than in terms of any law”.

Repeal of section 34 of Act 30 of 1941.

11. Section *thirty-four* of the principal Act is hereby repealed.

Amendment of section 35 of Act 30 of 1941, as amended by section 15 of Act 27 of 1945.

12. Section *thirty-five* of the principal Act is hereby amended by the insertion in paragraph (a) after the word “false” of the words “and the accident has been caused by or the death has resulted from or the disablement has resulted from or been aggravated by such injury, disease or illness”.

Amendment of section 37 of Act 30 of 1941, as amended by section 17 of Act 27 of 1945.

13. Section *thirty-seven* of the principal Act is hereby amended by the deletion of sub-sections (2) and (3).

Amendment of section 38 of Act 30 of 1941, as amended by section 18 of Act 27 of 1945.

14. Section *thirty-eight* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of sub-section (1) for the words “sixty-six and two-thirds”, “thirty-seven and one-half” and “thirty-three pounds six shillings and eight pence”, of the words “seventy-five”, “fifty” and “forty pounds” respectively;

- (b) by the substitution for the proviso to the said paragraph of the following proviso:

“Provided that the periodical payment shall not be less than six pounds ten shillings per month or the rate of the workman’s earnings at the time of the accident, whichever is the less.”; and

- (c) by the substitution in sub-section (4) for the words “thirty-three pounds six shillings and eight pence” of the words “forty pounds”.

Amendment of section 39 of Act 30 of 1941, as amended by section 19 of Act 27 of 1945.

15. Section *thirty-nine* of the principal Act is hereby amended—

- (a) by the substitution in paragraphs (a) and (c) of sub-section (1) and in sub-section (2) for the words “thirty-three pounds six shillings and eight pence” of the words “forty pounds”;

- (b) by the substitution in paragraph (c) of sub-section (1) for the words “sixty-six and two-thirds” and “thirty-seven and one-half” of the words “seventy-five” and “fifty” respectively; and

dat indien hy dit raadsaam ag, die kommissaris die hulp van enige ingevolge sub-artikel (4)*bis* van artikel *dertien* aangestelde geneeskundige assessore kan inroep.”; en

(b) deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Die kommissaris kan in verband met verrigtings ingevolge hierdie artikel so 'n bevel aangaande koste en die betaling daarvan uitvaardig as wat hy goedvind.”.

9. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig—

(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Indien 'n werksman 'n ongeval oorkom wat sy arbeidsongeskiktheid of dood tot gevolg het, is die werksman op voordele ingevolge hierdie Wet geregtig: Met dien verstande dat—

(a) geen periodieke uitkering geskied ten opsigte van die eerste drie dae van arbeidsongeskiktheid wat minder as twee weke duur nie;

(b) indien die ongeval aan die ernstige en opsetlike wangedrag van die werksman te wyte is, geen skadeloosstelling ingevolge hierdie Wet betaalbaar is nie tensy die ongeval ernstige arbeidsongeskiktheid tot gevolg het of die werksman as gevolg daarvan sterf en 'n nabestaande nalaat wat geheelal van hom afhanklik was, en die kommissaris of, indien daartoe deur die kommissaris gemagtig, die werkgewer individueel aanspreeklik, bowendien kan weier om die koste van geneeskundige behandeling, of so 'n gedeelte daarvan as wat die kommissaris bepaal, te betaal.”; en

(b) deur sub-artikel (1)*bis* te skrap.

10. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur in sub-paragraaf (i) van paragraaf (a) van sub-artikel (1) na die woord „wet” die woorde „of deur 'n werkgewer individueel aanspreeklik of 'n onderlinge vereniging anders dan ingevolge enige wet” in te voeg.

11. Artikel *vier-en-dertig* van die Hoofwet word hierby herroep.

12. Artikel *vyf-en-dertig* van die Hoofwet word hierby gewysig deur in paragraaf (a) na die woorde „gely het nie” die woorde „en die ongeval veroorsaak is deur, of die dood ontstaan het as gevolg van, of die arbeidsongeskiktheid ontstaan het as gevolg van of vererger is deur, daardie besering of siekte” in te voeg.

13. Artikel *sewe-en-dertig* van die Hoofwet word hierby gewysig deur sub-artikels (2) en (3) te skrap.

14. Artikel *ag-en-dertig* van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (a) van sub-artikel (1) die woorde „ses-en-sestig en twee-derde”, „sewe-en-dertig en 'n half” en „drie-en-dertig pond ses sjielings en agt pennies” onderskeidelik deur die woorde „vyf-en-sewentig”, „vyftig” en „veertig pond” te vervang;

(b) deur die voorbehoudsbepaling by daardie paragraaf deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat die periodieke uitkering nie minder as ses pond tien sjielings per maand of die skaal van die werksman se verdienste ten tyde van die ongeval, na gelang watter die kleinste is, mag bedra nie.”; en

(c) deur in sub-artikel (4) die woorde „drie-en-dertig pond ses sjielings en agt pennies” deur die woorde „veertig pond” te vervang.

15. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (a) en (c) van sub-artikel (1) en in sub-artikel (2) die woorde „drie-en-dertig pond ses sjielings en agt pennies” deur die woorde „veertig pond” te vervang;

(b) deur in paragraaf (c) van sub-artikel (1) die woorde „ses-en-sestig en twee-derdes” en „sewen-en-dertig en 'n half” onderskeidelik deur die woorde „vyf-en-sewentig” en „vyftig” te vervang; en

Wysiging van artikel 27 van Wet 30 van 1941, soos gewysig deur artikel 10 van Wet 27 van 1945.

Wysiging van artikel 31 van Wet 30 van 1941, soos gewysig deur artikel 13 van Wet 27 van 1945.

Herroeping van artikel 34 van Wet 30 van 1941.

Wysiging van artikel 35 van Wet 30 van 1941, soos gewysig deur artikel 15 van Wet 27 van 1945.

Wysiging van artikel 37 van Wet 30 van 1941, soos gewysig deur artikel 17 van Wet 27 van 1945.

Wysiging van artikel 38 van Wet 30 van 1941, soos gewysig deur artikel 18 van Wet 27 van 1945.

Wysiging van artikel 39 van Wet 30 van 1941, soos gewysig deur artikel 19 van Wet 27 van 1945.

- (c) by the substitution for the proviso to paragraph (c) of sub-section (1) of the following proviso:

“Provided that the pension payable shall not be less than six pounds ten shillings per month or the rate of the workman's earnings at the time of the accident, whichever is the less.”.

Amendment of section 40 of Act 30 of 1941, as amended by section 20 of Act 27 of 1945.

16. Section *forty* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of sub-section (1) for the word “thirty-five” of the word “forty”;
- (b) by the substitution for the proviso to paragraph (b) of sub-section (1) of the following proviso:

“Provided that the pensions payable under this paragraph shall not in all exceed the pension which would have been awarded to the workman, if totally and permanently disabled, under paragraph (c) of sub-section (1) of section *thirty-nine*, and any reduction under this proviso shall be allocated in such manner as the commissioner may from time to time determine.”;

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

“(c) If the workman leaves as dependants one or more children, a monthly pension in respect of each child equal to twenty per cent. of the pension which would have been awarded to the workman, if totally and permanently disabled, under paragraph (c) of sub-section (1) of section *thirty-nine*: Provided that—

- (i) the pension payable in respect of a child shall cease when the child attains the age of sixteen years, or dies or marries before reaching that age;
- (ii) the commissioner may, in his discretion, direct that the pension awarded in respect of a child shall continue after he attains the age of sixteen years, or that a similar pension be awarded in respect of any son or daughter not being a child as in this Act defined, if he or she is, in the opinion of the commissioner, unable by reason of mental or physical disability to earn an income, for so long as it might reasonably have been expected that the deceased workman would have continued to contribute towards his or her support;
- (iii) where a workman does not leave as a dependant a widow or an invalid widower, the aggregate amount of the pensions payable in terms of this paragraph may, in the discretion of the commissioner, and subject to revision by him from time to time, be increased by an amount not exceeding the pension which would have been payable to a widow or invalid widower under paragraph (a);
- (iv) where in the circumstances referred to in sub-paragraph (iii) of this proviso, the total maximum amount payable in respect of the pensions awarded, including any increase under that sub-paragraph, but disregarding the provisions of sub-paragraph (ii) of this proviso, will in the opinion of the commissioner, be less than two years' earnings of the workman or five hundred pounds, whichever is the less, he may in his discretion, and subject to revision by him from time to time, increase such pensions, but so that the total maximum amount payable does not exceed two years' earnings of the workman or five hundred pounds, whichever is the less;

- (c) deur die voorbehoudsbepaling by paragraaf (c) van sub-artikel (1) deur die volgende voorbehoudsbepaling te vervang:  
 „Met dien verstande dat die betaalbare pensioen nie minder as ses pond tien sjielings per maand of die skaal van die werksman se verdienste ten tyde van die ongeval, na gelang watter die kleinste is, mag bedra nie.”.
16. Artikel *veertig* van die Hoofwet word hierby gewysig—
- (a) deur in paragraaf (a) van sub-artikel (1) die woord „vyf-en-dertig” deur die woord „veertig” te vervang; Wysiging van artikel 40 van Wet 30 van 1941, soos gewysig deur artikel 20 van Wet 27 van 1945.
- (b) deur die voorbehoudsbepaling by paragraaf (b) van sub-artikel (1) deur die volgende voorbehoudsbepaling te vervang:  
 „Met dien verstande dat die ingevolge hierdie paragraaf betaalbare pensioene in die geheel nie meer mag bedra nie as die pensioen wat kragtens paragraaf (c) van sub-artikel (1) van artikel *nege-en-dertig* in die geval van algehele en blywende arbeidsongeskiktheid aan die werksman toegeken sou geword het, en enige vermindering ingevolge hierdie voorbehoudsbepaling word toegewys op die wyse wat die kommissaris van tyd tot tyd bepaal.”;
- (c) deur paragraaf (c) van sub-artikel (1) deur die volgende paragraaf te vervang:  
 „(c) Indien die werksman een of meer kinders as nabestaandes nalaat, ’n maandelikse pensioen ten opsigte van elke kind gelyk aan twintig persent van die pensioen wat kragtens paragraaf (c) van sub-artikel (1) van artikel *nege-en-dertig* in die geval van algehele en blywende arbeidsongeskiktheid aan die werksman toegeken sou geword het: Met dien verstande dat—
- (i) die ten opsigte van ’n kind betaalbare pensioen verval wanneer die kind die ouderdom van sestien jaar bereik of sterf of trou voordat hy daardie ouderdom bereik;
- (ii) die kommissaris na goeddunke kan gelas dat die pensioen aan ’n kind toegeken voortduur nadat hy die ouderdom van sestien jaar bereik het, of dat ’n dergelike pensioen toegeken word aan ’n seun of dogter wat nie ’n kind is soos in hierdie Wet omskryf nie, indien hy of sy volgens die kommissaris se oordeel weens geestelike of liggaamlike gebrek nie in staat is om ’n inkomste te verdien nie, en wel vir solank as wat redelikerwys verwag kon geword het dat die oorlede werksman tot sy of haar onderhoud sou bygedra het;
- (iii) indien ’n werksman nie ’n weduwee of sieklike wewenaar as nabestaande nalaat nie, die gesamentlike bedrag van die ingevolge hierdie paragraaf betaalbare pensioene, na goeddunke van die kommissaris, en onderworpe aan hersiening deur hom van tyd tot tyd, vermeerder kan word met ’n bedrag hoogstens gelyk aan die pensioen wat ingevolge paragraaf (a) aan ’n weduwee of sieklike wewenaar betaalbaar sou gewees het;
- (iv) indien onder die omstandighede in sub-paragraaf (iii) van hierdie voorbehoudsbepaling gemeld, die totale maksimum bedrag wat ten opsigte van die toegekende pensioene met inbegrip van enige vermeerdering kragtens daardie sub-paragraaf toegestaan, maar sonder inagneming van die bepaling van sub-paragraaf (ii) van hierdie voorbehoudsbepaling, betaalbaar is, volgens die kommissaris se oordeel minder bedra as die werksman se verdienste vir twee jaar of vyfhonderd pond, na gelang watter bedrag die kleinste is, die kommissaris na goeddunke, en onderworpe aan hersiening deur hom van tyd tot tyd, sodanige pensioene kan vermeerder, maar sodat die totale maksimum betaalbare bedrag nie meer as die werksman se verdienste vir twee jaar of vyfhonderd pond, na gelang watter bedrag die kleinste is, bedra nie;

- (v) the pensions payable under this paragraph shall not in all exceed the pension which would have been awarded to the workman, if totally and permanently disabled, under paragraph (c) of sub-section (1) of section *thirty-nine*;
- (vi) any increase or reduction in pensions made in terms of this proviso shall be allocated in such manner as the commissioner may deem equitable, and the amount thereof and the method of allocation may be revised by him from time to time.”;
- (d) by the substitution in paragraph (d) of sub-section (1) for the word “thirty-five” of the word “forty”;
- (e) by the substitution in sub-section (2) for the word “fifteen” of the word “twenty-five”; and
- (f) by the substitution for sub-section (4) of the following sub-section:
  - “(4) (a) The pension payable to a widow or invalid widower under this section shall cease if she or he dies, marries or remarries.
  - (b) The provisions of sub-paragraphs (iii), (iv), (v) and (vi) of the proviso to paragraph (c) of sub-section (1) shall *mutatis mutandis* apply in the case of the death of a widow or invalid widower.
  - (c) A widow or invalid widower who marries or remarries shall be paid a lump sum equivalent to twenty-four times her or his monthly pension.”.

Amendment of section 41 of Act 30 of 1941, as amended by section 21 of Act 27 of 1945.

**17.** Section *forty-one* of the principal Act is hereby amended by the insertion after sub-section (3)*bis* of the following sub-section:

“(3)*ter*. In any case where in the opinion of the commissioner it is not practicable to compute the workman's earnings in accordance with the preceding provisions, the commissioner may determine such earnings in such other manner as he deems equitable, but with due regard to the principles laid down in those provisions.”.

Amendment of section 42 of Act 30 of 1941.

**18.** Section *forty-two* of the principal Act is hereby amended—

- (a) by the substitution for the word “twenty-one” of the word “twenty-six”; and
- (b) by the insertion after the word “receiving” of the words “upon the twenty-sixth anniversary of his birthday or”.

Amendment of section 43 of Act 30 of 1941, as amended by section 22 of Act 27 of 1945.

**19.** Section *forty-three* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (b) of sub-section (1) after the word “plant” of the word “material”;
- (b) by the deletion in that sub-section of all the words after the words “under this Act”;
- (c) by the substitution for sub-section (2) of the following sub-section:
  - “(2) (a) An application for increased compensation under this section shall be lodged with the commissioner in the prescribed manner within a period of six months of the date of the accident and shall contain the prescribed particulars: Provided that the commissioner may extend the said period by a further period not exceeding six months if he is satisfied that the workman had good reason for not making the application within the said period, and that neither the accident fund nor the employer will be seriously prejudiced by the extension of the said period.
  - (b) As soon as practicable after receipt of such an application, the commissioner shall transmit a copy thereof to the person who employed the workman at the time of the accident.
  - (c) Subject to any rules which the commissioner may prescribe for the purpose of facilitating the consideration of applications under this section, the provisions of Part (C) of Chapter VI shall *mutatis mutandis* apply in respect of any such application.”;
- (d) by the deletion in sub-section (3) of the words “after hearing any such application”; and
- (e) by the insertion after sub-section (3) of the following sub-section:



- (v) die kragtens hierdie paragraaf betaalbare pensioene in die geheel nie meer mag bedra nie as die pensioen wat kragtens paragraaf (c) van sub-artikel (1) van artikel *nege-entertig* in die geval van algehele en blywende arbeidsongeskiktheid aan die werksman toegeken sou geword het;
- (vi) enige vermeerdering of vermindering in pensioene uit kragte van hierdie voorbehoudsbepaling, toegewys word op die wyse wat die kommissaris billik ag, en die bedrag en wyse van toewysing daarvan van tyd tot tyd deur hom hersien kan word.”;
- (d) deur in paragraaf (d) van sub-artikel (1) die woord „vyf-en-dertig” deur die woord „veertig” te vervang;
- (e) deur in sub-artikel (2) die woord „vyftien” deur die woord „vyf-en-twintig” te vervang; en
- (f) deur sub-artikel (4) deur die volgende sub-artikel te vervang:
  - „(4) (a) Die pensioen ingevolge hierdie artikel betaalbaar aan ’n weduwee of ’n sieklike wewenaar verval as sy of hy sterf, trou of weer trou.
  - (b) Die bepalings van sub-paragraawe (iii), (iv), (v) en (vi) van die voorbehoudsbepaling by paragraaf (c) van sub-artikel (1) is *mutatis mutandis* van toepassing in geval van die dood van ’n weduwee of sieklike wewenaar.
  - (c) Aan ’n weduwee of sieklike wewenaar wat trou of weer trou, word ’n enkele geldsom gelyk aan vier-en-twintigmaal haar of sy maandelikse pensioen betaal.”.

17. Artikel *een-en-veertig* van die Hoofwet word hierby gewysig deur na sub-artikel (3)*bis* die volgende sub-artikel in te voeg:

- „(3)*ter*. In ’n geval waar dit volgens die kommissaris se oordeel nie doenlik is om ’n werksman se verdienste volgens voorgaande bepalings te bereken nie, kan die kommissaris daardie verdienste bereken op die ander wyse wat hy billik ag, maar met behoorlike inagneming van die beginsels in bedoelde bepalings uiteengesit.”.

Wysiging van artikel 41 van Wet 30 van 1941, soos gewysig deur artikel 21 van Wet 27 van 1945.

18. Artikel *twee-en-veertig* van die Hoofwet word hierby gewysig—

- (a) deur die woord „een-en-twintigjarige” deur die woord „ses-en-twintigjarige” te vervang; en
- (b) deur na die woorde „ontvang het” die woorde „op sy ses-en-twintigste verjaardag of” in te voeg.

Wysiging van artikel 42 van Wet 30 van 1941.

19. Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (b) van sub-artikel (1) na die woord „uitrusting” die woord „materiaal” in te voeg;
- (b) deur in daardie sub-artikel al die woorde na die woorde „betaalbaar is” te skrap;
- (c) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

Wysiging van artikel 43 van Wet 30 van 1941 soos gewysig deur artikel 22 van Wet 27 van 1945.

- „(2) (a) ’n Aansoek ingevolge hierdie artikel om vermeerderde skadeloosstelling moet op die voorgeskrewe wyse by die kommissaris ingedien word binne ’n tydperk van ses maande na die datum van die ongeval, en moet die voorgeskrewe besonderhede bevat: Met dien verstande dat die kommissaris daardie tydperk met ’n verder tydperk van hoogstens ses maande kan verleng indien hy oortuig is dat daar goeie redes bestaan waarom die werksman die aansoek nie binne daardie tydperk gedoen het nie, en dat nóg die ongevallefonds nóg die werkgewer deur die verlenging van daardie tydperk ernstig benadeel sal word.

- (b) Die kommissaris moet so gou doenlik na ontvangs van so ’n aansoek, ’n afskrif daarvan stuur aan die persoon by wie die werksman ten tyde van die ongeval in diens was.
- (c) Die bepalings van Deel (C) van Hoofstuk VI is, onderworpe aan enige reëls wat die kommissaris mag voorskryf om die oorweging van aansoeke ingevolge hierdie artikel te vergemaklik, *mutatis mutandis* ten opsigte van so ’n aansoek van toepassing.”;
- (d) deur in sub-artikel (3) die woorde „na verhoor van so ’n aansoek” te skrap; en
- (e) deur na sub-artikel (3) die volgende sub-artikel in te voeg:

“(3)*bis*. An application under sub-section (1) may in the discretion of the commissioner be dealt with *mutatis mutandis* in accordance with the procedure prescribed in sub-sections (3) (a), (4) and (6) of section *twenty-five*, as if it were an objection referred to in sub-section (2) of that section.”.

Substitution of section 45 of Act 30 of 1941.

20. The following section is hereby substituted for section *forty-five* of the principal Act:

“Pensioner resident outside the Union.

45. If a workman who is entitled to a pension under this Act resides outside the Union or is absent from the Union for a period or periods totalling more than six months, the commissioner may, after due notice to the workman and after having considered any representations made by the workman within a period fixed by the commissioner, award such workman a lump sum in lieu of such pension, and after payment of such lump sum the pension shall cease: Provided that the total compensation, including pension payments already made, shall be not less than seven hundred and fifty pounds or the capitalized value of the pension as determined by the commissioner, whichever is the less.”.

Amendment of section 46 of Act 30 of 1941.

21. Section *forty-six* of the principal Act is hereby amended by the substitution for paragraph (a) of sub-section (1) of the following paragraph:

“(a) paid to the workman or dependant entitled thereto or to any other person on behalf of such workman or dependant, in instalments or in such other manner as the commissioner may direct;”.

Amendment of section 48 of Act 30 of 1941.

22. Section *forty-eight* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words “referred to in section *seventy*”; and
- (b) by the deletion of sub-section (2).

Amendment of section 49 of Act 30 of 1941, as amended by section 23 of Act 27 of 1945.

23. Section *forty-nine* of the principal Act is hereby amended by the substitution in sub-section (2) for the words “ten shillings” of the words “one pound”.

Amendment of section 51 of Act 30 of 1941.

24. Section *fifty-one* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section:

“(3) For the purpose of this section, ‘accident’ includes any personal injury sustained by a workman and reported by him to his employer, if in making the report the workman alleges that such injury arose out of and in the course of his employment.”.

Amendment of section 54 of Act 30 of 1941.

25. Section *fifty-four* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the expression “sub-section (2)” of the expression “sub-sections (2) and (3)”; and
- (b) by the addition at the end of sub-section (3) of the following proviso:

“Provided that the right to compensation shall lapse if the accident does not come to the notice of the employer or of the commissioner or of the mutual association (if any) responsible for the payment of compensation within twelve months of the date of the accident.”.

Amendment of section 71 of Act 30 of 1941.

26. Section *seventy-one* of the principal Act is hereby amended by the substitution in sub-section (3) for the words after the word “rebate” of the words “on any assessments payable or paid by him”.

Amendment of section 77 of Act 30 of 1941, as amended by section 29 of Act 27 of 1945.

27. Section *seventy-seven* of the principal Act is hereby amended—

- (a) by the addition at the end of sub-section (1) of the words “necessitated by an accident”; and
- (b) by the substitution for the proviso to sub-section (2) of the following proviso:

“Provided that the total period in respect of which such expenses are to be defrayed (excluding expenses incurred in respect of medical aid which in the opinion of the commissioner will reduce the disablement from which the workman suffers) shall not exceed two years from the date of the accident.”.

Amendment of section 78 of Act 30 of 1941.

28. Section *seventy-eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the expression “Medical Association of South Africa (British Medical Asso-

„(3)bis. 'n Aansoek ingevolge sub-artikel (1) kan, na goeddunke van die kommissaris, behandel word *mutatis mutandis* ooreenkomstig die prosedure in sub-artikels (3) (a), (4) en (6) van artikel *vyf-en-twintig* voorgeskryf, asof dit 'n in sub-artikel (2) van daardie artikel bedoelde beswaar was.”

20. Artikel *vyf-en-veertig* van die Hoofwet word hierby deur die volgende artikel vervang:
- „Pensioen-trekker woonagtig buite die Unie. 45. Indien 'n werksman wat ingevolge hierdie Wet op 'n pensioen geregtig is, buite die Unie woon of vir 'n tydperk of tydperke van gesamentlik meer as ses maande uit die Unie afwesig is, kan die kommissaris, na behoorlike kennisgewing aan die werksman, en na oorweging van enige vertoë binne 'n deur die kommissaris vasgestelde tydperk deur die werksman voorgelê, aan die werksman 'n enkele geldsom in die plek van sodanige pensioen toeken, en na betaling van so 'n geldsom verval die pensioen: Met dien verstande dat die totale skadeloosstelling, met inbegrip van reeds gedane pensioen-uitkerings, nie minder mag wees nie as sewehonderden-vyftig pond of die gekapitaliseerde waarde van die pensioen soos deur die kommissaris bepaal, na gelang watter bedrag die kleinste is.”
21. Artikel *ses-en-veertig* van die Hoofwet word hierby gewysig deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:
- „(a) betaal word in paaiemente of op die ander wyse wat die kommissaris gelas, aan die werksman of nabestaande wat daarop geregtig is, of aan 'n ander persoon ten behoeve van so 'n werksman of nabestaande;”
22. Artikel *agt-en-veertig* van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (1) die woorde „in artikel *sewentig* vermelde” te skrap; en
- (b) deur sub-artikel (2) te skrap.
23. Artikel *nege-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „tien sjielings” deur die woorde „een pond” te vervang.
24. Artikel *een-en-vyftig* van die Hoofwet word hierby gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:
- „(3) By die toepassing van hierdie artikel word onder „ongeval” inbegrepe enige persoonlike besering van 'n werksman wat hy by sy werkgewer aanmeld, indien die werksman wanneer hy die besering aanmeld, beweer dat dit uit sy diens ontstaan en in die loop daarvan plaasgevind het.”
25. Artikel *vier-en-vyftig* van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (1) die uitdrukking „sub-artikel (2)” deur die uitdrukking „sub-artikels (2) en (3)” te vervang; en
- (b) deur aan die end van sub-artikel (3) die volgende voorbehoudsbepaling by te voeg:
- „Met dien verstande dat die reg op skadeloosstelling verval indien die ongeval nie binne twaalf maande na die datum daarvan onder die aandag van die werkgewer of die kommissaris of die onderlinge vereniging (as daar een is) wat vir die betaling van skadeloosstelling aanspreeklik is, kom nie.”
26. Artikel *een-en-sewentig* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woorde na die woord „korting” deur die woorde „op enige deur hom betaalbare of betaalde aanslag verleen” te vervang.
27. Artikel *sewe-en-sewentig* van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (1) na die woorde „ten opsigte van” die woorde „deur 'n ongeval vereiste” in te voeg; en
- (b) deur die voorbehoudsbepaling by sub-artikel (2) deur die volgende voorbehoudsbepaling te vervang:
- „Met dien verstande dat die totale tydperk ten opsigte waarvan sodanige onkoste (uitgesonderd onkoste aangegaan ten opsigte van geneeskundige behandeling wat volgens die kommissaris se oordeel die arbeidsongeskiktheid van die werksman sal verminder) betaal moet word, nie meer as twee jaar vanaf die datum van die ongeval beloop nie.”
28. Artikel *agt-en-sewentig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die uitdrukking „Medical Association of South Africa (British Medical Association)”

Vervanging van artikel 45 van Wet 30 van 1941.

Wysiging van artikel 46 van Wet 30 van 1941.

Wysiging van artikel 48 van Wet 30 van 1941.

Wysiging van artikel 49 van Wet 30 van 1941, soos gewysig deur artikel 23 van Wet 27 van 1945.

Wysiging van artikel 51 van Wet 30 van 1941.

Wysiging van artikel 54 van Wet 30 van 1941.

Wysiging van artikel 71 van Wet 30 van 1941.

Wysiging van artikel 77 van Wet 30 van 1941, soos gewysig deur artikel 29 van Wet 27 van 1945.

Wysiging van artikel 78 van Wet 30 van 1941.

- Amendment of section 79 of Act 30 of 1941 as amended by section 30 of Act 27 of 1945.
- Amendment of section 83 of Act 30 of 1941.
- Amendment of section 85 of Act 30 of 1941.
- Amendment of section 86 of Act 30 of 1941, as amended by section 32 of Act 27 of 1945.
- Amendment of section 96 of Act 30 of 1941.
- Amendment of section 102 of Act 30 of 1941.
- Amendment of section 104 of Act 30 of 1941.
- Amendment of section 106 of Act 30 of 1941.
- Short title and date of commencement.
29. Section *seventy-nine* of the principal Act is hereby amended by the substitution for the expression "Medical Association of South Africa (British Medical Association)" of the expression "Medical Association of South Africa".
30. The following section is hereby inserted in the principal Act after section *eighty-one*:
- "Consultation with South African Medical and Dental Council. *81bis.* The commissioner may from time to time consult the South African Medical and Dental Council established under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), on questions connected with or arising out of the administration of the provisions of this Act relating to medical aid, and may for that purpose communicate to the said Council any information in his possession relating to any matter in respect of which the views of that Council are required."
31. Section *eighty-three* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section:
- "(6) For the purpose of this section, 'accident' includes any personal injury sustained by a native workman and reported by him to his employer, if in making the report such workman alleges that the injury arose out of and in the course of his employment."
32. Section *eighty-five* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words "thirty" and "one hundred and fifty" of the words "thirty-six" and "one hundred and eighty" respectively.
33. Section *eighty-six* of the principal Act is hereby amended—
- (a) by the insertion in sub-section (1) after the word "dependency" of the words "and with due regard to any compensation previously paid to the workman in terms of section *eighty-five* in respect of the same accident"; and
- (b) by the substitution in sub-section (2) for the word "five" of the word "eight".
34. Section *ninety-six* of the principal Act is hereby amended by the insertion in sub-section (1) after the word "require" of the following sentence:
- "Such particulars shall be furnished separately in respect of each business conducted by the employer."
35. Section *one hundred and two* of the principal Act is hereby amended by the addition at the end thereof of the following proviso:
- "Provided that the commissioner or the employer individually liable, as the case may be, may, out of any compensation payable to a workman repay either wholly or partly any amount which with the approval of the commissioner or of such employer, has after the occurrence of the accident in respect of which such compensation is payable, been advanced to such workman subject to repayment out of such compensation."
36. Section *one hundred and four* of the principal Act is hereby amended—
- (a) by the insertion in sub-section (2) after the word "Act" where it occurs the first time of the words "or in any court"; and
- (b) by the insertion in that sub-section before the word "shall" of the words "and an affidavit purporting to be made by the commissioner or a person to whom powers have been delegated under sub-section (3) of section *twelve*, and in which it is stated that any decision has been taken by the commissioner or has been taken by such person in pursuance of the powers so delegated to him, as the case may be".
37. Section *one hundred and six* of the principal Act is hereby amended by the substitution in paragraph (b) for the words "any court" of the words "the commissioner".
38. This Act shall be called the Workmen's Compensation Amendment Act, 1949, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*: Provided that the provisions of sections *fourteen*, *fifteen*, *sixteen* and *thirty-two* and paragraph (b) of section *thirty-three* shall not apply in respect of accidents which occurred prior to the date so fixed.

deur die uitdrukking „Mediese Vereniging van Suid-Afrika” te vervang.

29. Artikel *nege-en-sewentig* van die Hoofwet word hierby gewysig deur die uitdrukking „Medical Association of South Africa (British Medical Association)” deur die uitdrukking „Mediese Vereniging van Suid-Afrika” te vervang.

Wysiging van artikel 79 van Wet 30 van 1941 soos gewysig deur artikel 30 van Wet 27 van 1945.

30. Die volgende artikel word hierby na artikel *een-en-tagtig* in die Hoofwet ingevoeg:

Invoeging van artikel 81*bis* in Wet 30 van 1941.

„Raad-pleging van Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad. 81*bis*. Die kommissaris kan van tyd tot tyd die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, ingestel ingevolge die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928), raadpleeg oor aangeleenthede verbonde aan of ontstaande uit die toepassing van die bepalings van hierdie Wet met betrekking tot geneeskundige behandeling, en kan vir die doel aan daardie Raad enige inligting in sy besit bekendmaak wat betrekking het op 'n aangeleentheid ten opsigte waarvan daardie Raad se mening verlang word.”

31. Artikel *drie-en-tagtig* van die Hoofwet word hierby gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

Wysiging van artikel 83 van Wet 30 van 1941.

„(6) By die toepassing van hierdie artikel word onder „ongeval” inbegrepe enige persoonlike besering van 'n naturellewerksman wat hy by sy werkgewer aanmeld, indien die werksman wanneer hy die besering aanmeld, beweer dat dit uit sy diens ontstaan en in die loop daarvan plaasgevind het.”

32. Artikel *vyf-en-tagtig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (1) die woorde „dertig” en „honderd-en-vyftig” onderskeidelik deur die woorde „ses-en-dertig” en „honderd-en-tagtig” te vervang.

Wysiging van artikel 85 van Wet 30 van 1941.

33. Artikel *ses-en-tagtig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 86 van Wet 30 van 1941, soos gewysig deur artikel 32 van Wet 27 van 1945.

(a) deur in sub-artikel (1) na die woord „afhanklikheid” die woorde „en met behoorlike inagneming van enige skadeloosstelling wat reeds ingevolge artikel *vyf-en-tagtig* ten opsigte van dieselfde ongeval aan die werksman betaal is” in te voeg; en

(b) deur in sub-artikel (2) die woord „vyf” deur die woord „agt” te vervang.

34. Artikel *ses-en-negentig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „verlang” die volgende sin in te voeg:

Wysiging van artikel 96 van Wet 30 van 1941.

„Bedoelde besonderhede moet afsonderlik verstrekkend word ten opsigte van elke besigheid wat deur die werkgewer gedryf word.”

35. Artikel *honderd-en-twee* van die Hoofwet word hierby gewysig deur aan die end daarvan die volgende voorbehoudsbepaling by te voeg:

Wysiging van artikel 102 van Wet 30 van 1941.

„Met dien verstande dat die kommissaris of die werkgewer individueel aanspreeklik, na gelang van die geval, uit skadeloosstelling wat aan 'n werksman betaalbaar is, enige bedrag in sy geheel of ten dele kan terugbetaal wat, na die ongeval ten opsigte waarvan daardie skadeloosstelling betaalbaar is, met die goedkeuring van die kommissaris of van so 'n werkgewer en onderworpe aan terugbetaling uit bedoelde skadeloosstelling, aan daardie werksman voorgeskiet is.”

36. Artikel *honderd-en-vier* van die Hoofwet word hierby gewysig—

Wysiging van artikel 104 van Wet 30 van 1941.

(a) deur in sub-artikel (2) na die woord „Wet” waar dit die eerste maal voorkom die woorde „of in 'n geregs-hof” in te voeg; en

(b) deur in daardie sub-artikel voor die woorde „op die blote” die woorde „en 'n beëdigde verklaring wat na voorgegee word deur die kommissaris of 'n persoon aan wie kragtens sub-artikel (3) van artikel *twaalf* bevoegdheids oorgedra is, gemaak is, en waarin beweer word dat 'n besluit deur die kommissaris of deur daardie persoon ingevolge die bevoegdhede aldus aan hom oorgedra geneem is, al na die geval” in te voeg.

37. Artikel *honderd-en-ses* van die Hoofwet word hierby gewysig deur in paragraaf (b) die woorde „enige hof” deur die woorde „die kommissaris” te vervang.

Wysiging van artikel 106 van Wet 30 van 1941

38. Hierdie Wet heet die Ongevalle-wysigingswet, 1949, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasstel: Met dien verstande dat die bepalings van artikels *veertien*, *vyftien*, *sestien* en *twee-en-dertig* en paragraaf (b) van artikel *drie-en-dertig* nie van toepassing is ten opsigte van ongevallen wat voor die aldus vasgestelde datum plaasgevind het nie.

Kort titel en inwerkingtreding

No. 37, 1949.]

# ACT

## To amend the Scientific Research Council Act, 1945.

*(English Text signed by the Governor-General.)*  
*(Assented to 10th June, 1949.)*

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

Amendment of  
section 5 of Act  
33 of 1945.

1. Section *five* of the Scientific Research Council Act, 1945, is hereby amended by the substitution in sub-section (1) for the word "nine" of the word "eleven".

Short title,

2. This Act shall be called the Scientific Research Council Amendment Act, 1949.

No. 37, 1949.]

## WET

### Tot wysiging van die Wet op die Wetenskaplike Navorsingsraad, 1945.

*(Engelse Teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 10 Junie 1949.)*

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel *vyf* van die Wet op die Wetenskaplike Navorsingsraad, 1945, word hiermee gewysig deur in sub-artikel (1) die woord „nege” te vervang deur die woord „elf”. Wysiging van artikel 5 van Wet 33 van 1945.

2. Hierdie Wet heet die Wysigingswet op die Wetenskaplike Kert titel. Navorsingsraad, 1949.