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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1087] [4th May, 1951.

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:—

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 1087] [4 Mei 1951.

Hierby word bekendgemaak dat dit Sy Eksellenjsie 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. 22, 1951.]

ACT

To amend the Fishing Industry Development Act, 1944.

*(English text signed by the Governor-General.)
(Assented to 25th April, 1951.)*

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 1 of
Act 44 of 1944.

1. Section *one* of the Fishing Industry Development Act, 1944 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition:

"Minister" means the Minister of Economic Affairs,".

Amendment of
section 17 of
Act 44 of 1944.

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

(a) by the insertion in paragraph (a) after the word "Government" of the words "or from the Administration of South-West Africa"; and

(b) by the addition at the end of that section of the following sub-section, the existing section becoming sub-section (1):

"(2) The Administration of South-West Africa may, notwithstanding anything contained in any law, grant loans to the corporation for any purpose for which the corporation is in terms of paragraph (a) of sub-section (1) authorized to borrow money.".

Short title.

3. This Act shall be called the Fishing Industry Development Amendment Act, 1951.

No. 22, 1951.]

WET

Tot wysiging van die Visnywerheid-ontwikkelingswet, 1944.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 April 1951.)

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

1. Artikel *een* van die Visnywerheid-ontwikkelingswet, 1944 Wysiging van (hieronder die Hoofwet genoem), word hiermee gewysig deur artikel 1 van Wet 44 die woordbepaling van „Minister” deur die volgende woord- van 1944. bepaling te vervang:

„Minister” die Minister van Ekonomiese Sake;”.

2. *Artikel *sewentien* van die Hoofwet word hiermee gewysig— Wysiging van (a) deur in paragraaf (a) na die woord „Regering” die artikel 17 van Wet 44 woorde „of van die Administrasie van Suidwes-Afrika” van 1944. in te voeg; en

(b) deur aan die end van daardie artikel die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Die Administrasie van Suidwes-Afrika kan, ondanks enigets in een of ander wet vervat, aan die korporasie lenings toestaan vir enige doel waarvoor die korporasie kragtens paragraaf (a) van sub-artikel (1) geld kan leen.”.

3. Hierdie Wet heet die Wysigingswet op die Ontwikkeling Kort titel, van die Visnywerheid, 1951.

No. 23, 1951.]

ACT

To amend the Medical, Dental and Pharmacy Act, 1928.

(Afrikaans text signed by the Governor-General.)
(Assented to 25th April, 1951.)

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 22 of Act 13 of 1928, as amended by section 3 of Act 2 of 1935, section 4 of Act 14 of 1946, and section 3 of Act 13 of 1950.

Amendment of section 34 of Act 13 of 1928, as amended by section 6 of Act 13 of 1950.

Short title.

1. Section *twenty-two* of the Medical, Dental and Pharmacy Act, 1928 (hereinafter called the principal Act), is hereby amended by the substitution in sub-section (1) for the words "if they" of the words "or entitle any class of such holders recommended by the council to registration under this Act as medical practitioners or dentists, if such holders or such holders of that class".

2. (1) Section *thirty-four* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

"(2) The provisions of sub-section (1) shall not be deemed to prohibit an intern from—

(a) performing any function or issuing any certificate or other document which in terms of any law, other than this Act, may or is required to be performed or issued by a medical practitioner, whether described in such law as a medical practitioner or by any other name or designation; or

(b) describing himself as a medical practitioner in connection with the performance of any such function or the issue of any such certificate or other document, and any reference in any such law to such a medical practitioner shall be deemed to include a reference to an intern.”.

(2) Sub-section (1), shall be deemed to have come into operation on the twenty-fourth day of March, 1950.

3. This Act shall be called the Medical, Dental and Pharmacy Amendment Act, 1951.

No. 23, 1951.]

WET

Tot wysiging van die Wet op Geneeshere, Tandartse en Aptekers, 1928.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 April 1951.)

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

1. Artikel *twee-en-twintig* van die Wet op Geneeshere, Wysiging van
Tandartse en Aptekers, 1928 (hieronder die Hoofwet genoem), artikel 22
word hiermee gewysig deur in sub-artikel (1) die woorde „mits van Wet 13
hulle” deur die woorde „of enige deur die raad aanbeveelde van 1928,
kategorie van sodanige besitters die reg gee om ingevolge soos gewysig
hierdie Wet geregistreer te word as geneeshere of tandartse, deur artikel 3
mits daardie besitters of daardie besitters van bedoelde van Wet 2 van
kategorie” te vervang. van 1935, artikel 4 van
Wet 14 van 1946,
en artikel 3 van
Wet 13 van 1950.

2. (1) Artikel *vier-en-dertig* van die Hoofwet word hiermee Wysiging van
gewysig deur aan die end daarvan die volgende sub-artikel by artikel 34 van
te voeg, terwyl die bestaande artikel sub-artikel (1) word: Wet 13 van 1928,
„(2) Die bepalings van sub-artikel (1) word nie geag te soos gewysig deur
belet nie dat 'n intern— artikel 6 van Wet
13 van 1950.

- (a) 'n funksie verrig of 'n sertifikaat of ander dokument
uitrek wat ingevolge een of ander wet, uitgesonderd
hierdie Wet, deur 'n geneesheer, hetso in daardie wet
as 'n geneesheer of onder 'n ander naam of benaming
beskryf, verrig of uitgereik kan of moet word; of
- (b) homself in verband met die verrigting van so 'n funksie
of die uitreiking van so 'n sertifikaat of ander dokument
as 'n geneesheer beskryf,
en 'n verwysing in so 'n wet na so 'n geneesheer word
geag 'n verwysing na 'n intern in te sluit.”.

(2) Sub-artikel (1) word geag op die vier-en-twintigste dag
van Maart 1950 in werking te getree het.

3. Hierdie Wet heet die Wysigingswet op Geneeshere, Kort titel.
Tandartse en Aptekers, 1951.

No. 24, 1951.]

ACT

To amend the South African Tourist Corporation Act, 1947,
and to provide for other incidental matters.

(*English text signed by the Governor-General.*)
(*Assented to 25th April, 1951.*)

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:—

Interpretation.

Amendment of
section 12 of
Act 54 of 1947.

1. In this Act “the principal Act” means the South African Tourist Corporation Act, 1947, and any expression to which a meaning has been assigned in that Act bears, when used in this Act, the same meaning.

2. (1) Section *twelve* of the principal Act is hereby amended—
(a) by the substitution for sub-sections (1) and (2) of the following sub-sections:—

“(1) There shall be paid to the Corporation in every financial year out of the Consolidated Revenue Fund and the Railway and Harbour Fund, in the proportions specified in sub-section (2), such sums of money as may be appropriated by Parliament for the purpose.

(2) The first one hundred thousand pounds paid to the Corporation after its establishment out of moneys appropriated under sub-section (1) shall be contributed in equal proportions from the Consolidated Revenue Fund and the Railway and Harbour Fund, and in respect of any further amounts so paid one-third shall be contributed from the former and two-thirds from the latter fund.

(2)*bis*. The moneys paid to the Corporation in terms of sub-section (1) shall be utilized by the board to perform its functions and duties and to pay the liabilities of the Corporation, and so much of those moneys as is unexpended at the end of a financial year, less the amount, if any, owing by the Corporation on an accrued liability (which amount may be retained for the purpose of meeting such liability), may, subject to the approval of the Minister, be retained by the board to defray the expenses of the Corporation in the following financial year or be applied to any object for which the Corporation is established, or shall, if not so retained, be paid into the Consolidated Revenue Fund and the Railway and Harbour Fund in the proportions in which such moneys were paid to the Corporation from the respective funds.”;

(b) by the insertion in sub-section (5) after the word “approval” where it occurs the first time of the words “after consultation with the Minister of Finance”, and the substitution in that sub-section for the word “his” where it occurs for the second time of the word “such”;

(c) by the substitution for the word “revenue” wherever it occurs in sub-section (5) or (7) of the word “income”; and

(d) by the addition at the end of sub-section (6) of the words “and any moneys not required for immediate use or as a reasonable working balance shall be invested by the board with the Public Debt Commissioners or in such other manner as the Minister may, after consultation with the Minister of Finance, direct”.

(2) Paragraphs (a) and (c) of sub-section (1) shall be deemed to have come into operation on the first day of August, 1947, and any moneys retained by the board for any purpose at the end of a financial year prior to the commencement of this Act, out of amounts appropriated under sub-section (1) of section *twelve* of the principal Act, shall be deemed to have been so retained with the approval of the Minister given in terms of sub-section (2)*bis* of that section.

No. 24, 1951.]

WET

Tot wysiging van die Wet op die Suid-Afrikaanse Toeristekorporasie, 1947, en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 April 1951.)

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 Hoofwet” die Wet op die Woordbepaling. Suid-Afrikaanse Toeristekorporasie, 1947, en het elke uitdrukking waaraan in daardie Wet 'n betekenis toegeskryf is, dieselfde betekenis waar dit in hierdie Wet gesig word.

2. (1) Artikel *twaalf* van die Hoofwet word hiermee gewysig— Wysiging van artikel 12 van
(a) deur sub-artikels (1) en (2) deur die volgende sub-Wet 54 van 1947.
artikels te vervang:

„(1) Daar word in elke boekjaar uit die Gekonsolideerde Inkomstefonds en die Spoorweg- en Hawefonds, in die verhoudings in sub-artikel (2) vermeld, die somme geld aan die Korporasie betaal wat die Parlement vir die doel beskikbaar stel.

(2) Die eerste honderduisend pond na sy instelling aan die Korporasie betaal uit geld ingevolge sub-artikel (1) beskikbaar gestel, word eweredig uit die Gekonsolideerde Inkomstefonds en die Spoorweg- en Hawefonds bygedra, en ten opsigte van enige verdere aldus betaalde bedrae word een-derde uit eersgenoemde en twee-derdes uit laasgenoemde fonds bygedra.

(2)*bis*. Die geld ingevolge sub-artikel (1) aan die korporasie betaal, word deur die raad aangewend om sy werkzaamhede en pligte uit te voer en om die skulde van die Korporasie te betaal, en soveel van daardie geld as wat aan die einde van 'n boekjaar nie uitgegee is nie, min die bedrag (as daar is) in verband met 'n opgeloopte verpligting deur die Korporasie verskuldig (watter bedrag behou kan word om die verpligting na te kom) kan, onderworpe aan die Minister se goedkeuring, deur die raad behou word om die Korporasie se uitgawes in die daaropvolgende boekjaar te dek of aangewend word vir enige doel waarvoor die Korporasie ingestel is, of moet, indien dit nie aldus behou word nie, in die Gekonsolideerde Inkomstefonds en die Spoorweg- en Hawefonds inbetaal word in die verhoudings waarin daardie geld uit die onderskeie fondse aan die Korporasie betaal is.”;

(b) deur in sub-artikel (5) na die woord „goedkeuring” waar dit die eerste maal voorkom die woorde „na oorlegpleging met die Minister van Finansies” in te voeg, en die woorde „ter goedkeuring” waar dit die tweede maal voorkom deur die woorde „vir sodanige goedkeuring” te vervang;

(c) deur in die Engelse teks van sub-artikels (5) en (7) die woorde „revenue” orals waar dit voorkom deur die woorde „income” te vervang; en

(d) deur aan die end van sub-artikel (6) die woorde „en geld wat nie vir onmiddellike gebruik of as 'n redelike bedryfsaldo nodig is nie, moet deur die raad belê word by die Openbare Skuldkommissaris of op die ander wyse wat die Minister na oorlegpleging met die Minister van Finansies mag gelas” by te voeg.

(2) Paragrawe (a) en (c) van sub-artikel (1) word geag op die eerste dag van Augustus 1947 in werking te getree het, en geld aan die einde van 'n boekjaar voor die inwerkingtreding van hierdie Wet vir enige doel deur die raad behou uit bedrae ingevolge sub-artikel (1) van artikel *twaalf* van die Hoofwet beskikbaar gestel, word geag uit hoofde van goedkeuring kragtens sub-artikel (2)*bis* van daardie artikel deur die Minister verleen, aldus behou te gewees het.

Substitution of
section 14 of
Act 54 of 1947.

3. The following section is hereby substituted for section *fourteen* of the principal Act:

"Determin-
ation of
number and
grading of
employees
of Cor-
poration.
14. The Minister shall, on the recommendation
of the board, and after consultation with the
Minister of Finance, determine the number and
grading of the employees necessary for the per-
formance by the board of its functions and duties.".

Amendment of
section 15 of
Act 54 of 1947.

4. Section *fifteen* of the principal Act is hereby amended by
the substitution for all the words after the word "as" of the
words "the Minister may, on the recommendation of the board,
and after consultation with the Minister of Finance, prescribe
by regulation".

Certain servants
of Railway
Administration
may elect to
become employees
of Corporation.

5. (1) Every servant of the Railway Administration who is,
at the date of commencement of this Act, occupying a post on
the establishment of the Corporation, shall within three months
after the said date elect in writing whether or not he desires to
transfer to the employment of the Corporation, and if he elects
so to transfer, he shall cease to be a servant of the said Adminis-
tration on the last day of the month in which he so elects, and
shall thereupon become an employee of the Corporation and
shall be deemed to have been engaged in terms of paragraph (a)
of section *nine* of the principal Act at the remuneration received
by him immediately prior to the said day and on such other
conditions as may be agreed upon between him and the board.

(2) Any servant of the Railway Administration who fails to
make an election in terms of sub-section (1) shall be deemed to
have elected not to transfer to the employment of the Cor-
poration.

Retention of
rights flowing
from membership
of Railways and
Harbours
Superannuation
and Sick Funds.

6. (1) Any person who has ceased to be a servant of the
Railway Administration pursuant to the provisions of section
five, shall nevertheless remain a member of the new fund,
constituted under section *three* of the Railways and Harbours
Superannuation Fund Act, 1925 (Act No. 24 of 1925), until he
reaches the age of sixty years, and shall retain all the rights,
benefits and privileges and remain subject to all the obligations
flowing from membership of that fund, and the amount of such
person's pensionable emoluments, and all other matters affect-
ing or relating to his membership of that fund shall be governed
by and determined *mutatis mutandis* in accordance with the
provisions of the said Act or any amendment thereof, and the
board shall from time to time furnish the Railway Administra-
tion with such information concerning the conditions of service
of any such person as the said Administration may require for
the purpose of any matter arising out of or incidental to such
person's membership of the said new fund.

(2) Any such person shall also, subject to due compliance
with and observance of all the applicable conditions and
regulations in force from time to time, be entitled to remain a
member of the Railways and Harbours Sick Fund established
by regulation under section *thirty-one* of the Railways and
Harbours Service Act, 1925 (Act No. 23 of 1925), and shall
retain all the rights, benefits and privileges and remain subject
to all the obligations flowing from membership of that fund.

Retirement or
dismissal.

7. If a person referred to in section *six* retires or is retired or
dismissed from the employment of the Corporation he shall,
for the purposes of the application to him of the Railways and
Harbours Superannuation Fund Act, 1925 (Act No. 24 of
1925), be dealt with in the same manner as he would have been
dealt with had he under like circumstances retired or been re-
tired or dismissed from the service of the Railway Adminis-
tration.

Corporation to
compensate
Railway
Administration.

8. The Corporation shall compensate the Railway Adminis-
tration for any expenditure which the said Adminstration
may incur by reason of the retention, by any person referred to
in section *six*, of the rights, benefits and privileges mentioned in
that section, and the amount and the method of payment of
such compensation shall be determined by agreement between
the board and the said Adminstration.

Servants of
Railway
Administration
who do not elect
to become
employees of
Corporation.

9. Any servant of the Railway Administration referred to in
section *five* who has not, in terms of that section, elected to
transfer to the employment of the Corporation, shall be deemed
to be seconded to the employment of the Corporation until such
time as he is recalled by the Railway Administration to its

3. Artikel *veertien* van die Hoofwet word hiermee deur die *Vervanging van artikel 14 van Wet 54 van 1947.*

„*Bepaling 14.* Die Minister bepaal op aanbeveling van die van getal raad, en na oorlegpleging met die Minister van en gradering Finansies, die getal en gradering van die werknemers van werk-nemers van wat die raad vir die uitvoering van sy werksaamhede Korporasie. en pligte nodig het.”.

4. Artikel *vyftien* van die Hoofwet word hiermee gewysig *Wysiging van artikel 15 van Wet 54 van 1947.* deur al die woorde na die woorde „as wat” deur die woorde „die Minister op aanbeveling van die raad, en na oorlegpleging met die Minister van Finansies, by regulasie mag voorskryf” te vervang.

5. (1) Elke dienaar van die Spoorweg-administrasie wat op die datum van inwerkingtreding van hierdie Wet 'n pos in die diensstaat van die Korporasie beklee, moet binne drie maande na daardie datum skriftelik kies of hy verlang om na die diens van die Korporasie oor te gaan al dan nie, en indien hy kies om aldus oor te gaan, hou hy op die laaste dag van die maand waarin hy aldus kies, op om 'n dienaar van bedoelde Administrasie te wees, en word hy daarop 'n werknemer van die Korporasie en geag kragtens paragraaf (a) van artikel *nege* van die Hoofwet in diens geneem te gewees het teen die besoldiging onmiddellik voor daardie dag deur hom ontvang en op die ander voorwaardes waaraan tussen hom en die raad ooreengekom word.

(2) 'n Dienaar van die Spoorweg-administrasie wat in gebreke bly om ingevolge sub-artikel (1) 'n keuse te doen, word geag te gekies het om nie na die diens van die Korporasie oor te gaan nie.

6. (1) Iemand wat uit hoofde van die bepalings van artikel *vyf* opgehou het om 'n dienaar van die Spoorweg-administrasie te wees, bly nogtans lid van die nuwe fonds gestig kragtens artikel *drie* van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), totdat hy die ouderdom van sestig jaar bereik, en behou al die regte, voordele en voorregte en bly onderhewig aan al die verpligtings wat uit lidmaatskap van daardie fonds voortvloeи, en die bedrag van so iemand se pensioendraende emolumente en alle ander aangeleenthede wat sy lidmaatskap van daardie fonds raak of daarop betrekking het, word *mutatis mutandis* beheers deur en bepaal ooreenkomsdig die bepalings van bedoelde Wet of enige wysiging daarvan, en die raad moet van tyd tot tyd aan die Spoorweg-administrasie sodanige inligting aangaande die diensvoorraadse van so iemand verstrek as wat daardie Administrasie in verband met enige aangeleenthed ontstaande uit of verbonde aan so iemand se lidmaatskap van bedoelde nuwe fonds nodig mag hê.

(2) So iemand is ook, onderworpe aan die behoorlike nakkoming van en voldoening aan al die toepaslike voorwaardes en regulasies wat van tyd tot tyd van krag is, geregtig om lid te bly van die siekiefonds van die Spoorweë en Hawens gestig by regulasie kragtens artikel *een-en-dertig* van die „Spoorwegen en Havens Dienst Wet, 1925” (Wet No. 23 van 1925), en behou al die regte, voordele en voorregte, en bly onderworpe aan al die verpligtings, wat uit lidmaatskap van daardie fonds voortvloeи.

7. Indien 'n in artikel *ses* bedoelde persoon uit die diens van die Korporasie tree of afgedank of ontslaan word, word by die toepassing op hom van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), in verband met hom gehandel op dieselfde wyse as wat gehandel sou gewees het indien hy onder dergelike omstandighede uit die diens van die Spoorweg-administrasie getree het of afgedank of ontslaan was.

8. Die Korporasie moet aan die Spoorwegadministrasie alle uitgawes vergoed wat daardie Administrasie mag oploop deurdat 'n in artikel *ses* bedoelde persoon die in daardie artikel genoemde regte, voordele en voorregte behou, en die bedrag en wyse van betaling van die vergoeding word by ooreenkoms tussen die raad en bedoelde Administrasie vasgestel.

9. 'n In artikel *vyf* bedoelde dienaar van die Spoorweg-administrasie wat nie ingevolge daardie artikel gekies het om na die diens van die Korporasie oor te gaan nie, word geag tydelik na die diens van die Korporasie oorgeplaas te wees tot tyd en wyl hy deur die Spoorwegadministrasie na sy diens te word nie.

service, and the board shall, pending his recall, continue to defray the expenditure incidental to his employment in accordance with the arrangements subsisting between it and the said Administration at the date of commencement of this Act.

Short title.

10. This Act shall be called the South African Tourist Corporation Amendment Act, 1951.

teruggeroep word, en die raad moet, totdat die terugroeping plaasvind, aanhou om die uitgawes verbonde aan sy indienshouding te betaal ooreenkomsdig die reëlings wat op die datum van inwerkingtreding van hierdie Wet tussen die raad en bedoelde Administrasie bestaan.

10. Hierdie Wet heet die Wysigingswet op die Suid- Kort titel.
Afrikaanse Toeristekorporasie, 1951.

No. 25, 1951.]

ACT

To amend the Scientific Research Council Act, 1945.

(Afrikaans text signed by the Governor-General.)
(Assented to 25th April, 1951.)

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 4 of
Act 33 of 1945.

1. Section four of the Scientific Research Council Act, 1945, is hereby amended by the addition at the end thereof, of the following sub-section:

“(3) The council shall have power—

- (a) with the approval of the Minister to purchase or otherwise acquire, hold, alienate, let or hire movable or immovable property, and to establish laboratories and other facilities for carrying out the objects for which the council is established; and
- (b) to do all such things as are necessary for or incidental or conducive to the attainment of the said objects, or necessary for or incidental to the performance of any function or the carrying out of any duty of the council, or as are calculated directly or indirectly to enhance the value of or render profitable any of the council's property or rights.”.

Short title.

2. This Act shall be called the Scientific Research Council Amendment Act, 1951.

No. 25, 1951.]

WET

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

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 April 1951.)*

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

1. Artikel vier van die Wet op die Wetenskaplike Navorsings- Wysiging van raad, 1945, word hiermee gewysig deur die volgende sub-artikel artikel 4 van aan die end daarvan by te voeg: Wet 33 van 1945.

„(3) Die raad is bevoeg—

- (a) om met goedkeuring van die Minister roerende of onroerende goed aan te koop of op ander wyse te verkry, te hou, te vervreem, te huur of te verhuur, en laboratoria en ander fasiliteite daar te stel ter bereiking van die oogmerke waarvoor die raad ingestel word; en
- (b) om al die ander dinge te doen wat nodig is vir of in verband staan met of bevorderlik is vir die bereiking van genoemde oogmerke, of nodig is vir of in verband staan met die verrigting van die werksaamhede of die vervulling van die pligte van die raad, of wat bereken is om direk of indirek die waarde van die raad se eiendom of regte te verhoog of dit winsgewend te maak.”.

2. Hierdie Wet heet die Wysigingswet op die Wetenskaplike Kort titel. Navorsingsraad, 1951.

No. 26, 1951.]

ACT

To amend the Merchandise Marks Act, 1941.

(*English text signed by the Governor-General.*)
(*Assented to 26th April, 1951.*)

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 6 of
Act 17 of 1941.

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

(a) by the insertion after paragraph (c), of the following paragraphs:

“(c)*bis* without the assent of the registered proprietor of a trade mark, manufactures or imports or has in his possession any device for applying that trade mark to any goods, or manufactures any reproductions, replicas or representations of that trade mark or imports them otherwise than on goods to which they have been applied; or

(c)*ter* manufactures or imports or has in his possession any device for applying to any goods a mark so nearly resembling a trade mark as to be likely to deceive; or”; and

(b) by the insertion in paragraph (d), after the word “reels”, of the words “or has in his possession any reproductions, replicas or representations of a trade mark or of a mark so nearly resembling a trade mark as to be likely to deceive.”.

Amendment of
section 10 of
Act 17 of 1941, as
amended by
Act 3 of 1946.

2. Section *ten* of the principal Act is hereby amended by the substitution for paragraphs (c) and (d) of sub-section (1), of the following paragraphs:

“(c) there shall be applied to them in a conspicuous manner and as specified in the notice, words or letters stating clearly the materials of which they are composed and if so required the percentages of such materials calculated either by weight or by volume as prescribed in the notice;

(d) there shall, if after they have been used, they have been reconditioned, rebuilt or remade, whether in the Union or elsewhere, be applied to them in the manner specified in the notice, words so specified stating clearly that they have been reconditioned, rebuilt or remade, as the case may be.”.

Amendment of
section 18 of
Act 17 of 1941.

3. Section *eighteen* of the principal Act is hereby amended by the insertion in sub-section (1), after the word “mark”, of the words “or for an offence under paragraph (c)*bis* of section *six*”.

Short title.

4. This Act shall be called the Merchandise Marks Amendment Act, 1951.

No. 26, 1951.]

WET

Tot wysiging van die Handelswaremerke-wet, 1941.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 26 April 1951.)

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

1. Artikel *ses* van die Handelswaremerke-wet, 1941 (hieronder die Hoofwet genoem), word hiermee gewysig—

Wysiging van artikel 6 van Wet 17 van 1941.

(a) deur die volgende paragrawe na paragraaf (c) in te voeg:

„(c)*bis* sonder toestemming van die geregistreerde eienaar van 'n handelsmerk, enige middel om daardie handelsmerk op ware aan te bring, vervaardig of invoer of in sy besit het, of reproduksies, replicas of voorstelling van daardie handelsmerk vervaardig of hul invoer anders dan op ware waarop hul aangebring is; of

(c)*ter* enige middel om 'n merk wat soveel op 'n handelsmerk gelyk dat dit waarskynlik misleidend sou wees, op ware aan te bring, vervaardig of invoer of in sy besit het; of"; en

(b) deur in paragraaf (d), na die woord „het", die woorde „of reproduksies, replicas of voorstelling van 'n handelsmerk van 'n merk wat soveel op 'n handelsmerk gelyk dat dit waarskynlik misleidend sou wees, in sy besit het" in te voeg.

2. Artikel *tien* van die Hoofwet word hiermee gewysig deur Wysiging van artikel 10 van Wet 17 van 1941, soos gewysig deur Wet 3 van 1946.

„(c) woorde of letters wat duidelik verklaar uit watter stowwe hulle saamgestel is en indien dit vereis word die persentasies van sulke stowwe bereken volgens of gewig of volume soos voorgeskryf in die kennisgewing, moet op 'n opvallende wyse en soos vermeld in die kennisgewing op hulle aangebring word;

(d) indien hulle, nadat hulle gebruik is, opgeknap, opnuut inmekbaar gesit of oorgemaak is, hetsy in die Unie of elders, dan moet, op die wyse in die kennisgewing vermeld, aldus vermelde woorde wat duidelik verklaar dat hulle opgeknap, opnuut inmekbaar gesit of oorgemaak is, na gelang van die geval, op hulle aangebring word.”.

3. Artikel *agtien* van die Hoofwet word hiermee gewysig deur Wysiging van artikel 18 van Wet 17 van 1941.

„of weens 'n misdryf ingevolge paragraaf (c)*bis* van artikel *ses*", in te voeg.

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

1951.

No. 27, 1951.]

ACT

To provide for the training and registration of native building workers, for the regulation of their employment and conditions of employment, and for other incidental matters.

(Afrikaans text signed by the Governor-General.)
(Assented to 26th April, 1951.)

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, unless the context otherwise indicates—
 - (i) “area” includes any number of areas whether or not contiguous; (iii)
 - (ii) “board” means the native building workers’ advisory board established under section *two*; (xiii)
 - (iii) “determination” means a determination made under section *thirteen*, and for the purposes of sections *nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, twenty-nine* and *thirty-one*, includes any notice served under paragraph (b) of sub-section (4) of section *ten* in so far as it relates to the rate of remuneration and the conditions of employment subject to which any learner is to be employed, as fixed by the Minister in terms of sub-section (3) of the said section; (xvii)
 - (iv) “employee” means a person employed by, or working for an employer, and receiving or being entitled to receive, any remuneration, and any other person whatsoever who in any manner assists in the carrying on or conducting of the business of an employer; and “employed” and “employment” have corresponding meanings; (xx)
 - (v) “employer” means any person whatsoever (including the State) who employs or provides work for any person and remunerates or expressly or tacitly undertakes to remunerate him or who permits any person whatsoever in any manner to assist him in the carrying on or conducting of his business; and “employ” and “employment” have corresponding meanings; (xviii)
 - (vi) “employers’ organization” means an employers’ organization registered or deemed to have been registered in terms of the Industrial Conciliation Act, 1937 (Act No. 36 of 1937); (xix)
 - (vii) “inspector” means an inspector appointed in terms of section *eighteen* and includes any person who has been appointed or who is deemed to have been appointed as an inspector under section *sixty* of the Industrial Conciliation Act, 1937 (Act No. 36 of 1937), or section *twenty-six* of the Wage Act, 1937 (Act No. 44 of 1937); (vi)
 - (viii) “learner” means a native who is being trained in terms of section *ten*; (vii)
 - (ix) “Minister” means the Minister of Labour; (ix)
 - (x) “native”, except in paragraph (a) of the definition of “native area”, means any person who is a member of an aboriginal race or tribe of Africa; (x)
 - (xi) “native area” means—
 - (a) all land in a scheduled native area or a released area in terms of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), of which the South African Native Trust constituted by section *four* of the said Act or a native as defined in section *forty-nine* of that Act, is the registered owner as so defined;

No. 27, 1951.]

WET

Om voorsiening te maak vir die opleiding en registrasie van naturellobouwers, vir die reëling van hul indiensneming en diensvoorraades, en vir ander sake wat daarmee in verband staan.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 26 April 1951.)

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, tensy uit die samehang anders blyk, Woordbepaling beteken—

- (i) „amptenaar”, 'n persoon op die vaste diensstaat van die Staatsdiens; (xiii)
- (ii) „beloning”, 'n betaling aan iemand gedoen of verskuldig in kontant of in natura of in kontant sowel as in natura, wat op enige wyse hoegenaamd uit diens ontstaan; en het „beloon” 'n ooreenstemmende betekenis; (xv)
- (iii) „gebied”, ook 'n aantal gebiede, aangrensend al dan nie; (i)
- (iv) „geskoonde werk”, werk verrig in een of ander van onderstaande vakke of in 'n afdeling van so 'n vak wat as daarby inbegrepe vermild word, te wete—
 - (a) messelwerk, met inbegrip van voegwerk, muur- en vloerbeteëling en plaveiwerk, rioolaanleg, leidakwerk en dakpandekking en algemene betonwerk (met inbegrip van wapening);
 - (b) klipmesselwerk, met inbegrip van monument-messelwerk, plaveiwerk, voegwerk, muur- en vloerbeteëling en algemene betonwerk (met inbegrip van wapening);
 - (c) pleisterwerk, met inbegrip van modellering, grano-liet- en komposisiebevloering, voorafgegote betonwerk, muur- en vloerbeteëling, plaveiwerk en algemene betonwerk (met inbegrip van wapening);
 - (d) timmerwerk en skrynwerk, met inbegrip van winkeluitrusting, aanbring van plafonne, houtblokkie-, hout- en komposisiebevloering, dakbedekking (uitgesonderd bedekking met gras of riet) en algemene betonwerk (met inbegrip van wapening);
 - (e) skilderwerk, met inbegrip van versierwerk, behangerswerk en insit van ruite;
 - (f) letterskilderswerk;
 - (g) loodgieterswerk, met inbegrip van koper-, lood- en plaatmetaalwerk, gasleidingaanleg, sanitêre en huishoudelike ingenieurswerk, rioolaanleg enloodsweiswerk;
 - (h) masjinale houbewerking;
 - (i) glas-in-loodwerk;
 - (j) vernis;
 - (k) elektriese montering en aanleg van leidings; en
 - (l) enige ander bouvak of afdeling van so 'n vak wat die Minister by kennisgewing in die *Staatskoerant* vir die toepassing van hierdie Wet tot geskoonde werk verklaar: Met dien verstande dat die Minister, voordat hy so 'n verklaring maak, 'n kennisgewing in die *Staatskoerant* moet laat afkondig waarin die bepalings van die verklaring wat hy voornemens is om te maak, uiteengesit word en alle belanghebbendes wat besware daarteen het, uitgenodig word om daardie besware binne dertig dae na die datum van afkondiging van die kennisgewing skriftelik by die Minister in te dien; (xvi)
 - (v) „hierdie Wet”, ook enige regulasie ingevolge daarvan uitgevaardig; (xvii)
 - (vi) „inspekteur”, 'n inspekteur wat kragtens artikel *agtien* aangestel is, en ook enige persoon wat ingevolge artikel *sestig* van die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937), of artikel *ses-en-twintig* van

- (b) any land which has been defined and set apart as a location or native village in terms of section two of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);
 - (c) any town, village or settlement administered under regulations made under section thirty of the Native Administration Act, 1927 (Act No. 38 of 1927);
 - (d) any land approved by the Minister of Native Affairs for the residence of natives in terms of paragraph (h) of sub-section (2) of section nine of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);
 - (e) any area which in terms of any proclamation issued under section three of the Group Areas Act, 1950 (Act No. 41 of 1950), is an area for occupation or ownership by members of a native group such as is referred to in sub-section (1) of section two of the said Act; or
 - (f) any area which in the opinion of the Minister is predominantly occupied by natives and which he may after consultation with the Minister of Native Affairs by notice in the *Gazette* declare to be a native area for the purposes of this Act;
- (xii) "native building worker" means a native who has been registered in terms of section eleven;
- (xiii) "officer" means a person on the fixed establishment of the public service;
- (xiv) "regulation" means a regulation made under this Act;
- (xv) "remuneration" means any payment in money or in kind or both in money and in kind, made or owing to any person, which arises in any manner whatsoever out of employment; and "remunerate" has a corresponding meaning;
- (xvi) "skilled work" means work performed in any of the following trades or any branch of any such trade specified as being included therein, namely—
- (a) bricklaying, including pointing, wall and floor tiling and paving, drain-laying, slating and roof tiling, and general concrete work (including reinforcement);
 - (b) masonry, including monumental masonry, paving, pointing, wall and floor tiling and general concrete work (including reinforcement);
 - (c) plastering, including modelling, granolithic and composition flooring, precast concrete work, wall and floor tiling, paving and general concrete work (including reinforcement);
 - (d) carpentry and joinery, including shopfitting, the erection of ceilings, woodblock, wood and composition flooring, roof covering (other than thatching) and general concrete work (including reinforcement);
 - (e) painting, including decorating, paper-hanging and glazing;
 - (f) signwriting;
 - (g) plumbing, including copper, lead and sheetmetal working, gasfitting, sanitary and domestic engineering, drainlaying and leadburning;
 - (h) woodmachining;
 - (i) leadlightmaking;
 - (j) french polishing;
 - (k) electrical fitting and wiring; and
 - (l) any other building trade or branch of such trade which the Minister may by notice in the *Gazette* declare to be skilled work for the purposes of this Act: Provided that before making any such declaration the Minister shall cause to be published in the *Gazette* a notice indicating the terms of the declaration which he proposes to make and inviting all interested persons who have any objections thereto to lodge such objections in writing with the Minister within thirty days of the date of publication of the notice;
- (xvii) "this Act" includes any regulation made thereunder;
- (v)
- (xviii) "trade union" means a trade union registered or deemed to have been registered in terms of the Industrial Conciliation Act, 1937 (Act No. 36 of 1937);
- (xvi)

- van die Loonwet, 1937 (Wet No. 44 van 1937), as 'n inspekteur aangestel is of geag word aangestel te gewees het; (vii)
- (vii) „leerling”, 'n naturel wat ooreenkomstig artikel *tien* opgelei word; (viii)
- (viii) „loonreëlende maatreël”, 'n ooreenkoms, kennisgewing of uitspraak wat ingevolge die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937), gepubliseer of gegee is of geag word gepubliseer of gegee te gewees het, of vasstelling wat ingevolge die Loonwet, 1937 (Wet No. 44 van 1937), gemaak is of geag word gemaak te gewees het, of uitspraak wat kragtens die regulasies gepubliseer by Oorlogsmaatreël No. 145 van 1942 gegee is en waarby diensvoorraad voorgeskryf word wat ten opsigte van werknemers in diens in geskoonde werk in die bounywerheid bindend is; (xx)
- (ix) „Minister”, die Minister van Arbeid; (ix)
- (x) „naturel”, behalwe in paragraaf (a) van die omskrywing van „naturellegebied”, 'n persoon wat tot 'n inboorling-ras of -stam van Afrika behoort; (x)
- (xi) „naturellebouwerker”, 'n naturel wat ooreenkomstig artikel *elf* geregistreer is; (xii)
- (xii) „naturellegebied” —
- (a) grond in 'n afgesonderde naturellegebied of 'n oopgestelde gebied volgens die Naturelletrust- en -grondwet, 1936 (Wet No. 18 van 1936), waarvan die Suid-Afrikaanse Naturelletrust, ingestel kragtens artikel *vier* van gemelde Wet, of 'n naturel soos in artikel *nege-en-veertig* van daardie Wet omskryf, die geregistreerde eienaar is soos aldus omskryf;
 - (b) grond wat ooreenkomstig artikel *twee* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), as 'n lokasie of naturelledorp omskryf en afgesonder is;
 - (c) 'n dorp of nedersetting wat bestuur word ingevolge regulasies uitgevaardig kragtens artikel *dertig* van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927);
 - (d) grond wat deur die Minister van Naturellesake as woonplek vir naturelle goedgekeur is ingevolge paragraaf (h) van sub-artikel (2) van artikel *nege* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945);
 - (e) 'n gebied wat ingevolge 'n proklamasie kragtens artikel *drie* van die Wet op Groepsgebiede, 1950 (Wet No. 41 van 1950), uitgevaardig, 'n gebied is vir okkupasie of grondbesit deur lede van 'n naturellegroep soos bedoel in sub-artikel (1) van artikel *twee* van genoemde Wet; of
 - (f) enige gebied wat na die Minister se oordeel oorheersend deur naturelle bewoon word en wat hy na oorlegpleging met die Minister van Naturellesake by kennisgewing in die *Staatskoerant* vir die toepassing van hierdie Wet tot 'n naturellegebied verklaar; (xi)
- (xiii) „raad”, die kragtens artikel *twee* ingestelde adviserende raad vir naturellebouwers; (ii)
- (xiv) „regulasie”, 'n regulasie wat kragtens hierdie Wet uitgevaardig is; (xiv)
- (xv) „stadsgebied”, 'n stadsgebied soos in die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), omskryf, en enige gebied wat aan 'n stadsgebied, soos aldus omskryf, grens en wat die Minister vir die doeleindes van hierdie Wet by kennisgewing in die *Staatskoerant* tot 'n stadsgebied verklaar het; (xix)
- (xvi) „vakvereniging”, 'n vakvereniging wat ingevolge die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937), geregistreer is of geag word geregistreer te gewees het; (xviii)
- (xvii) „vasstelling”, 'n vasstelling gemaak kragtens artikel *dertien*, en by die toepassing van artikels *negentien*, *twintig*, *twee-en-twintig*, *drie-en-twintig*, *vier-en-twintig*, *vyf-en-twintig*, *sewe-en-twintig*, *nege-en-twintig* en *een-en-dertig*, ook 'n kennisgewing wat ingevolge paragraaf (b) van sub-artikel (4) van artikel *tien* gedien word vir sover dit betrekking het op die skaal van beloning waarteen, en die diensvoorraad waarop 'n leerling in diens geneem moet word, soos ooreenkomstig sub-artikel (3) van bedoelde artikel deur die Minister vasgestel; (iii)

- (xix) "urban area" means an urban area as defined in the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and any area adjoining an urban area as so defined and declared by the Minister by notice in the *Gazette* to be an urban area for the purposes of this Act; (xv)
- (xx) "wage regulating measure" means any agreement, notice or award published or made or deemed to have been published or made under the Industrial Conciliation Act, 1937 (Act No. 36 of 1937), or determination made or deemed to have been made under the Wage Act, 1937 (Act No. 44 of 1937), or award made in terms of the regulations published under War Measure No. 145 of 1942, which prescribes conditions of employment which are binding in respect of employees employed on skilled work in the building industry. (viii)

Establishment of
Native Building
Workers' Advisory
Board.

2. (1) There is hereby established a board to be known as the Native Building Workers' Advisory Board which shall consist of so many members, not being less than seven, as the Minister may from time to time determine, of whom—

- (a) one shall be an officer appointed by the Minister to be chairman of the board; and
- (b) the remaining members shall, subject to the provisions of sub-section (2), be appointed by the Minister from amongst persons to be nominated on such a basis and in accordance with such a procedure as the Minister may in each case determine, by such employers' organizations and trade unions as the Minister may from time to time designate for the purpose: Provided that in determining any such basis or procedure, the Minister shall have regard to the interests represented by and the number of members of each of the employers' organizations or trade unions concerned.

(2) There shall be an equal number of members appointed under paragraph (b) of sub-section (1) from amongst persons nominated by employers' organizations and trade unions respectively.

(3) The Minister may appoint, *mutatis mutandis* in accordance with the provisions of paragraph (b) of sub-section (1), so many persons as he may deem fit as alternates to the members of the board appointed from amongst persons nominated by employers' organizations or trade unions.

(4) Whenever the appointment of a member of the board referred to in paragraph (b) of sub-section (1), or of alternates to members appointed under that paragraph, becomes necessary, the Minister shall cause the employers' organizations or trade unions concerned to be called upon, by notice in writing, to nominate, on the basis and in accordance with the procedure determined by the Minister, so many persons as may be specified in the notice from amongst whom the appointment may be made, and to advise the Minister in writing, within a period so specified, of the names and addresses of the persons so nominated.

(5) If any employers' organization or trade union fails, after having been called upon by notice under sub-section (4), to advise the Minister in writing, within the period specified in that notice, of the names and addresses of the persons nominated in pursuance of that notice, the Minister may appoint any person whom he deems suitable to be a member of the board or an alternate to members, as the case may be, to represent the interests concerned.

(6) Every appointment of a member of the board or of an alternate shall be notified in the *Gazette*.

(7) The Minister may from time to time appoint an officer to be deputy-chairman of the board to act as chairman at any meeting of the board whenever the chairman is for any reason unable to act thereat, and shall assign to the board an officer in his department to act as secretary to the board.

(8) The Minister shall from time to time—

- (a) after consultation with the Minister of Native Affairs, appoint an officer to act as adviser at meetings of the board in connection with matters affecting natives; and
- (b) appoint a person to represent the interests of native building workers and a person to represent the interests of employers of such workers at meetings of the board,

- (xviii) „werkewer”, enige persoon hoegenaamd (met inbegrip van die Staat) wat iemand in diens het of werk aan hom verskaf en hom beloon, of uitdruklik of stilswyend onderneem om hom te beloon, of wat enigiemand hoegenaamd toelaat om hom op enige wyse te help om sy besigheid te drywe of te bestuur; en het „in diens” en „diens” ooreenstemmende betekenisse; (v)
- (xix) „werkewersorganisasie”, ’n werkewersorganisasie wat ingevolge die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937), geregistreer is of geag word geregistreer te gewees het; (vi)
- (xx) „werkewner”, enige persoon wat by ’n werkewer in diens is of vir hom werk verrig en beloning ontvang of daarop geregtig is, en enige ander persoon hoegenaamd wat op enige wyse help om die besigheid van ’n werkewer te drywe of te bestuur; en het „in diens” en „diens” ooreenstemmende betekenisse. (iv)

2. (1) Hierby word ’n raad ingestel, genoem die Adviserende Raad vir Naturellebouwerks, wat bestaan uit soveel lede, maar nie minder as sewe nie, as wat die Minister van tyd tot tyd mag bepaal, van wie—

- (a) een ’n amptenaar moet wees wat deur die Minister as voorsitter van die raad aangestel word; en
- (b) die ander lede met inagneming van die bepalings van sub-artikel (2) deur die Minister aangestel word uit persone genomineer op ’n grondslag en volgens ’n prosedure wat die Minister in elke geval bepaal deur die werkewersorganisasies en vakverenigings wat die Minister van tyd tot tyd vir dié doel aanwys: Met dien verstande dat, by die bepaling van so ’n grondslag of prosedure, die Minister die belang verteenwoordig deur en die ledetal van elk van die betrokke werkewersorganisasies of vakverenigings in ag moet neem.

(2) Daar moet ingevolge paragraaf (b) van sub-artikel (1) ’n gelyke aantal lede uit persone genomineer onderskeidelik deur werkewersorganisasies en vakverenigings aangestel word.

(3) Die Minister kan *mutatis mutandis* ooreenkomstig die bepalings van paragraaf (b) van sub-artikel (1), soveel persone as wat hy goedvind aanstel as plaasvervangers vir die lede van die raad wat uit persone genomineer deur werkewersorganisasies of vakverenigings aangestel is.

(4) Wanneer die aanstelling van ’n in paragraaf (b) van sub-artikel (1) gemelde lid van die raad of van plaasvervangers vir ingevolge daardie paragraaf aangestelde lede nodig word, moet die Minister die betrokke werkewersorganisasies of vakverenigings by skriftelike kennisgewing laat aansê om op die grondslag en ooreenkomstig die prosedure wat die Minister bepaal, soveel persone as wat in die kennisgewing vermeld word te nomineer, uit wie se midde die aanstelling gedoen kan word, en om die Minister binne ’n tydperk aldus vermeld skriftelik in kennis te stel van die name en adresse van die persone aldus nomineer.

(5) Indien ’n werkewersorganisasie of vakvereniging versuim, nadat hy by kennisgewing ingevolge sub-artikel (4) aangesê is, om die Minister binne die tydperk in daardie kennisgewing vermeld skriftelik in kennis te stel van die name en adresse van die persone wat ingevolge daardie kennisgewing nomineer is, kan die Minister enige persoon wat hy geskik aag as lid van die raad of, al na die geval, as ’n plaasvervanger vir lede aanstel om die betrokke belang te verteenwoordig.

(6) Elke aanstelling van ’n lid van die raad of van ’n plaasvervanger moet in die *Staatskoerant* bekendgemaak word.

(7) Die Minister kan van tyd tot tyd ’n amptenaar as adjunkvoorsitter van die raad aanstel om op ’n vergadering van die raad as voorsitter op te tree wanneer die voorsitter om een of ander rede nie op so ’n vergadering kan optree nie, en moet ’n amptenaar van sy departement aan die raad toewys om as sekretaris van die raad op te tree.

(8) Die Minister moet van tyd tot tyd—

- (a) na oorlegpleging met die Minister van Naturellesake, ’n amptenaar aanstel om op vergaderings van die raad as raadewer op te tree in verband met aanleenthede rakende naturelle; en
- (b) ’n persoon wat die belang van naturellebouwerks en ’n persoon wat die belang van werkewers van sulke werkers op vergaderings van die raad moet verteenwoordig, aanstel

and any officer or person so appointed may attend and take part in the proceedings at any meeting of the board, but shall not be entitled to vote thereat.

Tenure of office of members of board.

3. (1) A member of the board or an alternate shall hold office for a period of three years: Provided that the Minister may, if he is satisfied that good grounds exist for doing so, at any time, after consultation with or at the request of the employers' organizations or trade unions concerned, declare the appointment of any such member or alternate to be terminated.

(2) Any casual vacancy that occurs on the board shall be filled by the appointment of another member or alternate, as the case may be, in accordance with the procedure prescribed in section two, and any person so appointed shall hold office for the unexpired portion of the period of office of his predecessor.

(3) A member or an alternate whose period of office has expired shall be eligible for re-appointment.

Allowances to members of board.

4. The members of the board, and alternates to such members, who are not officers shall receive such remuneration or allowances in respect of their services as the Minister may, in consultation with the Minister of Finance, determine.

Procedure of board.

5. As soon as practicable after its establishment, the board shall, subject to the approval of the Minister, make rules as to—

- (a) the procedure at meetings of the board, including the procedure to be followed if there is no quorum for any meeting; and
- (b) such other matters as may be necessary or expedient for the proper carrying out of the functions of the board.

Meetings of board and quorum.

6. (1) The first meeting of the board shall be held at such time and place and upon such notification to the members as the Minister may determine.

(2) All subsequent meetings of the board shall be held at such times and places and upon such notification to the members as the board may from time to time determine: Provided that the board shall meet at least once every six months.

(3) A special meeting of the board may be called by the chairman at any time in his discretion and shall be called by him on receipt of a written request therefor signed by a majority of the members appointed from amongst persons nominated by employers' organizations or trade unions, and any such special meeting shall be held at such time and place and upon such notification to the members as the chairman may decide.

(4) A majority of the total number of members of the board, including alternates designated under sub-section (6), and lawfully acting in the stead of absent members, shall form a quorum at any meeting.

(5) The meetings of the board shall be conducted in private, except in so far as the board otherwise decides.

(6) An alternate appointed under sub-section (3) of section two from amongst persons nominated by employers' organizations or trade unions, may, in the absence from a meeting of the board of any member thereof appointed from amongst persons nominated by such organizations or unions, as the case may be, attend and take part in the proceedings at that meeting in the stead of that member, but if more than one such alternate desires so to attend and take part in the proceedings at any meeting in the stead of any one such member, the members of the board (appointed from amongst persons nominated by such organizations or unions as the case may be) who are present at that meeting shall designate one of such alternates so to attend and take part in those proceedings.

(7) Whenever notice of a meeting of the board is given to the members thereof, similar notice shall be given to any officer or person appointed in terms of sub-section (8) of section two.

Majority decision and chairman's vote.

7. (1) The decision of the majority of the members of the board present at a meeting thereof shall constitute a decision of the board.

(2) If the chairman and the deputy-chairman are both absent from any meeting, the members of the board who are present thereat may elect from amongst themselves a person to act as chairman at that meeting.

en 'n aldus aangestelde amptenaar of persoon kan enige vergadering van die raad bywoon en aan die verrigtings aldaar deelneem, maar is nie geregtig om daarop te stem nie.

3. (1) 'n Lid van die raad of 'n plaasvervanger beklee sy Ampstermyn van amp vir 'n tydperk van drie jaar: Met dien verstande dat die lede van raad. Minister, indien hy oortuig is dat grondige rede daarvoor bestaan, te eniger tyd na raadpleging of op versoek van die betrokke werkgewersorganisasies of vakverenigings, die aanstelling van so 'n lid of plaasvervanger beëindig kan verklaar.

(2) 'n Toevallige vakature wat in die raad ontstaan, moet gevul word deur die aanstelling van 'n ander lid of plaasvervanger, al na die geval, ooreenkomsdig die prosedure wat in artikel *twee* voorgeskryf word, en 'n aldus aangestelde persoon beklee sy amp vir die onverstreke deel van die ampstydperk van sy voorganger.

(3) 'n Lid of plaasvervanger wie se ampstermyn verstryk het, kan weer aangestel word.

4. Die lede van die raad, en plaasvervangers vir sodanige Toelaes aan lede van raad. lede, wat nie amptenare is nie, ontvang ten opsigte van hul dienste die besoldiging of toelaes wat die Minister in oorleg met die Minister van Finansies mag bepaal.

5. So gou doenlik nadat die raad ingestel is, moet hy, onder- Prosedure van worpe aan die goedkeuring van die Minister, reëls uitvaardig raad. betreffende—

- (a) die prosedure op vergaderings van die raad, met inbegrip van die prosedure wat gevolg moet word wanneer daar geen kworum vir 'n vergadering is nie; en
- (b) die ander aangeleenthede wat vir die behoorlike uitvoering van die werksaamhede van die raad nodig of dienstig mag wees.

6. (1) Die eerste vergadering van die raad word gehou op Vergaderings van so 'n tyd en plek en na sodanige kennisgewing aan die lede raad en kworum. as wat die Minister mag bepaal.

(2) Alle daaropvolgende vergaderings van die raad word gehou op sodanige tye en plekke en na sodanige kennisgewing aan die lede as wat die raad van tyd tot tyd mag bepaal: Met dien verstande dat die raad minstens eenmaal elke ses maande moet vergader.

(3) 'n Spesiale vergadering van die raad kan te eniger tyd na goeddunke deur die voorsitter byeengeroep word en moet deur hom byeengeroep word by ontvangs van 'n skriftelike versoek daarom wat deur 'n meerderheid van die lede aangestel uit persone genomineer deur werkgewersorganisasies of vakverenigings onderteken is, en so 'n spesiale vergadering word gehou op so 'n tyd en plek en na sodanige kennisgewing aan die lede as wat die voorsitter mag bepaal.

(4) 'n Meerderheid van die totale getal lede van die raad, insluitende plaasvervangers wat ingevolge sub-artikel (6) aangewys is en wettiglik in die plek van afwesige lede optree, maak 'n kworum op enige vergadering uit.

(5) Die vergaderings van die raad moet agter geslotte deure gehou word, behalwe vir sover die raad anders besluit.

(6) 'n Plaasvervanger ingevolge sub-artikel (3) van artikel *twee* aangestel uit persone wat deur werkgewersorganisasies of vakverenigings genomineer is, kan, wanneer 'n lid van die raad wat aangestel is uit persone genomineer deur sodanige organisasies of verenigings, al na die geval, van 'n vergadering van die raad afwesig is, daardie vergadering bywoon en aan die verrigtings aldaar deelneem in die plek van daardie lid, maar indien meer as een so 'n plaasvervanger aldus 'n vergadering in die plek van 'n enkele lid wil bywoon en aan die verrigtings aldaar wil deelneem, moet die lede van die raad (aangestel uit persone genomineer deur sodanige organisasies of verenigings, al na die geval) wat op daardie vergadering teenwoordig is, een van bedoelde plaasvervangers aanwyse om aldus daardie vergadering by te woon en aan die verrigtings aldaar deel te neem.

(7) Wanneer aan lede van die raad kennis van 'n vergadering daarvan gegee word, moet insgelyks aan 'n kragtens sub-artikel (8) van artikel *twee* aangestelde amptenaar of persoon kennis gegee word.

7. (1) Die besluit van die meerderheid van die lede van die raad wat op 'n vergadering daarvan teenwoordig is, maak 'n Meerderheids- besluit en stem- reg van voor- sitter.

(2) Indien die voorsitter en die adjunk-voorsitter albei van 'n vergadering afwesig is, kan die lede van die raad wat daarop teenwoordig is uit hul midde iemand kies om as voorsitter op daardie vergadering op te tree.

(3) The person presiding at any meeting of the board shall not have a vote, except in the case of a person elected under sub-section (2), who shall have a deliberative vote.

Minutes of proceedings.

8. (1) The board shall cause minutes of all proceedings at meetings to be kept and the secretary of the board shall, as soon as practicable after the close of any meeting, transmit a copy of the minutes of that meeting to the Minister.

(2) The secretary shall submit the minutes of any meeting of the board to its next succeeding ordinary meeting for confirmation.

Powers, duties and functions of board.

9. The board may make recommendations to the Minister in regard to—

- (a) the training of learners as native building workers;
- (b) the making of determinations under section *thirteen*;
- (c) the imposition of any prohibition under sub-section (1) of section *fifteen*; and
- (d) any other matter which the Minister may refer to it.

Training of native building workers.

10. (1) The Minister may, after consultation with the Ministers of Native Affairs and Education, Arts and Science, and the board, make such arrangements as he may deem fit, to provide for natives to be trained to perform skilled work of a nature and standard required for the construction of buildings for use by natives in native areas, and for that purpose by notice in the *Gazette* prescribe—

- (a) the requirements which shall be complied with by any native who desires to be so trained;
- (b) the period of training, which shall not exceed four years and may consist of a period of training in an institution approved by the Minister and a period of training in employment with an employer; and
- (c) the variations which may be allowed in the period or periods prescribed in terms of paragraph (b), and the circumstances under which such variations may be allowed.

(2) The Minister shall from time to time after consultation with the Ministers of Native Affairs and of Education, Arts and Science, and the board, determine the maximum number of learners to be trained during any given period.

(3) For the purpose of receiving any training in employment prescribed under paragraph (b) of sub-section (1), a learner shall be placed in the service of an employer designated by the Minister, who has agreed—

- (a) to employ such learner for the period of training so prescribed, unless before the expiration of that period the Minister authorizes the discontinuance of such training or directs that such learner be placed in the service of some other employer, and to train such learner to become a native building worker;
- (b) not to employ Europeans except as supervisors or instructors in connection with work on any building where such learner is employed;
- (c) to employ such learner solely on building operations carried on within native areas; and
- (d) if such learner will during his period of training in employment be employed on work or in an area in respect of which a determination under section *thirteen* does not apply, to pay him such remuneration and to employ him subject to such conditions as the Minister may determine.

(4) The Minister shall, in respect of every learner placed in the service of an employer in terms of sub-section (3), cause to be served on that learner and on that employer a notice indicating—

- (a) the period of training, as prescribed under paragraph (b) of sub-section (1), to be undergone by that learner in the service of that employer; and
- (b) if the learner is to be employed on work or in an area in respect of which a determination under section *thirteen* does not apply, the minimum rate of remuneration and conditions of employment, as determined by the Minister under paragraph (d) of sub-section (3), subject to which the learner is to be employed.

(3) Die persoon wat op 'n vergadering van die raad as voorsitter optree, het geen stem nie, behalwe in die geval van 'n persoon ingevolge sub-artikel (2) gekies, wat 'n beraadslagende stem het.

8. (1) Die raad moet van alle verrigtings op vergaderings notule laat hou, en die sekretaris van die raad moet so gou doenlik na afloop van 'n vergadering 'n afskrif van die notule van daardie vergadering aan die Minister stuur.

(2) Die sekretaris moet die notule van enige vergadering van die raad op sy eersvolgende gewone vergadering vir bekragtiging voorlê.

9. Die raad kan aanbevelings aan die Minister doen betrekende—

- (a) die opleiding van leerlinge as naturellebouwerkers;
- (b) die maak van vasstellings kragtens artikel *dertien*;
- (c) die oplegging van enige verbod ingevolge sub-artikel (1) van artikel *vyftien*; en
- (d) enige ander aangeleentheid wat die Minister na die raad mag verwys.

Bevoegdhede,
pligte en werk-
saamhede van
raad.

10. (1) Die Minister kan na oorlegpleging met die Ministers van Naturellesake en van Onderwys, Kuns en Wetenskap, en met die raad, die reëlings tref wat hy goedvind om voorsiening te maak vir die opleiding van naturelle vir die verrigting van geskoolede werk van 'n aard en standaard wat nodig is vir die oprigting van geboue vir die gebruik van naturelle in naturellegebiede, en kan vir dié doel by kennisgewing in die *Staatskoerant* voorskryf—

Opleiding van
naturelle-
bouwerkers.

- (a) die vereistes waaraan 'n naturel wat aldus opgelei wil word, moet voldoen;
- (b) die tydperk van opleiding, wat nie meer as vier jaar moet wees nie en uit 'n tydperk van opleiding in 'n inrigting wat deur die Minister goedgekeur word en 'n tydperk van opleiding in die diens van 'n werkewer kan bestaan; en
- (c) die awykings wat in die kragtens paragraaf (b) voorgeskreve tydperk of tydperke toegelaat mag word en die omstandighede waaronder sulke awykings toegelaat mag word.

(2) Die Minister moet van tyd tot tyd, na oorlegpleging met die Ministers van Naturellesake en van Onderwys, Kuns en Wetenskap, en met die raad, die maksimum getal leerlinge vasstel wat gedurende 'n bepaalde tydperk opgelei kan word.

(3) Ten einde opleiding in diens volgens voorskrif van paragraaf (b) van sub-artikel (1) te ontvang, moet 'n leerling in die diens geplaas word van 'n werkewer wat die Minister aangewys het en wat ingestem het—

- (a) om die leerling vir die aldus voorgeskrewe opleidings-tydperk in diens te hou, tensy die Minister voor die verstryking van daardie tydperk magtiging verleen om die opleiding te staak of gelas dat die leerling in die diens van 'n ander werkewer geplaas word, en om die leerling op te lei om 'n naturellebouwerker te word;
- (b) om in verband met werk aan 'n gebou waar die leerling in diens is, geen blankes in 'n ander hoedanigheid as opsigters of instrukteurs in diens te neem nie;
- (c) om die leerling uitsluitlik by bouwerk wat binne naturellegebiede uitgevoer word, in diens te hou; en
- (d) indien die leerling gedurende sy tydperk van opleiding in diens werkzaam sal wees in werk of in 'n gebied ten opsigte waarvan 'n vasstelling ingevolge artikel *dertien* nie van toepassing is nie, om aan hom die beloning te betaal en hom op die voorwaardes in diens te hou wat die Minister mag bepaal.

(4) Die Minister moet, ten opsigte van elke leerling wat ooreenkomsdig sub-artikel (3) in die diens van 'n werkewer geplaas word, op daardie leerling en op daardie werkewer 'n kennisgewing laat dien waarin vermeld word—

- (a) die tydperk van opleiding, soos voorgeskryf ingevolge paragraaf (b) van sub-artikel (1), wat daardie leerling in die diens van daardie werkewer moet ondergaan; en
- (b) indien die leerling in diens sal wees in werk of in 'n gebied ten opsigte waarvan daar nie 'n vasstelling ingevolge artikel *dertien* van toepassing is nie, die minimum skaal van beloning en diensvoorwaardes, soos ingevolge paragraaf (d) van sub-artikel (3) deur die Minister bepaal, onderworpe waaraan die leerling in diens gehou moet word.

(5) The Minister may in his discretion authorize the discontinuance of training in employment of any learner, or direct that such learner shall undergo any unexpired portion of the period of such training in the service of some other employer whom the Minister may, subject to the provisions of sub-section (3), designate for the purpose, and in the latter event all the provisions of this section shall apply in connection with the employment and training of such learner by that other employer as if such learner had originally been placed in the service of that other employer for the purpose of receiving training in employment.

(6) Any employer in whose service a learner has in terms of this section been placed for the purpose of receiving training in employment, and who contravenes or fails to comply with any condition mentioned in sub-section (3) to which he has agreed, shall be guilty of an offence.

(7) Subject to the provisions of sub-section (5), a learner who has been admitted to an institution referred to in paragraph (b) of sub-section (1) for the purpose of receiving any training prescribed in terms of that paragraph, shall, unless the Minister otherwise directs—

(a) attend for the period so prescribed, such courses of training in that institution as the Minister may direct;

(b) after completion of the said period, accept employment with such employer as may be designated by the Minister for the purpose of receiving training in employment for the period so prescribed, and remain in the service of that employer until he has completed that period,

and any learner who contravenes or fails to comply with any provision of this sub-section shall be guilty of an offence.

(8) Any native who on the date of commencement of this Act is undergoing training in skilled work in terms of any regulations made under the Housing (Emergency Powers) Act, 1945 (Act No. 45 of 1945), shall be deemed to be a person who is being trained in terms of this section and shall, notwithstanding anything to the contrary contained in the said regulations, complete the remaining portion of the period of such training as prescribed in those regulations in accordance with the provisions of this Act.

Registration of learners and native building workers.

11. (1) The Minister shall establish and cause to be maintained registers in which shall be recorded the names and such other particulars as may be prescribed by regulation of learners and native building workers respectively.

(2) The Minister shall register as a native building worker any native who, having been registered as a learner, has served the period of training prescribed in terms of paragraph (b) of sub-section (1) of section *ten*, or (in the case of a native referred to in sub-section (8) of that section) in terms of the relevant regulations, or has before the expiration of such period passed a trade test prescribed by the Minister, and shall register as a native building worker any other native who has, by passing such a test or otherwise, satisfied the Minister that he is able to perform skilled work of a nature and standard referred to in sub-section (1) of the said section.

(3) The Minister shall cause to be issued to every native registered as a native building worker, a certificate of registration in such form as may be prescribed by regulation.

(4) A native building worker who refuses or wilfully fails to produce such certificate of registration within a period of seven days after having been required to do so by any person with whom he has obtained employment or any inspector or any designated agent appointed in terms of section *sixty-two* of the Industrial Conciliation Act, 1937 (Act No. 36 of 1937), shall be guilty of an offence and liable on conviction to a fine not exceeding fifteen pounds.

(5) If any such certificate of registration has been damaged, lost or destroyed, the person to whom such certificate was issued shall upon payment of a fee prescribed by regulation be entitled to obtain a new certificate subject to surrender of the damaged certificate or, in the case of a certificate which has been lost or destroyed, proof of loss or destruction thereof to the satisfaction of the Minister.

Non-applicability of Act 37 of 1944.

12. The provisions of the Apprenticeship Act, 1944, shall not apply to a learner or native building worker.

(5) Die Minister kan na goeddunke magtiging verleen om die opleiding van 'n leerling in diens te staak of gelas dat so 'n leerling enige onverstreke gedeelte van die tydperk van die opleiding moet ondergaan in die diens van 'n ander werkewer wat die Minister met inagneming van die bepalings van sub-artikel (3) vir die doel mag aanwys, en in laasgenoemde geval is al die bepalings van hierdie artikel van toepassing in verband met die indiensneming en opleiding van so 'n leerling deur daardie ander werkewer asof die leerling oorspronklik in die diens van daardie ander werkewer geplaas was ten einde opleiding in diens te ontvang.

(6) 'n Werkewer in wie se diens 'n leerling ingevolge hierdie artikel geplaas is om in diens opgelei te word en wat 'n voorwaarde genoem in sub-artikel (3), waarin hy toegestem het, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(7) 'n Leerling wat in 'n inrigting gemeld in paragraaf (b) van sub-artikel (1) opgeneem is om ingevolge daardie paragraaf voorgeskrewe opleiding te ondergaan, moet, behoudens die bepalings van sub-artikel (5), en tensy die Minister anders gelas—

- (a) vir die aldus voorgeskrewe tydperk die opleidings-
 - kursusse in daardie inrigting bywoon wat die Minister mag gelas;
- (b) nadat bedoelde tydperk verstryk het, by 'n werkewer wat die Minister mag aanwys diens aanvaar ten einde vir die aldus voorgeskrewe tydperk opleiding in diens te ontvang, en in die diens van daardie werkewer bly totdat bedoelde tydperk verstryk het,

en 'n leerling wat 'n bepaling van hierdie sub-artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(8) 'n Naturel wat op die datum waarop hierdie Wet in werking tree, ooreenkomsdig regulasies uitgevaardig kragtens die Wet op Behuising (Noodmagte), 1945 (Wet No. 45 van 1945), opleiding in geskoonde werk ondergaan, word geag 'n persoon te wees wat ingevolge hierdie artikel opgelei word, en moet, ondanks andersluidende bepalings van genoemde regulasies, die oorblywende gedeelte van die tydperk van opleiding wat in daardie regulasies voorgeskryf is, ooreenkomsdig die bepalings van hierdie Wet ondergaan.

11. (1) Die Minister moet registers instel en in stand laat Registrasie van hou waarin die name en ander by regulasie voorgeskrewe leerlinge en besonderhede van leerlinge en naturellebouwerkers onder- naturelle- bouwerkers skeidelik opgeteken moet word.

(2) Die Minister moet 'n naturel wat, nadat hy as 'n leerling geregistreer was, die tydperk van opleiding voorgeskryf ingevolge paragraaf (b) van sub-artikel (1) van artikel *tien* of (in die geval van 'n naturel bedoel in sub-artikel (8) van daardie artikel) die toepaslike regulasies, deurgemaak het, of wat, voor die verstryking van so 'n tydperk, in 'n deur die Minister voorgeskrewe bedryfstoot geslaag het, as 'n naturellebouwerker registreer, en moet enige ander naturel wat deur in so 'n toets te slaag, of andersins, die Minister daarvan oortuig het dat hy in staat is om geskoonde werk van 'n aard en standaard in sub-artikel (1) van genoemde artikel bedoel, te verrig, as 'n naturellebouwerker registreer.

(3) Die Minister moet aan elke naturel wat as 'n naturellebouwerker geregistreer is, 'n registrasiesertifikaat in die vorm wat by regulasie voorgeskryf mag word, laat uitrek.

(4) 'n Naturellebouwerker wat weier of opsetlik versuim om so 'n registrasiesertifikaat oor te lê binne 'n tydperk van sewe dae nadat hy daartoe aangesê is deur 'n persoon by wie hy in diens getree het of deur 'n inspekteur of 'n aangewese agent wat ingevolge artikel *twee-en-sestig* van die Nywerheid-versoeningswet, 1937 (Wet No. 36 van 1937), aangestel is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftien pond.

(5) Indien so 'n registrasiesertifikaat beskadig of vernietig word of verlore raak, is die persoon aan wie daardie sertifikaat uitgereik is geregtig om by betaling van 'n by regulasie voorgeskrewe bedrag 'n nuwe sertifikaat te verkry, mits hy die beskadigde sertifikaat oorhandig of, in die geval van 'n sertifikaat wat verlore geraak het of vernietig is, tot bevrediging van die Minister bewys van die verlies of vernietiging daarvan lewer.

12. Die bepalings van die Wet op Vakleerlinge, 1944, is nie **Wet 37 van 1944** nie van toepassing nie.
op 'n leerling of naturellebouwerker van toepassing nie.

Conditions of employment of native building workers.

13. (1) The Minister may, after consultation with the Minister of Native Affairs, the wage board established by section three of the Wage Act, 1937 (Act No. 44 of 1937), and the board, by notice in the *Gazette* make a determination prescribing minimum rates of remuneration, working hours or other conditions of employment which shall be applicable to employers and native building workers or learners or other natives employed by them on such classes of skilled work carried out in the building industry in any specified native area as may be specified in the determination.

(2) The Minister may in like manner amend, repeal or suspend the operation of any determination so made or extend the operation thereof to any other native area.

(3) Before making or amending any such determination, the Minister shall cause to be published in the *Gazette*, a notice setting forth the terms of the proposed determination or amendment and inviting persons who desire to make any representations to him in regard thereto, to lodge such representations with a specified person within a period stated in the notice.

(4) Subject to the provisions of sub-section (2), the provisions of any such determination shall from such date and for such period as the Minister shall specify in the notice referred to in sub-section (1), be binding upon employers and upon such native building workers, learners and other natives employed by them as may be specified therein, and during the said period any wage regulating measure in force in the area specified in the determination shall be suspended in so far as it applies to native employees to whom the determination relates.

Control of employment in the building industry.

14. (1) No employer in the building industry shall except with the written consent of the Minister after the commencement of this Act—

(a) employ a native upon skilled work in the building industry within an urban area, elsewhere than in a native area;

(b) in any native area employ a European otherwise than in the capacity of a supervisor or instructor on any building in connection with which any native is employed on skilled work in the building industry.

(2) Any employer who contravenes the provisions of sub-section (1) shall be guilty of an offence.

Restriction of employment in certain areas.

15. (1) The Governor-General may, on the recommendation of the Minister, made after consultation with the board, by proclamation in the *Gazette*, prohibit—

(a) any person (other than an employer in the building industry) or any person belonging to a specified class of such persons or any person other than a person belonging to a specified class of such persons, from employing any native on any specified class of skilled work in connection with the erection, completion, renovation, repair, maintenance or alteration of a building in a specified urban area or part of such area, elsewhere than in a native area; and

(b) any native from performing as an employee or in any other capacity such work in connection with any such building, not being a building owned by him and occupied or intended for occupation by himself and his dependants,

and may in like manner amend or repeal any such proclamation.

(2) Before making a recommendation under sub-section (1), the Minister shall cause to be published in the *Gazette* and in one or more newspapers circulating in the area concerned a notice indicating that he proposes to make such a recommendation and setting forth the terms of that recommendation, and calling upon all interested persons who have any objections to the proposed provisions thereof to lodge such objections in writing with a specified officer within thirty days of the date of publication of the notice, and no such recommendation shall be made whereof the terms are, in the opinion of the Minister, materially different from those of the recommendation set out in such notice.

(3) Any person who contravenes any provision of a proclamation issued in terms of sub-section (1) shall be guilty of an offence.

Restriction of performance of skilled work in native areas by persons other than natives.

16. (1) The Governor-General may, on the recommendation of the Minister, made after consultation with the board, by proclamation in the *Gazette*, prohibit persons other than natives or any specified classes of such persons, from performing any specified class of skilled work in the building industry, within any native area, except with the written consent of the Minister.

13. (1) Die Minister kan na oorlegpleging met die Minister Diensvoorvan Naturellesake, die loonraad ingestel deur artikel *drie* van waardes van die Loonwet, 1937 (Wet No. 44 van 1937), en met die raad, by kennisgewing in die *Staatskoerant* 'n vasstelling maak waarin die minimum skaal van beloning, werkure of ander diensvoorwaardes voorgeskryf word wat geld vir werkgewers en naturellebouwerkers of leerlinge of ander naturelle wat by hulle in diens is in sodanige klasse geskoolde werk in die bounywerheid in 'n bepaalde naturellegebied as wat in die vasstelling vermeld mag word.

(2) Die Minister kan insgelyks 'n vasstelling wat aldus gemaak is, wysig of herroep of die toepassing daarvan opskort, of dit ook op 'n ander naturellegebied van toepassing maak.

(3) Die Minister moet, voordat hy so 'n vasstelling maak of wysig, in die *Staatskoerant* 'n kennisgewing laat publiseer wat die bepalings van die voorgestelde vasstelling of wysiging uiteensit en waarin persone wat daaromtreent vertoë aan hom wil rig, uitgenodig word om sodanige vertoë by 'n vermelde persoon in te dien binne 'n tydperk in die kennisgewing vermeld.

(4) Behoudens die bepalings van sub-artikel (2), is die bepalings van so 'n vasstelling vanaf 'n datum en vir 'n tydperk wat die Minister in die kennisgewing, gemeld in sub-artikel (1), spesifiseer, bindend vir werkgewers en vir sodanige naturellebouwerkers, leerlinge en ander naturelle in hul diens as wat daarin vermeld word, en gedurende bedoelde tydperk word enige loonreëlene maatreël wat binne 'n in die vasstelling gespesifiseerde gebied van krag is, opgeskort vir sover dit van toepassing is op naturellewerkennemers op wie die vasstelling betrekking het.

14. (1) Geen werkewer in die bounywerheid mag behalwe met die skriftelike toestemming van die Minister na die inwerkintreding van hierdie Wet— Beheer oor indiensneming in die bounywerheid.

- (a) 'n naturel binne 'n stadsgebied elders as in 'n naturellegebied in geskoolde werk in die bounywerheid in diens neem nie;
- (b) in 'n naturellegebied 'n blanke andersins dan as 'n opsigter of instrukteur in diens neem vir werk aan 'n gebou in verband waarmee enige naturel in geskoolde werk in die bounywerheid in diens is nie.

(2) 'n Werkewer wat die bepalings van sub-artikel (1) oortree, is aan 'n misdryf skuldig.

15. (1) Die Goewerneur-generaal kan op aanbeveling van die Minister, gedoen na oorlegpleging met die raad, by proklamasie in die *Staatskoerant* — Beperking op indiensneming in sekere gebiede.

- (a) enige persoon (uitgesonderd 'n werkewer in die bounywerheid) of enige persoon behorende tot 'n vermelde kategorie van sulke persone of enige ander persoon as 'n persoon behorende tot 'n vermelde kategorie van sulke persone, verbied om 'n naturel in diens te neem in enige vermelde klas van geskoolde werk in verband met die oprigting, voltooiing, hernuwing, herstel, instandhouding of verandering van 'n gebou in 'n vermelde stadsgebied of gedeelte van so 'n gebied, elders as in 'n naturellegebied; en
- (b) enige naturel verbied om as 'n werkennemer of in enige ander hoedanigheid sulke werk te verrig in verband met so 'n gebou wat nie aan hom behoort en deur hom en sy afhanklikies bewoon word of bedoel is om deur hulle bewoon te word nie,

en kan so 'n proklamasie insgelyks wysig of intrek.

(2) Alvorens 'n aanbeveling ingevalle sub-artikel (1) gedoen word, moet die Minister in die *Staatskoerant* en in een of meer nuusblaaie wat in die betrokke gebied in omloop is 'n kennisgewing laat publiseer waarin aangedui word dat hy voornemens is om so 'n aanbeveling te doen en waarin die bepalings van daardie aanbeveling uiteengesit en alle belanghebbendes wat besware teen die voorgestelde bepalings daarvan het, versoek word om daardie besware binne dertig dae vanaf die datum van publikasie van die kennisgewing skriftelik by 'n vermelde amptenaar in te dien, en geen sodanige aanbeveling mag gedoen word nie waarvan die bepalings na die Minister se oordeel wesenlik verskil van dié van die aanbeveling wat in sodanige kennisgewing uiteengesit is.

(3) Iemand wat die bepalings van 'n proklamasie uitgevaardig ingevalle sub-artikel (1) oortree, is aan 'n misdryf skuldig.

16. (1) Die Goewerneur-generaal kan, op 'n aanbeveling deur die Minister gedoen na oorlegpleging met die raad, by proklamasie in die *Staatskoerant* persone behalwe naturelle of enige vermelde kategorie van sulke persone verbied om behalwe met die skriftelike toestemming van die Minister enige vermelde klas van geskoolde werk in die bounywerheid binne 'n naturellegebied te doen.

(2) Any person who contravenes any provision of a proclamation issued in terms of sub-section (1) shall be guilty of an offence.

Delegation of powers.

17. The Minister may from time to time by writing under his hand, and subject to such conditions and to such general or particular directions as he may deem fit, delegate all or any of the powers conferred upon him by sub-section (3), (4) or (5) of section *ten*, section *eleven* or sub-section (1) of section *nineteen*, to any officer, and may withdraw any such delegation.

Appointment of inspectors.

18. (1) The Minister may appoint any member of the police force or, subject to the laws governing the public service, any other person as an inspector under this Act.

(2) There shall be issued to every inspector appointed in terms of sub-section (1), a certificate signed by an officer designated by the Minister and stating that he has been appointed as an inspector under this Act.

Exemptions.

19. (1) Whenever an inspector reports in relation to a determination which is binding in terms of this Act that in his opinion—

- (a) the conditions of employment of any persons to whom such determination applies, are substantially not less favourable to them than the conditions of employment prescribed by that determination; or
- (b) any person suffers from physical disability such as old age or chronic sickness or infirmity, and is capable of doing only part of the work required of an able-bodied person; or
- (c) special circumstances exist which justify in the interests of any person, an exemption of that person under this section,

the Minister may, if he deems it expedient to do so, authorize the exemption, under licence signed by an officer, subject to such conditions and for such period as may be specified therein, of those persons or that person from all or certain of the provisions of any determination applicable to them or him.

(2) Any condition specified in any licence issued under this section shall be binding upon the person to whom it has been issued and, if that person is an employee, upon every person who employs him.

(3) Any such exemption may at any time be withdrawn at the discretion of the Minister, and any exemption granted by an officer to whom powers have been delegated under section *seventeen* may at any time be withdrawn by that officer or by any other officer to whom powers have been so delegated.

Failure to observe provisions of determination or licence of exemption.

20. (1) Any person who contravenes or fails to comply with any provision of any determination or licence of exemption binding upon him under this Act, shall be guilty of an offence.

(2) If an employer is convicted under sub-section (1) of an offence which consisted of the contravention of or failure to comply with any provision of any determination or licence of exemption relating to the payment of remuneration due to an employee, the court convicting him shall enquire into and determine the difference between the amount which he paid and the amount which he would have paid if the contravention or failure of which he has been convicted had not occurred, which difference is in this section and in sections *twenty-one* and *twenty-three* referred to as the amount underpaid, and whether the employee concerned did or did not agree to accept less than the remuneration which under the provisions of the relevant determination or licence he was entitled to receive, and whether, if he did so agree, he did or did not know of his rights under those provisions, and if he did know of those rights, the circumstances under which he so agreed, and if the court is unable on all the evidence, whether given before or after conviction, to determine that difference exactly, it shall to the best of its ability estimate that difference, and if no amount has been paid, the amount which would have been paid if the contravention or failure had not occurred, shall, for the purposes of this sub-section, be deemed to be the difference.

(3) The court shall, when acting under sub-section (2), give to the employer and the employee concerned an opportunity of submitting evidence regarding the amount underpaid and the circumstances under which the underpayment took place.

(2) 'n Persoon wat 'n bepaling van 'n ingevolge sub-artikel (1) uitgevaardigde proklamasie oortree, is aan 'n misdryf skuldig.

17. Die Minister kan van tyd tot tyd skriftelik onder sy Oordrag van handtekening, en behoudens die voorwaardes en die algemene bevoegdhede, of besondere voorskrifte wat hy goedvind, enige van of al die bevoegdhede by sub-artikel (3), (4) of (5) van artikel *tien*, artikel *elf* of sub-artikel (1) van artikel *negentien* aan hom verleen aan 'n amptenaar oordra, en kan so 'n oordrag intrek.

18. (1) Die Minister kan 'n lid van die polisiemag of, met inagneming van die wette betreffende die staatsdiens, enige ander persoon as 'n inspekteur ingevolge hierdie Wet aanstel. Aanstelling van inspekteurs.

(2) Aan elke inspekteur wat ooreenkomsdig sub-artikel (1) aangestel word, moet 'n sertifikaat uitgereik word wat onderteken is deur 'n amptenaar deur die Minister aangewys en waarin verklaar word dat hy as 'n inspekteur ingevolge hierdie Wet aangestel is.

19. (1) Wanneer 'n inspekteur met betrekking tot 'n vas- Vrystellings. stelling wat ingevolge hierdie Wet bindend is, verslag doen dat na sy mening—

- (a) die diensvoorraad van persone op wie daardie vas- stelling van toepassing is vir hulle wesenlik nie minder gunstig is as die diensvoorraad wat deur daardie vasstelling voorgeskryf word nie; of
- (b) iemand aan liggaamlike ongeskiktheid soos ouderdom of kroniese siekte of swakheid ly, en slegs 'n deel van die werk kan verrig wat van 'n liggaamlik gesikte persoon vereis word; of
- (c) besondere omstandighede bestaan wat in belang van 'n persoon 'n vrystelling aan daardie persoon ingevolge hierdie artikel regverdig,

kan die Minister, as hy dit raadsaam ag, magtiging verleen dat daardie persone of daardie persoon deur middel van 'n sertifikaat, onderteken deur 'n amptenaar, vrygestel word van al die bepalings of sekere bepalings van 'n vasstelling wat op hulle of op hom van toepassing is, en wel onderworpe aan die voorwaardes en vir die tydperk wat in die sertifikaat vermeld mag word.

(2) 'n Voorwaarde vermeld in 'n sertifikaat kragtens hierdie artikel uitgereik, is bindend vir die persoon aan wie dit uitgereik is en as daardie persoon 'n werknemer is, vir enige wat hom in diens neem.

(3) So 'n vrystelling kan te eniger tyd na goeddunke van die Minister ingetrek word, en 'n vrystelling verleent deur 'n amptenaar aan wie bevoegdhede kragtens artikel *sewentien* oorgedra is, kan te eniger tyd ingetrek word deur daardie amptenaar of deur 'n ander amptenaar aan wie bevoegdhede aldus oorgedra is.

20. (1) Iemand wat 'n bepaling van 'n vasstelling of 'n Versuim om bepalings van vasstelling of vrystellingsertifikaat, wat kragtens hierdie Wet vir hom bindend is, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

bepalings van
vasstelling of
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ertifikaat na te
kom.

(2) Indien 'n werkgewer ingevolge sub-artikel (1) skuldig bevind word weens 'n misdryf wat bestaan het uit die oortreding van of die versuim om te voldoen aan 'n bepaling van 'n vasstelling of vrystellingsertifikaat betreffende die betaling van beloning wat aan 'n werknemer verskuldig is, moet die hof wat hom skuldig bevind deur ondersoek die verskil (in hierdie artikel en in artikels *een-en-twintig* en *drie-en-twintig* die onderbetaalde bedrag genoem) tussen die bedrag wat hy betaal het en die bedrag wat hy sou betaal het as die oortreding of versuim waaraan hy skuldig bevind is nie plaasgevind het nie, vasstel, en bepaal of die betrokke werknemer ingestem het, al dan nie, om minder te ontvang as die beloning waarop hy kragtens die bepalings van die betrokke vasstelling of sertifikaat geregtig was, en, indien hy aldus ingestem het, of hy bewus was, al dan nie, van sy regte kragtens daardie bepalings, en, indien hy van daardie regte bewus was, onder watter omstandighede hy aldus ingestem het, en indien die hof uit al die getuenis, hetsy voor of na die skuldigbevinding afgelê, nie in staat is om bedoelde verskil presies vas te stel nie, moet hy die verskil na die beste van sy vermoë raam, en as geen bedrag betaal is nie, moet die bedrag wat betaal sou gewees het, indien die oortreding of versuim nie plaasgevind het nie, by die toepassing van hierdie sub-artikel geag word die verskil te wees.

(3) Die hof moet, wanneer hy kragtens sub-artikel (2) optree, aan die werkgewer en die werknemer wat daarby betrokke is, die geleenthed gee om getuenis voor te lê aanstaande die onderbetaalde bedrag en die omstandighede waaronder die onderbetaling plaasgevind het.

(4) The proceedings of the court under the provisions of sub-sections (2) and (3) shall be taken before sentence is passed, and shall be deemed to form part of the trial.

(5) Whenever in the case of an offence such as is referred to in sub-section (2), the amount underpaid is greater than the maximum amount of the fine prescribed by section *thirty-three*, the maximum amount of the fine to which the person convicted shall be liable in terms of that section shall be increased to an amount equal to the amount underpaid.

(6) It shall not be a defence to any charge of a contravention or failure such as is referred to in sub-section (2), to prove that the act or omission with which the accused is charged was due to lack of means.

Order upon employer to pay to specified officer amount underpaid.

21. (1) Whenever any person has been convicted under sub-section (1) of section *twenty* in respect of an offence such as is referred to in sub-section (2) of that section, the court convicting him shall, after it has, in terms of that section, determined the amount underpaid, order him to pay an amount equal to the amount underpaid to an officer specified by the court (hereinafter referred to as the specified officer) within a period fixed by the court, in instalments or otherwise, as fixed by the court.

(2) The court may at any time, upon the application of the person convicted, for good cause shown, extend the period within which any such amount must be paid to the specified officer or vary the amounts of the instalments.

(3) An order made under the provisions of this section shall have all the effects of, and may be executed as if it were, a civil judgment in favour of the Government of the Union.

Disposal of amounts paid to specified officer.

22. (1) Whenever an order is made under section *twenty-one* against an employer in respect of a contravention or failure such as is referred to in sub-section (2) of section *twenty*, the court making the order shall direct that so much of the amount, which in terms of the order is paid to the specified officer, as the court, having regard to the circumstances under which the contravention or failure occurred, deems equitable, shall be paid to the employee in respect of whom the contravention or failure occurred: Provided that—

(a) if the court finds that the employee concerned did not agree to accept less than the minimum remuneration which under the provisions of the relevant determination or licence he was entitled to receive, or that if he did so agree, he so agreed not knowing of his rights under those provisions, the court shall direct that the whole of the amount so paid to the specified officer shall be paid to that employee;

(b) if the court, having regard to the circumstances under which the contravention or failure occurred, deems it equitable to do so, it may, except in the circumstances referred to in paragraph (a), direct that no portion of the amount so paid to the specified officer shall be paid to the employee concerned;

(c) if the court directs that any portion of the amount so paid to the specified officer shall be paid to the employee concerned, that portion shall not be less than one-fourth thereof.

(2) So much of the amount so paid to the specified officer as is not in terms of sub-section (1) paid to the employee concerned, shall be paid into the Consolidated Revenue Fund.

Effect of Act upon right of employee to recover by civil proceedings.

23. (1) If any person has been convicted under sub-section (1) of section *twenty* in respect of an offence such as is referred to in sub-section (2) of that section, the employee in respect of whom the contravention or failure occurred shall not be entitled by civil proceedings to recover from his employer any portion of the amount underpaid, but shall be entitled to receive in respect of the amount underpaid only the moneys which the court in terms of sub-section (1) of section *twenty-two* directs shall be paid to him out of the moneys paid to the specified officer under an order made under sub-section (1) of section *twenty-one*.

(2) Subject to the provisions of sub-section (3), nothing contained in section *twenty*, *twenty-one* or *twenty-two* or in sub-section (1) of this section, shall affect any right which any employee may have to recover by civil proceedings from his employer.

(4) Die verrigtings van die hof ingevolge dié bepalings van sub-artikels (2) en (3) moet plaasvind voordat die vonnis uitgespreek word en word geag deel van die verhoor uit te maak.

(5) Wanneer die onderbetaalde bedrag in die geval van 'n oortreding in sub-artikel (2) bedoel groter is as die maksimum bedrag van die geldboete in artikel *drie-en-dertig* voorgeskryf, word die maksimum bedrag van die boete waarmee die veroordeelde persoon volgens daardie artikel strafbaar is, tot 'n bedrag gelyk aan die onderbetaalde bedrag verhoog.

(6) Dit is geen verweer teen 'n aanklag weens 'n oortreding of versum in sub-artikel (2) bedoel, om te bewys dat die handeling of versum waarvan die beskuldigde aangekla word, aan gebrek aan middele te wye was nie.

21. (1) Wanneer iemand ingevolge sub-artikel (1) van artikel *twintig* skuldig bevind is aan 'n oortreding in sub-artikel (2) van daardie artikel bedoel, moet die hof wat hom skuldig bevind, nadat die hof ingevolge daardie artikel die onderbetaalde bedrag vasgestel het, so iemand beveel om binne 'n tydperk deur die hof bepaal 'n bedrag gelyk aan die onderbetaalde bedrag aan 'n deur die hof aangewese amptenaar (hieronder die aangewese amptenaar genoem) te betaal, by wyse van paaiememente of andersins, soos deur die hof bepaal.

Bevel aan werk-gewer om onder-betaalde bedrag aan aangewese amptenaar te betaal.

(2) Die hof kan te eniger tyd, indien die veroordeelde persoon daarom aansoek doen en voldoende gronde daartoe aangoer, die tydperk waarin so 'n bedrag aan die aangewese amptenaar betaal moet word, verleng of die bedrae van die paaiememente verander.

(3) 'n Bevel wat kragtens die bepalings van hierdie artikel uitgevaardig is, het in alle opsigte die uitwerking van en kan ten uitvoer gelê word soos 'n siviele vonnis ten gunste van die Unie-regering.

22. (1) Wanneer kragtens artikel *een-en-twintig* 'n bevel teen 'n werkgewer uitgevaardig word, ten opsigte van 'n oortreding of versum in sub-artikel (2) van artikel *twintig* bedoel, moet die hof wat die bevel uitvaardig, gelas dat soveel van die bedrag wat ingevolge die bevel aan die aangewese amptenaar betaal word, as wat die hof met inagneming van die omstandighede waaronder die oortreding of versum plaasgevind het, billik ag, betaal moet word aan die werknemer ten opsigte van wie die oortreding of versum plaasgevind het: Met dien verstande dat—

Beskikking oor bedrae aan aan-gewese amptenaar betaal.

(a) as die hof bevind dat die betrokke werknemer nie ingestem het om minder aan te neem as die minimum beloning waarop hy kragtens die bepalings van die betrokke vasstelling of sertifikaat geregtig was nie, of, indien hy aldus ingestem het, dat hy aldus ingestem het terwyl hy onbewus was van sy regte ingevolge daardie bepalings, die hof moet gelas dat die hele aldus aan die aangewese amptenaar betaalde bedrag aan daardie werknemer betaal moet word;

(b) as die hof, met inagneming van die omstandighede waaronder die oortreding of versum plaasgevind het, dit billik ag, die hof, behalwe onder die omstandighede in paragraaf (a) gemeld, kan gelas dat geen deel van die aldus aan die aangewese amptenaar betaalde bedrag aan die betrokke werknemer betaal moet word nie;

(c) as die hof gelas dat enige deel van die aldus aan die aangewese amptenaar betaalde bedrag aan die betrokke werknemer betaal moet word, daardie deel minstens een-vierde daarvan moet wees.

(2) Soveel van die bedrag aldus aan die aangewese amptenaar betaal as wat nie ingevolge sub-artikel (1) aan die betrokke werknemer betaal word nie, moet in die Gekonsolideerde Inkostefonds gestort word.

23. (1) Indien iemand ingevolge sub-artikel (1) van artikel *twintig* skuldig bevind is aan 'n oortreding in sub-artikel (2) van daardie artikel bedoel, is die werknemer ten opsigte van wie die oortreding of versum plaasgevind het nie geregtig om deur 'n siviele geding enige gedeelte van die onderbetaalde bedrag op sy werkgewer te verhaal nie, maar is hy ten opsigte van die onderbetaalde bedrag alleen geregtig op die gelde wat op las van die hof ingevolge sub-artikel (1) van artikel *twee-en-twintig* aan hom betaal moet word uit die gelde wat ingevolge 'n bevel kragtens sub-artikel (1) van artikel *een-en-twintig* uitgevaardig aan die aangewese amptenaar betaal word.

Uitwerking van Wet op reg van werknemer om deur middel van 'n siviele reg-geding te verhaal.

(2) Behoudens die bepalings van sub-artikel (3), maak die bepalings van artikel *twintig*, *een-en-twintig* of *twee-en-twintig* of van sub-artikel (1) van hierdie artikel geen inbreuk nie op enige reg wat 'n werknemer mag hê om—

- (a) where his employer, or the manager, agent or employee of his employer, has been convicted of an offence such as is referred to in sub-section (2) of section *twenty*, which occurred in respect of that employee, any amount owing to him under any agreement between himself and his employer in excess of the amount underpaid;
- (b) where neither his employer nor the manager, agent or employee of his employer has been so convicted, any amount which his employer is bound to pay to him under the provisions of any determination or licence of exemption or in terms of any agreement between himself and his employer.
- (3) An employee to whom his employer has not paid the full remuneration which he ought to have paid in terms of any determination or licence of exemption which is or was binding upon him under this Act, shall not be entitled to recover from his employer by civil proceedings the amount he has been underpaid or any portion of that amount, unless—
- (a) the employee produces to the court a certificate signed by the Attorney-General of the province in which is situate the area within the jurisdiction of the court, or where that area is situate within the jurisdiction of the Eastern Districts Local Division of the Supreme Court of South Africa, by the Solicitor-General, stating that he declines to prosecute in respect of the contravention or failure upon which the employee proposes to base the cause of action; or
- (b) the employer or the manager, agent or employee of the employer has been acquitted on a charge of that contravention or failure.

Provisions of determination or licence of exemption cannot be varied by agreement or waived.

24. (1) No agreement, express or implied, including a labour tenant contract or service contract in terms of the Native Service Contract Act, 1932 (Act No. 24 of 1932), whether entered into before or after the coming into operation of any determination or the issue of any licence of exemption, shall operate to permit of the payment to any native employee of remuneration less than that prescribed by that determination or licence, or of the application to any employee of any treatment, or the grant to him of any benefits, less favourable to him than the treatment or benefits so prescribed, nor shall it effect any waiver by any employee of the application to him of any provision of that determination or licence, and any person who enters into any agreement purporting to permit of any such payment, application or grant or to effect any such waiver shall be guilty of an offence, and any such agreement shall be void.

(2) Any employer who requires or permits any native employee to pay or repay to him any remuneration payable or paid to that employee under any determination or licence of exemption, or pursuant to any direction given in terms of sub-section (1) of section *twenty-two*, or who does any act or permits any act to be done as a direct or indirect result of which that employee is deprived of the benefit or of any portion of the benefit of any remuneration so paid, shall be guilty of an offence.

(3) An employer who requires or permits any native employee to give a receipt for, or otherwise represent that he has received, more than he actually received by way of remuneration shall be guilty of an offence.

Victimization forbidden.

25. (1) Any employer who, whether or not any determination is binding upon him under this Act, dismisses any native employee employed by him or reduces the rate of his remuneration or alters the conditions of his employment to conditions less favourable to him or alters his position to his disadvantage relatively to other native employees employed by such employer, by reason of the fact that he suspects or believes that—

- (a) such employee has given information which by or under this Act he is required to give, or which relates to the conditions of his employment, or those of other employees of his employer, to an officer or to the Minister or has complied with any lawful requirement of an inspector or has given evidence before a court of law; or
- (b) such employee has refused or omitted to do any such act by an employee as is referred to in sub-section (2) or (3) of section *twenty-four*,

(a) waar sy werkgever of die bestuurder, agent of werknemer van sy werkgever, skuldig bevind is weens 'n misdryf in sub-artikel (2) van artikel *twintig* bedoel, wat ten opsigte van daardie werknemer plaasgevind het, 'n bedrag kragtens 'n ooreenkoms tussen hom en sy werkgever aan hom verskuldig, deur middel van 'n siviele geding op sy werkgever te verhaal vir sover dit die onderbetaalde bedrag oorskry;

(b) waar nog sy werkgever nog die bestuurder, agent of werknemer van sy werkgever aldus skuldig bevind is, 'n bedrag wat sy werkgever kragtens die bepalings van 'n vasstelling of vrystellingssertifikaat of ingevolge 'n ooreenkoms tussen hom en sy werkgever verplig is om aan hom te betaal, aldus te verhaal.

(3) 'n Werknemer aan wie sy werkgever nie die volle beloning betaal het wat hy ingevolge 'n vasstelling of 'n vrystellingssertifikaat wat kragtens hierdie Wet vir hom bindend is of was, behoort te betaal het nie, is nie geregtig om deur middel van 'n siviele geding die aan hom onderbetaalde bedrag of 'n gedeelte van daardie bedrag op sy werkgever te verhaal nie, tensy—

(a) die werknemer aan die hof 'n sertifikaat voorlê onderteken deur die Prokureur-generaal van die provinsie waarin die regssgebied van die hof geleë is, of ingeval gemelde regssgebied geleë is in die gebied waaraan die Plaaslike Afdeling Oostelike Distrikte van die Hooggeregshof van Suid-Afrika regsmag uitoefen, deur die Solisiteur-generaal, waarin hy verklaar dat hy weier om te vervolg ten opsigte van die oortreding of versuim waarop die werknemer voornemens is om die skuldaarsaak te baseer; of

(b) die werkgever of die bestuurder, agent of werknemer van die werkgever op 'n aanklag weens gemelde oortreding of versuim vrygespreek is.

24. (1) 'n Ooreenkoms, uitdruklik of stilswyend, insluitende 'n plakkersdienskontrak of dienskontrak ingevolge die Naturelle-Dienskontrak Wet, 1932 (Wet No. 24 van 1932), of dit aangegaan is voordat of nadat 'n vasstelling in werking getree het of 'n vrystellingssertifikaat uitgereik is, veroorloof nie die betaling aan 'n naturelle-werknemer van 'n kleiner beloning as wat daardie vasstelling of sertifikaat voorskryf, of die toepassing op 'n werknemer van behandeling of die toekeffening aan hom van voordele wat vir hom minder gunstig is as die aldus voorgeskrewe behandeling of voordele nie, en 'n werknemer kan ook nie daardeur van die toepassing op hom van enige bepaling van daardie vasstelling of sertifikaat afstand doen nie, en iemand wat 'n ooreenkoms aangaan wat so 'n betaling, toepassing of toekeffening heet te veroorloof of so 'n afstand heet te bewerkstellig, is aan 'n misdryf skuldig, en so 'n ooreenkoms is nietig.

(2) 'n Werkgever wat eis of toelaat dat 'n naturellewerknemer enige beloning wat kragtens 'n vasstelling of vrystellingssertifikaat of ingevolge 'n bevel kragtens sub-artikel (1) van artikel *twee-en-twintig* uitgevaardig aan daardie werknemer verskuldig of betaal is, aan bedoelde werkgever betaal of terugbetaal, of 'n handeling verrig of toelaat dat 'n handeling verrig word waarvan die regstreekse of onregstreekse gevolg is dat daardie werknemer die voordeel of enige gedeelte van die voordeel van aldus betaalde beloning ontnem word, is aan 'n misdryf skuldig.

(3) 'n Werkgever wat eis of toelaat dat 'n naturellewerknemer 'n kwitansie uitreik ten effekte dat hy by wyse van beloning meer ontvang het as wat hy werklik aldus ontvang het, of andersins voorgee dat hy aldus meer ontvang het, is aan 'n misdryf skuldig.

25. (1) 'n Werkgever wat, hetsy 'n vasstelling kragtens *Victimisasie* hierdie Wet vir hom bindend is al dan nie, 'n naturellewerknemer uit sy diens ontslaan, of die skaal van sy beloning verminder, of sy diensvooraardes verander na voorwaardes wat vir hom minder gunstig is, of sy posisie met betrekking tot ander naturellewerknemers in sy diens tot sy nadeel verander omrede dat hy vermoed of glo dat—

(a) daardie werknemer aan 'n amptenaar of aan die Minister inligting verstrek het wat hy ingevolge hierdie Wet verplig is om te verstrek of wat betrekking het op sy diensvooraardes of op dié van ander werknemers van sy werkgever, of dat hy aan 'n wettige voorskrif van 'n inspekteur voldoen het, of voor 'n geregshof getuienis afgelê het; of

(b) daardie werknemer geweier of versuim het om 'n in sub-artikel (2) of (3) van artikel *vier-en-twintig* bedoelde handeling deur 'n werknemer te verrig,

shall, whether or not the suspicion or belief is justified or correct, be guilty of an offence and liable on conviction to a fine not exceeding three hundred pounds or to imprisonment for a period not exceeding two years or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

(2) The court which convicts any person of an offence under sub-section (1), may in addition to any sentence which it may impose in respect of that offence, order him to reinstate, for such period and subject to such conditions as it may determine, the employee whose dismissal, or the reduction of the rate of whose remuneration, or the alteration of whose position, was the subject of the charge of which he was convicted, or may order him to pay to that employee compensation, not exceeding two hundred pounds, for loss suffered by that employee, or may order both such reinstatement and the payment of such compensation, and any such order for reinstatement or compensation shall have the effect of a civil judgment in favour of that employee.

Powers of
inspectors.

26. (1) Any inspector may, without previous notice, at any time enter any premises whatsoever and may, while he is upon or in the premises or at any other time, question any person who is or has been upon or in the premises, in the presence of or apart from others, and may require from any such person the production then and there, or at a time and place fixed by the inspector, of all books and documents which are or have been upon or in the premises or in the possession or custody or under the control of any employer by whom the premises are occupied or used, or of any employee of that employer, or may at any time and at any place require from any person who has the possession or custody or control of any book or document relating to the business of any person who is or was an employer the production then and there, or at a time and place fixed by the inspector, of that book or document, and may examine and make extracts from and copies of all such books and documents and may require an explanation of any entries in any such book or document, and may seize any such book or document as in his opinion may afford evidence of any offence under this Act.

(2) An inspector may take with him into or on to any premises referred to in sub-section (1) any interpreter or other assistant or any member of the police force.

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

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

(5) Any inspector may require any employee to appear before him at any time and place fixed by the inspector and may then and there question that employee.

(6) Any inspector may require any employer to make all payments due to any of his employees in the presence of an inspector.

(7) Any inspector exercising any power or performing any duty conferred or imposed upon him by this Act shall, on demand, produce the certificate furnished to him in respect of any appointment by virtue of which he is an inspector in terms of this Act.

(8) Any person who falsely holds himself out to be an inspector shall be guilty of an offence.

(9) Any person who—

(a) makes any statement to an inspector, which is false in any material particular, knowing the same to be false; or

(b) refuses or fails to answer to the best of his power any question which an inspector in the exercise of his functions has put to him; or

(c) refuses or fails to comply to the best of his power with any requirement made by an inspector in the exercise of his functions; or

(d) hinders an inspector in the exercise of his functions, or interferes with any assistant or member of the police force who accompanies such inspector,

shall be guilty of an offence.

is aan 'n misdryf skuldig, hetsy die vermoede of geloof geregverdig of huis is, al dan nie, en by skuldigbevinding strafbaar met 'n boete van hoogstens driehonderd pond of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of so 'n gevangenisstraf sonder die keuse van 'n boete of so 'n boete sowel as so 'n gevangenisstraf.

(2) Die hof wat iemand skuldig bevind aan 'n misdryf ingevolge sub-artikel (1), kan, benewens 'n vonnis wat hy ten opsigte van daardie misdryf mag ople, beveel dat hy die werknemer, wie se ontslag of die vermindering van wie se skaal van beloning of die verandering van wie se posisie die onderwerp was van die aanklag waarop hy skuldig bevind is, in sy vorige posisie moet herstel vir die tydperk en onderworpe aan die voorwaardes wat die hof mag bepaal, of beveel dat hy aan daardie werknemer hoogstens tweehonderd pond as vergoeding moet betaal vir verlies wat daardie werknemer gely het of beveel dat die werknemer aldus herstel en die gemelde vergoeding aan hom betaal word, en so 'n bevel tot herstel of vergoeding het die uitwerking van 'n siviele vonnis ten gunste van daardie werknemer.

26. (1) 'n Inspekteur kan te eniger tyd sonder voorafgaande kennisgewing enige perseel hoegenaamd betree, en kan, terwyl hy op of in die perseel is of op enige ander tydstip, enige persoon, wat op of in die perseel is of was, in die teenwoordigheid of afgesondert van andere ondervra, en kan eis dat daardie persoon daar en dan, of op 'n tyd en plek wat die inspekteur bepaal, alle boeke en geskrifte voorlê wat op of in die perseel of in besit of bewaring of onder beheer van enige werkewer deur wie die perseel geokkupeer of gebruik word, of van enige werknemer van daardie werkewer, is of was, of kan te eniger tyd en op enige plek van iemand wat 'n boek of geskrif betrekende die besigheid van iemand wat 'n werkewer is of was, in sy besit of bewaring of onder sy beheer het, daar en dan of op 'n tyd en plek deur die inspekteur bepaal, die voorlegging van daardie boek of geskrif eis, en kan al sulke boeke en geskrifte ondersoek en daarvan uittreksels en afskrifte maak, en kan 'n uitleg vorder van inskrywings in so 'n boek of geskrif en beslag lê op so 'n boek of geskrif wat na sy oordeel bewys mag lewer van 'n misdryf ingevolge hierdie Wet.

(2) 'n Inspekteur kan 'n tolk of ander assistent of 'n lid van die polisiemag met hom meeneem wanneer hy 'n in sub-artikel (1) bedoelde perseel betree.

(3) 'n Werkewer in verband met wie se besigheid 'n perseel geokkupeer of gebruik word, en elke persoon by hom in diens, moet te alle tye sodanige fasilitate verskaf as wat die inspekteur verlang om die perseel te betree of om die boeke en geskrifte op of in die perseel te besigtig of te ondersoek of om enige navraag daaromtrent te doen.

(4) 'n Inspekteur kan van 'n werknemer vereis om enige houer waarin daar geld is of was wat by wyse van beloning aan hom betaal is of moet word, asook enige staat wat in verband met die betaling deur sy werkewer aan hom verstrek is of moet word, aan hom te toon, en kan die inhoud van die houer ondersoek en die houer en die staat behou.

(5) 'n Inspekteur kan van 'n werknemer vereis om op 'n deur die inspekteur bepaalde tyd en plek voor hom te verskyn, en kan daardie werknemer daar en dan ondervra.

(6) 'n Inspekteur kan van 'n werkewer vereis om alle betalings wat aan enigeen van sy werknemers verskuldig is, in die teenwoordigheid van 'n inspekteur te doen.

(7) 'n Inspekteur wat 'n bevoegdheid uitoefen of 'n plig verrig wat deur hierdie Wet aan hom verleen of opgedra word, moet op aanvraag die sertifikaat toon wat aan hom uitgereik is ten opsigte van enige aanstelling waarkragtens hy 'n inspekteur ingevolge hierdie Wet is.

(8) Enigeen wat valslik voorgee dat hy 'n inspekteur is, is aan 'n misdryf skuldig.

(9) Enigeen wat—

- (a) aan 'n inspekteur 'n verklaaring maak wat in enige wesenlike besonderheid vals is, wetende dat dit vals is; of
- (b) weier of versuim om enige vraag wat 'n inspekteur by die verrigting van sy werksaamhede aan hom gestel het, na sy beste vermoë te beantwoord; of
- (c) weier of versuim om na sy beste vermoë te voldoen aan 'n voorskrif deur 'n inspekteur by die verrigting van sy werksaamhede gestel; of
- (d) 'n inspekteur by die verrigting van sy werksaamhede hinder of hom bemoei met 'n assistent of lid van die polisiemag wat so 'n inspekteur vergesel,

is aan 'n misdryf skuldig.

Bevoegdheide van inspekteurs.

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

Records to be kept by employers.

27. (1) Every employer upon whom any determination is binding under this Act which relates to remuneration to be paid or time to be worked, shall at all times keep in respect of all persons employed by him and to whom such determination relates records of the remuneration paid and of the time worked.

(2) The form and the manner in which the records referred to in sub-section (1) shall be kept shall be prescribed by regulation: Provided that an officer designated by the Minister may in writing signed by him authorize the keeping of such records in some other form which in his opinion will enable him to ascertain therefrom the required particulars.

(3) Every person who is or has been an employer shall retain the record which in terms of sub-section (1) he has made of any event for a period of three years subsequent to the occurrence of that event, and shall on demand by an inspector made at any time during the said period of three years produce the said record for inspection.

(4) Any person who fails to comply with any of the provisions of this section applicable to him or who makes any false entry in any such record knowing the same to be false shall be guilty of an offence.

Registration of employers.

28. (1) Every employer upon whom any determination is binding shall—

(a) within one month of the date on which that determination has become binding upon him furnish to the inspector defined by regulation a written statement in the form prescribed by regulation, setting forth his full name, and, if the employer is a partnership, the full names of all the partners, and, if the employer is a company, the names of its secretary and its directors and managers, the name under and the address or addresses at which he carries on business and such other information as may be prescribed by regulation: Provided that if any determination is superseded by a fresh determination, an employer who is the holder of a current certificate of registration issued under this section shall be deemed to have complied with the provisions of this sub-section; and

(b) in the event of any change in the name under which or the address or addresses at which business is carried on, or among the partners, or, if the employer is a company, in the name of its secretary or among its directors or managers, or in the event of the sequestration of the employer's estate, or, if the employer is a company, of the winding up of the company, or in the event of the transfer or abandonment of the business carried on, or the acquisition or commencement of any other business, furnish to the inspector defined by regulation, within fourteen days of the change, sequestration, winding-up, transfer, abandonment, acquisition or commencement, a written statement in the form prescribed by regulation, setting forth full particulars of the change, sequestration, winding-up, transfer, abandonment, acquisition or commencement, as the case may be.

(2) On the receipt of the statement referred to in paragraph (a) of sub-section (1), the inspector shall issue to the employer a certificate of registration in the form prescribed by regulation: Provided that no such certificate shall be issued to an employer against whom an order has been made under section *twenty-one* unless at the date of the receipt of the said statement all amounts which, subject to any extension or variation in terms of sub-section (2) of that section, he is required by that order to pay to the specified officer on or before that date, have been so paid.

(3) If any employer who is the holder of a current certificate of registration issued under this section fails to pay to the specified officer any amount which by any order made under section *twenty-one* he is required to pay to that officer, on or before

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

27. (1) Elke werkgewer vir wie enige vasstelling met betrekking tot beloning wat betaal moet word of tyd wat gewerk moet word, kragtens hierdie Wet bindend is, moet te alle tye ten opsigte van alle persone wat by hom in diens is en op wie so 'n vasstelling betrekking het, aantekening hou van betaalde beloning en van gewerkte tyd.

(2) Die vorm waarin en die wyse waarop die aantekenings gemeld in sub-artikel (1) gehou moet word, word by regulasie voorgeskryf: Met dien verstande dat 'n deur die Minister aangewese amptenaar skriftelik onder sy handtekening verlof kan verleen vir die hou van sodanige aantekenings in 'n ander vorm waaruit hy na sy oordeel in staat sal wees om die nodige besonderhede vas te stel.

(3) Elke persoon wat 'n werkgewer is of was, moet die aantekening wat hy ingevolge sub-artikel (1) van 'n gebeurtenis gemaak het, bewaar vir 'n tydperk van drie jaar nadat daardie gebeurtenis plaasgevind het en moet op aanvraag van 'n inspekteur te eniger tyd gedurende voormalde tydperk van drie jaar so 'n aantekening vir insae voorlê.

(4) Iemand wat versuim om aan enigeen van die op hom toepaslike bepalings van hierdie artikel te voldoen, of wat in so 'n aantekening 'n valse inskrywing maak, wetende dat dit vals is, is aan 'n misdryf skuldig.

28. (1) Elke werkgewer vir wie 'n vasstelling bindend is— Registrasie van werkgewers.

(a) verstrek binne een maand vanaf die datum waarop die vasstelling vir hom bindend geword het, aan die inspekteur by regulasie omskryf 'n skriftelike verklaring in die vorm by regulasie voorgeskryf met vermelding van sy volle naam en, indien die werkgewer 'n vennootskap is, die volle name van al die vennote, en indien die werkgewer 'n maatskappy is, die name van sy sekretaris en sy direkteure en sy bestuurders, die naam waaronder en die adres of adresse waar hy besigheid dryf en die ander inligting by regulasie voorgeskryf: Met dien verstande dat indien 'n vasstelling deur 'n nuwe vasstelling tersy gestel word, daar geag word dat 'n werkgewer wat diehouer is van 'n geldende registrasiesertifikaat kragtens hierdie artikel uitgereik die bepalings van hierdie sub-artikel nagekom het; en

(b) verstrek in die geval van 'n verandering van die naam waaronder of die adres of adresse waar besigheid gedryf word, of onder die vennote, of indien die werkgewer 'n maatskappy is, van die naam van sy sekretaris of onder sy direkteure of bestuurders, of in die geval van die sekwestrasie van die werkgewer se boedel, of, indien die werkgewer 'n maatskappy is, van die ontbinding van die maatskappy, of in die geval van die oordrag of oorgawe van die besigheid wat gedryf word, of die verkryging of begin van 'n ander besigheid, aan die inspekteur by regulasie omskryf binne veertien dae vanaf die verandering, sekwestrasie, ontbinding, oordrag, oorgawe, verkryging of begin, 'n skriftelike verklaring in die vorm by regulasie voorgeskryf met vermelding van volledige besonderhede omtrent die verandering, sekwestrasie, ontbinding, oordrag, oorgawe, verkryging of begin, na gelang van die geval.

(2) By ontvangs van die verklaring in paragraaf (a) van sub-artikel (1) vermeld, reik die inspekteur 'n registrasiesertifikaat in die vorm by regulasie voorgeskryf aan die werkgewer uit: Met dien verstande dat so 'n sertifikaat nie aan 'n werkgewer teen wie 'n bevel ingevolge artikel een-en-twintig uitgevaardig is, uitgereik word nie tensy op die datum van die ontvangs van genoemde verklaring alle bedrae wat, onderhewig aan enige verlenging of verandering ingevolge die bepalings van sub-artikel (2) van daardie artikel, daardie bevel vereis dat hy voor of op daardie datum aan die aangewese amptenaar moet betaal, aldus betaal is.

(3) Indien 'n werkgewer wat diehouer is van 'n geldende registrasiesertifikaat uitgereik kragtens hierdie artikel, versuim om aan die aangewese amptenaar enige bedrag te betaal wat 'n bevel kragtens artikel een-en-twintig uitgevaardig vereis dat hy

Aantekenings moet deur werkgewers gehou word.

the date on which, subject to any extension or variation in terms of sub-section (2) of that section, he is by that order required to pay it, the inspector shall by written notice addressed to him cancel that certificate and call upon him to return the certificate to him. Every such notice may be delivered to the employer or to any person who apparently resides or is employed at the address at which, according to the latest information furnished by the employer in terms of sub-section (1), the employer carries on business, or may be posted by registered letter addressed to the employer in the name under and to the address at which, according to the said information, he carries on business. After such a notice has been so delivered or posted, the employer shall be deemed not to be the holder of a current certificate of registration.

(4) The person to whom any such notice is addressed shall, within seven days after he receives it or becomes aware that it has been issued, return the certificate of registration issued to him to the inspector.

(5) If at any time any person whose certificate of registration has been cancelled in terms of sub-section (3) pays to the specified officer the whole amount which by every order made against him under section *twenty-one* he is required to pay to that officer, he shall be entitled, upon complying with the provisions of sub-section (1), to have issued to him a fresh certificate of registration.

(6) Upon the application of any person to whom a certificate has not been issued in consequence of the proviso to sub-section (2) or whose certificate of registration has been cancelled in terms of this section, the Minister may, at any time, in his discretion, and upon good cause shown, direct that a certificate be issued to him, subject to such conditions as the Minister may impose.

(7) Any employer upon whom any determination is binding who fails to comply with any of the provisions of sub-section (1) or (4), or who, after expiry of the relative period referred to in paragraph (a) of sub-section (1), carries on business without being the holder of a current certificate of registration issued under this section, shall be guilty of an offence.

(8) If any employer against whom an order has been made under section *twenty-one* is charged with an offence under sub-section (7) of this section in that he carried on business without being the holder of a current certificate of registration issued under this section, the fact that he furnished the statement referred to in paragraph (a) of sub-section (1) or that a certificate of registration was not issued to him under this section shall not be a sufficient answer to the charge, if it be proved that a certificate of registration was not issued to him by reason of the proviso to sub-section (2) or that the last certificate of registration issued to him has been cancelled in terms of sub-section (3).

(9) The provisions of this section shall be observed and shall be applicable in respect of each separate determination which is binding upon an employer under this Act.

Alleged
partnerships.

29. (1) Whenever in any trade or section of trade in respect of which a determination is or was binding, there is working in any business or other concern any native whom an inspector suspects is employed but who claims or in respect of whom it is claimed that his position in relation to that business or other concern is not that of an employee but is fixed by an agreement of partnership or by some other agreement for the carrying on thereof, the inspector may require from any person so claiming the existence of such an agreement the production of that agreement and may make a copy thereof or make extracts therefrom, or if the agreement is not in writing, or is not wholly in writing, may require any person so claiming to make a statement on oath of all the terms of the agreement or of such terms thereof as are not in writing, and may further require any such person to make a statement on oath as to the actual amounts received or receivable under that agreement and the actual hours worked by every person who claims or in respect of whom it is claimed that his position is so fixed by the agreement in respect of any period to be specified by the inspector, and any such person who fails when required to do so, to produce to the inspector any such agreement or to make any such statement on oath, shall be guilty of an offence.

aan dié beampete moet betaal, voor of op die datum waarop, onderhewig aan 'n verlenging of verandering ingevolge die bepalings van sub-artikel (2) van daardie artikel, daardie bevel vereis dat hy dit moet betaal, kanselleer die inspekteur daardie sertifikaat by wyse van 'n skriftelike kennisgewing aan hom gerig en vereis hy van hom dat hy die sertifikaat aan hom terugbesorg. Elke sodanige kennisgewing kan afgelewer word aan die werkewer of aan enige persoon wat blybaar woon of in diens is by die adres waar, volgens die jongste inligting deur die werkewer ingevolge sub-artikel (1) verstrek, die werkewer besigheid dryf, of kan aan hom gepos word per aangetekende brief gerig aan die werkewer in die naam waaronder en die adres waar, volgens genoemde inligting, hy besigheid dryf. Nadat so 'n kennisgewing aldus afgelewer of gepos is, word geag dat die werkewer nie die houer van 'n geldende registrasiesertifikaat is nie.

(4) Die persoon aan wie so 'n kennisgewing gerig word, besorg die registrasiesertifikaat aan hom uitgereik aan die inspekteur terug binne sewe dae nadat hy die kennisgewing ontvang het of daarvan bewus word dat dit uitgereik is.

(5) Indien 'n persoon wie se registrasiesertifikaat ingevolge sub-artikel (3) gekanselleer is, te eniger tyd aan die aangewese amptenaar die hele bedrag betaal wat elke bevel kragtens artikel *een-en-twintig* teen hom uitgevaardig vereis dat hy aan dié beampete moet betaal, is hy geregtig op die uitreiking van 'n nuwe registrasiesertifikaat aan hom by nakoming van die bepalings van sub-artikel (1).

(6) Die Minister kan op aansoek van enige persoon aan wie 'n sertifikaat nie uitgereik is nie as gevolg van die voorbehoudsbepaling van sub-artikel (2) of wie se registrasiesertifikaat kragtens hierdie artikel gekanselleer is, te eniger tyd na goed-dunke en om grondige redes wat aangevoer word, gelas dat 'n sertifikaat aan hom uitgereik word op die voorwaardes wat die Minister mag stel.

(7) 'n Werkewer vir wie 'n vasstelling bindend is en wat versuim om enige van die bepalings van sub-artikel (1) of (4) na te kom, of wat na verstryking van die betrokke tydperk in paragraaf (a) van sub-artikel (1) vermeld, besigheid dryf sonder dat hy die houer is van 'n geldende registrasiesertifikaat kragtens hierdie artikel uitgereik, is aan 'n misdryf skuldig.

(8) Indien 'n werkewer teen wie 'n bevel kragtens artikel *een-en-twintig* uitgevaardig is, van 'n misdryf ingevolge sub-artikel (7) aangekla word deurdat hy besigheid gedryf het sonder dat hy die houer was van 'n geldende registrasiesertifikaat kragtens hierdie artikel uitgereik, is die feit dat hy die verklaring in paragraaf (a) van sub-artikel (1) vermeld verstrek het of dat 'n registrasiesertifikaat nie kragtens hierdie artikel aan hom uitgereik is nie, nie voldoende verweer teen die aanklag nie indien dit bewys word dat 'n registrasiesertifikaat nie aan hom uitgereik is nie vanweë die voorbehoudsbepaling van sub-artikel (2) of dat die laaste registrasiesertifikaat aan hom uitgereik ingevolge sub-artikel (3) gekanselleer is.

(9) Die bepalings van hierdie artikel word nagekom en is van toepassing op elke afsonderlike vasstelling wat kragtens hierdie Wet vir 'n werkewer bindend is.

29. (1) Wanneer daar in 'n bedryf of onderdeel van 'n Beweerde ven-nootskappe.

bedryf ten opsigte waarvan 'n vasstelling bindend is of was, 'n naturel in enige besigheid of ander onderneming werksaam is wat, na 'n inspekteur vermoed, in diens is, maar wat beweer of ten opsigte van wie beweer word dat sy posisie met betrekking tot daardie besigheid of ander onderneming nie dié van 'n werknemer is nie, maar vasgestel word deur 'n vennootskaps-ooreenkoms of ander ooreenkoms wat die voortsetting daarvan ten doel het, kan die inspekteur van enige wat aldus die bestaan van so 'n ooreenkoms beweer, die voorlegging van daardie ooreenkoms eis, en 'n afskrif daarvan of uittreksels daaruit maak, of indien die ooreenkoms nie skriftelik of nie geheel en al skriftelik is nie, van 'n persoon wat aldus beweer, vereis dat hy onder eed 'n verklaring aflê van al die bepalings van die ooreenkoms of van die bepalings daarvan wat nie skriftelik is nie, en voorts van so 'n persoon vereis dat hy ten opsigte van 'n tydperk deur die inspekteur gespesifiseer onder eed 'n verklaring aflê aangaande die werklike bedrae kragtens daardie ooreenkoms ontvang of ontvangbaar en die werklike getal ure gewerk deur elke persoon wat beweer, of ten opsigte van wie beweer word, dat sy posisie aldus vasgestel is deur die ooreenkoms, en so 'n persoon wat versuim om, wanneer dit van hom vereis word, so 'n ooreenkoms aan die inspekteur voor te lê of onder eed so 'n verklaring af te lê, is aan 'n misdryf skuldig.

(2) Whenever under any such agreement as is referred to in sub-section (1), the remuneration of any party thereto consists wholly or partly of a share in the takings or profits, and, in any proceedings under this Act in which any question is raised as to the application of any determination to any party receiving such a share, it is proved—

- (a) that the agreement is terminable by any party thereto by giving less than three months' notice; or
- (b) that the amount which any party thereto received under the terms thereof over any period specified in the charge was less than the remuneration which he would have been entitled to receive for his services for the same period under any determination if he had been an employee,

he shall be presumed to be an employee and any other party to the agreement shall be presumed to be an employer unless it is proved that the agreement was not made with the object of evading any provision of any determination which is or was binding under this Act.

Acts or omissions by managers, agents or employees.

30. (1) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, then, unless it is proved that—

- (a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or permission of the employer; and
- (b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or in any circumstances within the scope of the authority or in the course of the employment of the manager, agent or employee to do or omit to do acts, whether lawful or unlawful, of the character of the act or omission charged,

the employer shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof, and the fact that the employer issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(3) Either the employer or the manager, agent or employee or both such employer and such manager, agent or employee may be so convicted and sentenced.

(4) Whenever the manager, agent or employee of an employer is convicted of an offence such as is referred to in sub-section (2) of section twenty, the court shall make an order against the employer under section twenty-one, and the provisions of this Act relating to such orders shall, *mutatis mutandis*, be applicable, and no such order shall be made against such manager, agent or employee.

Evidence and presumptions.

31. (1) Proof of the publication in the *Gazette* of any notice under paragraph (1) of the definition of "skilled work" in section one, or under sub-section (1) of section ten or under section thirteen, shall be conclusive proof that all the provisions of this Act in respect of matters precedent and incidental to the making or amendment of the relevant determination or the publication of the relevant notice, as the case may be, have been complied with.

(2) Whenever in any proceedings under this Act it is proved that any person was present in any premises in which any trade or section of trade in respect of which any determination is binding under this Act was being carried on, that person shall, unless the contrary is proved, be presumed to be an employee.

(3) An employee shall be deemed to be working in the employment of an employer, in addition to any period during which he is actually so working—

- (a) during any period during which in accordance with the requirements of his employer he is present upon or in any premises in which the trade or section of trade in which he is employed is being carried on; and
- (b) during any other period during which he is present upon or in any such premises:

(2) Wanneer ingevolge 'n ooreenkoms bedoel in sub-artikel (1), die beloning van 'n party daarby geheel en al of gedeeltelik uit 'n aandeel van die ontvangste of winste bestaan, en by verrigtings ingevolge hierdie Wet, waarby 'n vraag ontstaan aangaande die toepassing van 'n vasstelling op 'n party wat so 'n aandeel ontvang, daar bewys word—

- (a) dat die ooreenkoms deur 'n party daarby beëindig kan word deur minder as drie maande kennis te gee; of
- (b) dat die bedrag wat 'n party daarby oor enige tydperk in die aanklag aangegee kragtens die bepalings daarvan ontvang het, minder was as die beloning wat hy geregtig sou gewees het om ingevolge 'n vasstelling vir sy dienste vir dieselfde tydperk te ontvang as hy 'n werknemer was,

word hy geag 'n werknemer, en enige ander party by die ooreenkoms geag 'n werkewer te wees, tensy bewys word dat die ooreenkoms nie aangegaan is met die doel om 'n bepaling van 'n vasstelling wat kragtens hierdie Wet bindend is of was, te ontdruk nie.

30. (1) Wanneer 'n bestuurder, agent of werknemer van 'n werkewer 'n handeling verrig of versuim om dit te verrig, en dit 'n misdryf ingevolge hierdie Wet sou wees indien die werkewer dit verrig of versuim om dit te verrig, word by Handelinge of versuim van bestuurders, agentes of werknemers.

ontstentenis van bewys dat—

- (a) die bestuurder, agent, of werknemer toe hy daardie handeling verrig het of versuim het om dit te verrig, sonder die toestemming of oogluikende goedkeuring van die werkewer gehandel het; en
- (b) die werkewer alle redelike stappe gedoen het om 'n handeling of versuim van die bedoelde aard te voor-kom; en
- (c) 'n handeling of versuim, hetsy wettig of onwettig, van die aard wat die onderwerp van die aanklag uitmaak, in geen geval en onder geen omstandighede binne die omvang van die bevoegdheid of die diensverrigting van die bestuurder, agent of werknemer gevall het nie, veronderstel dat die werkewer self die handeling verrig het of versuim het om dit te verrig; en kan hy ten opsigte daarvan skuldig bevind en gevonnis word, en die feit dat die werkewer 'n handeling of versuim van die bedoelde aard verbied het, is op sigself nie voldoende bewys dat hy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van 'n werkewer 'n handeling verrig of versuim om dit te verrig en dit 'n misdryf ingevolge hierdie Wet sou wees indien die werkewer dit verrig of versuim om dit te verrig, kan hy ten opsigte daarvan skuldig bevind en gevonnis word asof hy die werkewer was.

(3) Of die werkewer of die bestuurder, agent of werknemer, of sowel die werkewer as die bestuurder, agent of werknemer, kan aldus skuldig bevind en gevonnis word.

(4) Wanneer die bestuurder, agent of werknemer van 'n werkewer skuldig bevind word aan 'n misdryf bedoel in sub-artikel (2) van artikel *twintig* moet die hof 'n bevel ingevolge artikel *een-en-twintig* teen die werkewer uitvaardig, en die bepalings van hierdie Wet in verband met so 'n bevel is *mutatis mutandis* van toepassing, en so 'n bevel word nie teen so 'n bestuurder, agent of werknemer uitgevaardig nie.

31. (1) Bewys van die publikasie in die *Staatskoerant* van Bewyslewering 'n kennisgewing ingevolge paragraaf (1) van die omskrywing en vermoedens. van „geskoole werk“ in artikel *een*, of ingevolge sub-artikel (1) van artikel *tien*, of ingevolge artikel *dertien*, is afdoende bewys dat voldoen is aan al die bepalings van hierdie Wet ten opsigte van aangeleenthede wat die maak of wysiging van die betrokke vasstelling of die publikasie van die betrokke kennisgewing, al na die geval, voorafgaan of daarmee in verband staan.

(2) Wanneer by verrigtings ingevolge hierdie Wet bewys word dat 'n persoon teenwoordig was op 'n perseel waar 'n bedryf of onderdeel van 'n bedryf ten opsigte waarvan 'n vasstelling ingevolge hierdie Wet bindend is, uitgeoefen is, word daardie persoon geag 'n werknemer te wees tensy die teendeel bewys word.

(3) Benewens enige tydperk waarin hy werklik aldus werk-saam is, word 'n werknemer geag werksaam te wees in die diens van 'n werkewer—

- (a) gedurende enige tydperk waarin hy ooreenkomsdig die vereistes van sy werkewer aanwesig is op of in enige perseel waarin die bedryf of onderdeel van 'n bedryf waarin hy in diens is, uitgeoefen word; en
- (b) gedurende enige ander tydperk waarin hy op of in sodanige perseel aanwesig is:

Provided that if it is proved during what portion of any such period as is referred to in paragraph (b) any such employee actually worked in his employment, the presumption established by this sub-section shall not apply in respect of that employee in relation to that period.

(4) In any proceedings under this Act, any statement or entry contained in any book or document kept by any employer or by his manager, agent or employee, or found upon or in any premises occupied by that employer, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer, or by any manager, agent or employee of that employer in the course of his work as manager or in the course of his agency or employment.

(5) If any employer has, in respect of any period, failed to keep the records which, in terms of section *twenty-seven*, he is required to keep, or to retain such records for the period specified in sub-section (3) of that section, or has falsified such records or caused them to be falsified, then in any proceedings under this Act, an employee employed by him during the period in respect of which the failure or the falsification has occurred shall be presumed to have worked in his employment each week, throughout the period of his employment falling within the period in respect of which the failure or the falsification occurred, not less than the ordinary hours of work specified in any determination applicable to that employee: Provided that if it is proved what hours any such employee actually worked in his employment during any particular week, the presumption established by this sub-section shall not apply in respect of that employee in relation to that week.

(6) Whenever in any proceedings under this Act it is proved that any untrue statement or entry is contained in any record kept by any person, he shall be presumed, until the contrary is proved, wilfully to have falsified that record.

(7) Whenever any person is charged under section *twenty* with having failed to pay to any person employed by him during any period the rate of remuneration which in respect of that period he was required to pay to that person under the provisions of any determination or licence of exemption binding upon him under this Act, and it is proved that that person was employed by the accused during any period covered by the charge and that under that determination or licence the accused was required to pay to that person as minimum rate of remuneration a certain amount in respect of that period, the accused shall be presumed, until the contrary is proved, not to have paid that amount to that person.

(8) Whenever any person is charged under sub-section (1) of section *twenty-five* with having dismissed any person employed by him, or reduced the rate of his remuneration, or altered the conditions of his employment to conditions less favourable to him or altered his position relatively to other employees to his disadvantage, by reason of his suspicion or belief in the existence of any fact referred to in paragraph (a) or (b) of that sub-section and stated in the charge, and it is proved that the accused dismissed that person, or reduced the rate of his remuneration, or altered the conditions of his employment to conditions less favourable to him, or altered his position relatively to other employees to his disadvantage, the accused shall be presumed, until the contrary is proved, to have done so by reason of the suspicion or belief stated in the charge.

Regulations.

32. The Governor-General may make regulations prescribing—

- (a) the matters which by this Act are required or permitted to be prescribed by regulation;
- (b) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

Penalties.

33. Any person who is convicted of an offence under the provisions of this Act for which no special penalty is prescribed shall be liable—

- (a) in the case of an offence under section *fourteen*, *fifteen* or *twenty*, to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment; and

Met dien verstande dat as dit bewys word gedurende watter deel van 'n tydperk bedoel in paragraaf (b) so 'n werknemer werklik in sy diens gewerk het, die vermoede deur hierdie sub-artikel daargestel nie ten opsigte van daardie werknemer met betrekking tot daardie tydperk van toepassing is nie.

(4) By verrigtings ingevolge hierdie Wet, is 'n verklaring of inskrywing vervat in 'n boek of geskrif gehou deur 'n werkewer of sy bestuurder, agent of werknemer, of gevind op of in 'n perseel deur daardie werkewer geokkupeer, in getuenis toelaatbaar teen hom as 'n erkenning van die feite in daardie verklaring of inskrywing uiteengesit, tensy bewys word dat daardie verklaring of inskrywing nie deur daardie werkewer of 'n bestuurder, agent of werknemer van daardie werkewer in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie.

(5) Indien 'n werkewer versuim het om ten opsigte van enige tydperk die aantekenings te hou wat hy ingevolge artikel *sewe-en-twintig* moet hou, of om sodanige aantekenings vir die in sub-artikel (3) van daardie artikel vermelde tydperk te bewaar, of sodanige aantekenings vervals of laat vervals het, word by verrigtings ingevolge hierdie Wet vermoed dat 'n werknemer wat gedurende die tydperk ten opsigte waarvan die versuim o vervalsing voorgekom het by hom in diens was, elke week gedurende die hele tydperk van sy diens binne die tydperk ten opsigte waarvan die versuim of vervalsing voorgekom het, nie minder as die gewone werkure, gespesifieer in 'n vasstelling wat op daardie werknemer van toepassing is, in sy diens gewerk het nie: Met dien verstande dat indien bewys word watter ure so 'n werknemer werklik gedurende 'n besondere week in sy diens gewerk het, die vermoede deur hierdie sub-artikel daargestel nie ten opsigte van daardie week met betrekking tot daardie werknemer van toepassing is nie.

(6) Wanneer by verrigtings ingevolge hierdie Wet bewys word dat 'n onware verklaring of inskrywing voorkom in 'n aanteking wat enigiemand gehou het, word dit vermoed, totdat die teendeel bewys word, dat hy daardie aanteking opsetlik vervals het.

(7) Wanneer iemand ingevolge artikel *twintig* daarvan aangekla word dat hy versuim het om aan 'n persoon wat gedurende enige tydperk by hom in diens was, beloning te betaal teen die skaal waarteen hy ten opsigte van daardie tydperk ingevolge die bepalings van 'n vasstelling of vrystellingsertifikaat wat ingevolge hierdie Wet vir hom bindend is, verplig was om aan daardie persoon te betaal, en bewys word dat daardie persoon gedurende die tydperk waaroer die aanklag handel by die beskuldigde in diens was, en dat die beskuldigde ingevolge daardie vasstelling of sertifikaat verplig was om ten opsigte van daardie tydperk 'n sekere bedrag aan daardie persoon by wyse van beloning teen 'n minimum skaal te betaal, word, totdat die teendeel bewys word, vermoed dat die beskuldigde nie daardie bedrag aan daardie persoon betaal het nie.

(8) Wanneer 'n persoon ingevolge sub-artikel (1) van artikel *vyf-en-twintig* daarvan aangekla word dat hy 'n persoon uit sy diens ontslaan het of die skaal van sy beloning verminder het, of sy diensvooraardes verander het na voorwaardes wat vir hom minder gunstig is, of sy posisie met betrekking tot ander werknemers tot sy nadeel verander het, op grond van sy vermoede of geloof in die bestaan van 'n feit in paragraaf (a) of (b) van daardie sub-artikel bedoel en in die aanklag vermeld, en bewys word dat die beskuldigde daardie persoon ontslaan het, of die skaal van sy beloning verminder het, of sy diensvooraardes verander het na voorwaardes wat vir hom minder gunstig is, of sy posisie met betrekking tot ander werknemers tot sy nadeel verander het, word, totdat die teendeel bewys word, vermoed dat die beskuldigde dit gedoen het op grond van die vermoede of geloof in die aanklag vermeld.

32. Die Goewerneur-generaal kan regulasies uitvaardig Regulasies. waarby voorgeskryf word—

- (a) die aangeleenthede wat volgens hierdie Wet by regulasie voorgeskryf moet of kan word;
- (b) in die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf sodat die oogmerke van hierdie Wet bereik kan word.

33. Iemand wat skuldig bevind word weens 'n misdryf Strafbepalings. ingevolge die bepalings van hierdie Wet waarvoor geen spesiale straf voorgeskryf is nie, is strafbaar—

- (a) in die geval van 'n misdryf ingevolge artikel *veertien*, *vyftien* of *twintig*, met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens een jaar of met so 'n boete sowel as so 'n gevangenisstraf; en

(b) in the case of any other offence to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Jurisdiction of magistrates' courts.

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

Section 358 of Act 31 of 1917 not to apply to certain offences under this Act.

35. The provisions of section *three hundred and fifty-eight* of the Criminal Procedure and Evidence Act, 1917, shall not apply in respect of any offence which consists of a contravention or failure such as is referred to in sub-section (2) of section *twenty*.

Reports by Board.

36. The board shall in respect of every calendar year prepare a report on the performance of its duties and the exercise of its functions under this Act and submit such report to the Minister, who shall lay it upon the Tables of both Houses as soon as possible after receipt thereof.

Short title.

37. This Act shall be called the Native Building Workers Act, 1951, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(b) in die geval van enige ander misdryf, met 'n boete van hoogstens vyftig pond of gevengenisstraf vir 'n tydperk van hoogstens ses maande of met so 'n boete sowel as so 'n gevengenisstraf.

34. Ondanks andersluidende regsbepalings is 'n magistraats- Regsbevoegdheid hof regsbevoeg om enige deur hierdie Wet voorgeskrewe straf van magistraats- howe. of beoogde bevel op te lê of uit te vaardig.

35. Die bepalings van artikel *driehonderd agt-en-vyftig* van Artikel 358 van die „Wet op de Kriminele Procedure en Bewijslevering, 1917“, Wet 31 van 1917 nie ten opsigte van sekere misdrywe ingevolge hierdie Wet van toepassing nie.

36. Die raad moet ten opsigte van elke kalenderjaar 'n Verslae deur raad verslag opstel oor die nakoming van sy pligte en die uitoefening van sy funksies ingevolge hierdie Wet en sodanige verslag aan die Minister voorlê wat dit so spoedig moontlik na ontvangs daarvan in albei Huise ter Tafel lê.

37. Hierdie Wet heet die Wet op Naturellebouwers, 1951, Kort titel. en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

No. 28, 1951.]

ACT

To amend the Apprenticeship Act, 1944.

(English text signed by the Governor-General.)
(Assented to 28th April, 1951.)

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 1 of
Act 37 of 1944.

1. Section one of the Apprenticeship Act, 1944 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the addition at the end of the definition of "apprentice", of the words "and for the purposes of sections thirty-five, thirty-eight and thirty-nine, sub-sections (10) and (11) of section forty-one and section forty-three, includes any minor employed under section nineteen;"; and
- (b) by the substitution for the definition of "condition of apprenticeship" of the following definition:
"condition of apprenticeship" means any condition of apprenticeship applicable in terms of sub-section (2), (3), (9), (11) or (12) of section sixteen, sub-section (1) of section twenty-seven, or section twenty-nine bis, and for the purposes of sections thirty-five, thirty-eight, forty-one and forty-three includes, in relation to a minor employed under section nineteen, any condition of employment applicable to such minor under the last-mentioned section;".

Amendment of
Action 3 of
sect 37 of 1944.

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

- (a) by the substitution in sub-section (2), for the words "Minister and ten", of the words "registrar and eleven";
- (b) by the substitution for paragraph (a) of the said sub-section of the following paragraph:
"(a) one shall be an officer appointed for his experience in the administration of this Act;";
- (c) by the substitution in paragraph (e) of the said sub-section, for the word "one", wherever it occurs, of the word "two";
- (d) by the substitution in sub-section (3), for the expression "(b), (c), (d) and (e)", of the expression "(a) to and including (e)";
- (e) by the substitution for sub-section (4), of the following sub-section:
"(4) The registrar shall be the chairman of the board.";
- (f) by the substitution in sub-section (5), for the words "and deputy chairman are both", of the word "is"; and
- (g) by the substitution in sub-section (6), for the expression "(b), (c), (d) and (e)", of the expression "(a) to and including (e)", and the addition at the end of the said sub-section of the following proviso:
"Provided that a member of the board who is a member of the public service, shall not, except upon the recommendation of the public service commission, be paid any remuneration in addition to his salary as a member of the public service, in respect of service rendered by him as a member of the board.".

Amendment of
section 4 of
Act 37 of 1944.

3. Section four of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

- "(2) The registrar may authorize any officer so appointed to perform, subject to his directions, any act which may lawfully be performed by the registrar.".

Amendment of
section 6 of
Act 37 of 1944.

4. Section six of the principal Act is hereby amended by the insertion in sub-section (1), after the word "shall", where it occurs for the first time, of the words "subject to the provisions of sub-section (4) of section seventeen,".

Substitution
of section 11 of
Act 37 of 1944.

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

- "Sub- 11. (1) A committee may at any time appoint committees from amongst its members and their alternates one or more sub-committees—

No. 28, 1951.]

WET

Tot wysiging van die Wet op Vakleerlinge, 1944.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 28 April 1951.)

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

1. Artikel *een* van die Wet op Vakleerlinge, 1944 (hieronder die Hoofwet genoem), word hiermee gewysig—
(a) deur aan die end van die woordbepaling van „vakleerling”, die volgende woorde by te voeg: „en vir die doeleindeste van artikels *vyf-en-dertig*, *agt-en-dertig* en *negen-en-dertig*, sub-artikels (10) en (11) van artikel *een-en-veertig* en artikel *drie-en-veertig*, ook 'n minderjarige wat kragtens artikel *negentien* in diens is;”; en
(b) deur die woordbepaling van „leervoorwaarde” te vervang deur die volgende woordbepaling:
„leervoorwaarde”, enige leervoorwaarde wat ingevolge sub-artikel (2), (3), (9), (11) of (12) van artikel *sestien*, sub-artikel (1) van artikel *sewen-en-twintig*, of artikel *negen-en-twintig bis* van toepassing is, en vir die doeleindeste van artikels *vyf-en-dertig*, *agt-en-dertig*, *een-en-veertig* en *drie-en-veertig*, ook, met betrekking tot 'n minderjarige wat kragtens artikel *negentien* in diens is, 'n diensvoorwaarde wat kragtens laasgenoemde artikel op die minderjarige van toepassing is.”; Wysiging van artikel 1 van Wet 37 van 1944.
2. Artikel *drie* van die Hoofwet word hiermee gewysig—
(a) deur in sub-artikel (2) die woorde „Minister, en tien”, te vervang deur die woorde „registerateur en elf”; Wysiging van artikel 3 van Wet 37 van 1944.
(b) deur paragraaf (a) van genoemde sub-artikel te vervang deur die volgende paragraaf:
„(a) een 'n amptenaar is, aangestel weens sy ondervinding by die toepassing van hierdie Wet;”;
(c) deur in paragraaf (e) van genoemde sub-artikel die woorde „een”, oral waar dit voorkom, deur die woorde „twee” te vervang;
(d) deur in sub-artikel (3) die uitdrukking „(b), (c), (d) en (e)”, te vervang deur die uitdrukking „(a) tot en met (e)”;
(e) deur sub-artikel (4) te vervang deur die volgende sub-artikel:
„(4) Die registerateur is die voorsitter van die raad.”;
(f) deur in sub-artikel (5) die woorde „en ondervorsitter albei”, te skrap; en
(g) deur in sub-artikel (6) die uitdrukking „(b), (c), (d) en (e)” te vervang deur die uitdrukking „(a) tot en met (e)”, en aan die end van genoemde sub-artikel die volgende voorbehoudbepaling by te voeg:
„Met dien verstande dat 'n lid van die raad wat 'n lid van die staatsdiens is, nie enige besoldiging benewens sy salaris as 'n lid van die staatsdiens, ten opsigte van diens wat hy as lid van die raad verrig, betaal word nie, dan alleen op aanbeveling van die staatsdienskommissie.”.
3. Artikel *vier* van die Hoofwet word hiermee gewysig deur sub-artikel (2) te vervang deur die volgende sub-artikel: Wysiging van artikel 4 van Wet 37 van 1944.
„(2) Die registerateur kan 'n aldus aangestelde amptenaar magtig om, onderworpe aan sy bevele, enige handeling te verrig wat die registerateur wettiglik kan verrig.”.
4. Artikel *ses* van die Hoofwet word hiermee gewysig deur in sub-artikel (1), na die woorde „bestaan”, waar dit die eerste maal voorkom, die woorde „behoudens die bepalings van sub-artikel (4) van artikel *sewentien*,”, in te voeg. Wysiging van artikel 6 van Wet 37 van 1944.
5. Artikel *elf* van die Hoofwet word hiermee deur die volgende artikel vervang: Vervanging van artikel 11 van Wet 37 van 1944.
„Onder-komitees. 11. (1) 'n Komitee kan te eniger tyd uit sy lede en hul plaasvervangers een of meer onder-komitees benoem—

(a) to perform, subject to the directions of the committee, such of its duties, and to exercise, subject to such directions, such of its functions or powers, in respect of a specified portion of its area of jurisdiction, as the Minister may approve; or

(b) to investigate and report to the committee upon any particular matter or class of matter or all matters falling within the duties, functions and powers of the committee:

Provided that—

(i) a sub-committee may consist wholly or partly of persons, not being members or alternates, whose appointment on the sub-committee has been approved by the registrar; and

(ii) a sub-committee appointed under paragraph (a) shall consist of a chairman and an equal number of representatives of employers and employees in the industry concerned.

(2) (a) The committee shall designate as chairman of a sub-committee appointed under paragraph (a) of sub-section (1), a person who would not in any way represent the employers or employees in the industry concerned.

(b) Such designation shall be for a period not exceeding one year.

(c) The provisions of sub-section (8) of section *six* and sub-section (5) of section *nine* shall *mutatis mutandis* apply in respect of a chairman so designated: Provided that for the purposes of this paragraph any reference in the said sub-sections to the Minister, shall be deemed to be a reference to the committee concerned.

(d) The committee may designate one of the members of a sub-committee appointed under paragraph (b) of sub-section (1), as chairman of the sub-committee, and another to act whenever the chairman is unable to act.

(e) The member so designated to act shall, when so acting, have all the powers and discharge all the duties of the chairman.”.

Amendment of
section 13 of
Act 37 of 1944.

6. Section *thirteen* of the principal Act is hereby amended by the insertion in sub-section (3), after the word “decision”, of the words “under sub-section (1), (2) or (3) of section *sixteen* or section *seventeen* or in respect of any decision”.

Amendment of
section 16 of
Act 37 of 1944.

7. Section *sixteen* of the principal Act is hereby amended—

(a) by the substitution for paragraph (d) of sub-section (2), of the following paragraph:

“(d) the classes which apprentices shall attend during their periods of apprenticeship, the number of days on which, the hours within which and the number of hours during which they shall attend such classes during any week in any year and, subject to the provisions of sub-section (12), the number of hours, if any, during which apprentices shall be released from work by the employer for the purpose of attending such classes on any day: Provided that whenever attendance at any such classes is so prescribed, the number of such hours which may be prescribed in respect of the first and second year of the normal prescribed period of apprenticeship shall, as nearly as practicable, be not less than eight per week and fall on one day of the week within the ordinary working hours in the industry concerned, but not so as to extend beyond fifteen minutes past seven o'clock in the afternoon.”;

(b) by the substitution for paragraph (g) of the said sub-section, of the following paragraph:

“(g) the types of work in which the employer shall provide practical training for apprentices, the proportion of the working hours during which and the stages during the apprenticeship period at which he shall provide such training in each type of work.”;

(c) by the substitution for paragraph (h) of the said sub-section, of the following paragraph:

“(h) the tests or examinations, either practical or theoretical, or both (including a qualifying trade

(a) om onderworpe aan die bevele van die komitee, ten opsigte van 'n aangegewe gedeelte van sy magsgebied, die pligte van die komitee te vervul en die werksaamhede en bevoegdhede van die komitee te verrig of uit te oefen, wat die Minister mag goedkeur; of

(b) om ondersoek in te stel na en aan die komitee verslag te doen oor 'n bepaalde aangeleentheid of kategorie aangeleenthede of alle aangeleenthede wat binne die pligte, werksaamhede en bevoegdhede van die komitee val:

Met dien verstande dat—

(i) 'n onder-komitee geheel-en-al of gedeeltelik uit ander persone dan lede of plaasvervangers kan bestaan, wie se aanstelling in die onder-komitee deur die registrator goedgekeur is; en

(ii) 'n kragtens paragraaf (a) aangestelde onder-komitee uit 'n voorsitter en 'n gelyke aantal verteenwoordigers van werkgewers en werknekmers in die betrokke nywerheid moet bestaan.

(2) (a) As voorsitter van 'n kragtens paragraaf (a) van sub-artikel (1) benoemde onder-komitee, wys die komitee 'n persoon aan wat nie op enige wyse die werkgewers of werknekmers in die betrokke nywerheid sou verteenwoordig nie.

(b) Bedoelde aanwysing moet vir 'n tydperk van hoogstens een jaar wees.

(c) Die bepalings van sub-artikel (8) van artikel *ses* en sub-artikel (5) van artikel *nege* is *mutatis mutandis* ten opsigte van 'n aldus aangewese voorsitter van toepassing: Met dien verstande dat by die toepassing van hierdie paragraaf 'n verwysing in genoemde sub-artikels na die Minister, geag word 'n verwysing na die betrokke komitee te wees.

(d) Die komitee kan een van die lede van 'n kragtens paragraaf (b) van sub-artikel (1) benoemde onder-komitee aanwys as voorsitter van die onder-komitee, en 'n ander om op te tree wanneer die voorsitter nie daartoe in staat is nie.

(e) Die lid wat aldus aangewys is om op te tree, het, wanneer hy aldus optree, al die bevoegdhede en vervul al die pligte van die voorsitter.”.

6. Artikel *dertien* van die Hoofwet word hiermee gewysig Wysiging van deur in sub-artikel (3), na die woord „besluit”, die woorde artikel 13 van „kragtens sub-artikel (1), (2) of (3) van artikel *sestien* of artikel Wet 37 van 1944. *sewentien* of ten opsigte van 'n besluit”, in te voeg.

7. Artikel *sestien* van die Hoofwet word hiermee gewysig— Wysiging van (a) deur paragraaf (d) van sub-artikel (2) te vervang deur artikel 16 van die volgende paragraaf: Wet 37 van 1944.

„(d) die klasse wat vakleerlinge tydens die duur van hul leertyd moet bywoon, die aantal dae waarop, die ure waarbinne en die aantal ure gedurende welke hul bedoelde klasse gedurende enige week in enige jaar moet bywoon en, behoudens die bepalings van sub-artikel (12), die aantal ure (as daar is) gedurende welke vakleerlinge deur die werkgewer op enige dag van werk vrygelaat moet word sodat hul bedoelde klasse kan bywoon: Met dien verstande dat wanneer bywoning van sulke klasse aldus voorgeskryf word, die aantal sondane ure wat ten opsigte van die eerste en tweede jaar van die normale voorgeskrewe duur van die leertyd voorgeskryf mag word, so naby doenlik, nie minder dan agt per week is nie en op een dag van die week val binne die gewone werkure in die betrokke nywerheid, maar nie so dat hul tot later dan kwart oor sewe in die namiddag strek nie;”;

(b) deur paragraaf (g) van genoemde sub-artikel te vervang deur die volgende paragraaf:

„(g) die soorte werk waarin die werkgewer praktiese opleiding aan vakleerlinge moet verskaf, die deel van die werkure gedurende welke en die stadia gedurende die leertyd waarop hy bedoelde opleiding in elke soort werk moet verskaf;”;

(c) deur paragraaf (h) van genoemde sub-artikel te vervang deur die volgende paragraaf:

„(h) die toetse of eksamens, ditsy prakties of teoreties of albei (met inbegrip van 'n finale bedryfstoets)

test) which apprentices shall undergo at prescribed stages during the apprenticeship period, and the circumstances under which any apprentice shall be exempted from any part or the whole of any such test or examination;”;

- (d) by the insertion after sub-section (4), of the following sub-section:

“(4)*bis*. The committee shall, as soon as may be, forward any such objections to the Minister together with its comments thereon and the representations, if any, which it desires to make in connection with the proposed provisions.”;

- (e) by the insertion after sub-section (5), of the following sub-section:

“(5)*bis*. A notice under sub-section (2), (3) or (4) relating to conditions of apprenticeship may be published simultaneously with or at any time after the publication of a notice under sub-section (1), (3) or (4) relating to the designation of the trade concerned.”; and

- (f) by the addition at the end thereof of the following sub-sections:

(9) The registrar may, subject to such conditions as he may determine (which conditions shall be set out in writing addressed to the employer) on the recommendation of the committee concerned, approve of the training of apprentices by any employer in accordance with any scheme under which the apprentices will receive their training for a specified portion of their periods of apprenticeship under the continuous supervision of tutors approved by the registrar on such recommendation.

(10) Any conditions of apprenticeship which are inconsistent with the conditions subject to which any apprentices are trained under any scheme so approved shall not apply in respect of such apprentices.

(11) The Minister may, from time to time, on the recommendation of the board and after consultation with the committee concerned, by notice in the *Gazette*, prescribe the classes which any apprentice who is not required to attend any classes prescribed under paragraph (d) of sub-section (2), may attend outside his ordinary working hours, and any conditions prescribed under paragraph (i) of the said sub-section shall *mutatis mutandis* apply in respect of any classes so attended.

(12) The employer of any apprentice who—

(a) is required to attend any classes prescribed in accordance with the proviso to paragraph (d) of sub-section (2); or

(b) is in terms of any condition prescribed under paragraph (e) of the said sub-section or of any exemption under section *forty-six* required to attend for the purpose of study at any place to be determined by the registrar,

shall not require the apprentice, if the said classes or the hours during which he is so required to attend, fall on one day of the week, to work on that day, or if the said hours fall on more than one day of the week, to work during those hours, and the employer shall pay him in respect of any such day remuneration at a rate not less than his ordinary rate of remuneration, as if he had on such day worked his average ordinary hours for that day.

(13) If an apprentice passes a qualifying trade test prescribed under paragraph (h) of sub-section (2), his contract of apprenticeship shall, with effect from the date on which he passes the test or the date upon which the penultimate year of his period of apprenticeship expires, whichever is the later, be deemed to be terminated by effluxion of time, and the fact that the apprentice has passed the test shall be endorsed on such contract by the registrar.”.

8. Section *seventeen* of the principal Act is hereby amended—
(a) by the insertion in sub-section (3), after the figure “(4)”, of the expression “(4)*bis*”; and
(b) by the addition at the end thereof, of the following sub-section:

wat vakleerlinge op voorgeskrewe stadia gedurende die leertyd moet aflê, en die omstandighede waarin 'n vakleerling van 'n deel of die hele van so 'n toets of eksamen vrygestel word;" ;

- (d) deur die volgende sub-artikel na sub-artikel (4) in te voeg:

„(4)*bis*. Die komitee stuur sulke besware, met sy kommentaar daarop en die vertoë (as daar is) wat hy in verband met die voorgenome bepalings wens voor te lê, so gou doenlik deur aan die Minister.”;

- (e) deur die volgende sub-artikel na sub-artikel (5) in te voeg:

„(5)*bis*. 'n Kennisgewing kragtens sub-artikel (2), (3) of (4) betreffende leervoorwaardes kan gelyktydig met of te eniger tyd na die publikasie van 'n kennisgewing kragtens sub-artikel (1), (3) of (4) betreffende die aanwysing van die betrokke bedryf, gepubliseer word.”; en

- (f) deur die volgende sub-artikels aan die end daarvan by te voeg:

„(9) Die registrator kan onderworpe aan die voorwaardes (uiteengesit in 'n geskrif aan die werkewer gerig) wat hy op aanbeveling van die betrokke komitee mag bepaal, goedkeuring verleen aan die opleiding van vakleerlinge deur 'n werkewer ooreenkomsdig 'n skema waaronder die vakleerlinge hul opleiding vir 'n aangegewe deel van hul leertye sal ontvang onder voortdurende toesig van afrigters wat die registrator op bedoelde aanbeveling goedkeur.

(10) Leervoorwaardes wat onbestaanbaar is met die voorwaardes waaraan die opleiding van vakleerlinge onder 'n aldus goedgekeurde skema onderworpe is, is nie ten opsigte van sulke vakleerlinge van toepassing nie.

(11) Die Minister kan van tyd tot tyd op aanbeveling van die raad en na raadpleging met die betrokke komitee, by kennisgewing in die *Staatskoerant* die klasse voorskryf wat 'n vakleerling wat nie verplig is om enige kragtens paragraaf (d) van sub-artikel (2) voorgeskrewe klasse by te woon nie, buite sy gewone werkure kan bywoon, en enige kragtens paragraaf (i) van genoemde sub-artikel voorgeskrewe voorwaardes is *mutatis mutandis* ten opsigte van aldus bygewoonde klasse van toepassing.

(12) Die werkewer van 'n vakleerling wat—

- (a) verplig is om klasse wat ooreenkomsdig die voorbehoudsbepaling by paragraaf (d) van sub-artikel (2) voorskryf is, by te woon; of
(b) volgens 'n voorwaarde wat kragtens paragraaf (e) van genoemde sub-artikel voorskryf is of volgens 'n vrystelling kragtens artikel *ses-en-veertig*, verplig is om vir die doeleindes van studie op 'n plek deur die registrator te bepaal, aanwesig te wees, verplig nie die vakleerling, indien genoemde klasse of die ure gedurende welke hy aldus verplig is om aanwesig te wees, op een dag van die week val, om op daardie dag te werk nie, of indien genoemde ure op meer dan een dag van die week val, om gedurende daardie ure te werk nie, en die werkewer moet hom vir so 'n dag besoldiging betaal teen 'n skaal wat nie laer is nie dan sy gewone skaal van besoldiging, asof hy op bedoelde dag sy gemiddelde gewone ure vir daardie dag gewerk het.

(13) Indien 'n vakleerling slaag in 'n finale bedryfstoets wat kragtens paragraaf (h) van sub-artikel (2) voorskryf is, word sy leerlingskontrak met ingang vanaf die datum waarop hy in die toets slaag, of die datum waarop die voorlaaste jaar van sy leertyd verstryk, na gelang die een of die ander die laaste plaasvind, geag deur verloop van tyd beëindig te wees, en word die feit dat die vakleerling in die toets geslaag het, deur die registrator op bedoelde kontrak aangeteken.”.

8. Artikel sewentien van die Hoofwet word hiermee gewysig— Wysiging van artikel 17 van

- (a) deur in sub-artikel (3), na die syfer „(4)”, die uit-drukking „(4)*bis*” in te voeg; en

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

"(4) If in the opinion of the Minister the interests of employers and employees in regard to apprenticeship which are affected by any declaration under sub-section (1), render it expedient to appoint, on the committee concerned, persons to represent those interests, there shall be appointed as additional members of the committee, so many representatives of the employers in the industry or industries in respect of which the declaration has been made, as the Minister may determine, together with an equal number of representatives of the employees in the trade concerned, and the provisions of sections *six* and *seven* shall *mutatis mutandis* apply in respect of such appointments.”.

Amendment of
section 19 of
Act 37 of 1944.

9. Section *nineteen* of the principal Act is hereby amended—

(a) by the deletion in paragraph (b) of sub-section (2) of the words “and may, in granting his consent, impose such conditions relating to the employment of the minor as he may deem fit”; and

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

"(4) (a) The registrar may, on the recommendation of the committee concerned, authorize any employer, in respect of whom the provisions of sub-section (2) apply, to take into his employment in any designated trade and during a specified period, a number of minors not exceeding a number to be determined in accordance with a fixed proportion of minors and apprentices to qualified employees in that trade in any particular establishment, and the provisions of the said sub-section shall not apply in respect of any minor taken into employment in accordance with any such authority.

(b) The registrar may, on the recommendation of the committee concerned and by written notice served on the employer concerned, amend or withdraw any authority granted under paragraph (a).

(c) Any person who takes any minor into his employment in terms of any authority under paragraph (a) shall within seven days and in the prescribed form notify the secretary of the committee concerned thereof and shall give like notification of the termination of the employment of any such minor.

(5) The registrar shall not give his consent under sub-section (2) in respect of, and no person shall take into his employment under sub-section (3) or (4) or retain in his employment under this section, any minor who is not qualified to bind himself as an apprentice in terms of sub-section (1) of section *twenty-two*; and every minor employed under this section shall be employed in accordance with conditions which are not less favourable to him than the conditions, if any, prescribed under sub-section (2) of section *sixteen*, in so far as they relate to the rates of remuneration and hours of work, during the first year of the normal prescribed period of apprenticeship, of apprentices employed in the trade concerned.”.

Amendment of
section 20 of
Act 37 of 1944.

10. Section *twenty* of the principal Act is hereby amended by the addition at the end of sub-paragraph (a) of paragraph (1) of the following proviso:

“Provided that employment prior to the date of the designation shall not be included in determining any period of employment referred to in this paragraph;”.

Amendment of
section 22 of
Act 37 of 1944.

11. Section *twenty-two* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section:

"(4) With the approval of the registrar any person who may bind himself as an apprentice under sub-section (1), (2) or (3) may so bind himself with more than one employer, subject to the inclusion in the contract of apprenticeship of such conditions as to the respective obligations of the different employers as may be determined by the registrar after consultation with the committee concerned.”.

„(4) Indien die belang van werkgewers en werknemers met betrekking tot vakleerlingskap wat deur 'n verklaring kragtens sub-artikel (1) geraak word, dit na die mening van die Minister raadsaam maak om op die betrokke komitee persone aan te stel om daardie belang te verteenwoordig, dan moet daar soveel verteenwoordigers van die werkgewers in die nywerheid of nywerhede ten opsigte waarvan die verklaring gedoen is, as wat die Minister mag bepaal, as addisionele lede van die komitee aangestel word, tesame met 'n gelyke aantal verteenwoordigers van die werknemers in die betrokke bedryf; en die bepalings van artikels *ses* en *sewe* is *mutatis mutandis* ten opsigte van bedoelde aanstellings van toepassing.”.

9. Artikel negentien van die Hoofwet word hiermee gewysig— Wysiging van artikel 19 van Wet 37 van 1944.

- (a) deur in paragraaf (b) van sub-artikel (2), die woorde „en kan, by die verlening van sy toestemming, die voorwaardes betreffende die diens van die minderjarige ople wat hy goeddink”, te skrap; en
- (b) deur die volgende sub-artikels aan die end daarvan by te voeg:
- „(4) (a) Die registrator kan, op aanbeveling van die betrokke komitee, 'n werkewer ten opsigte van wie die bepalings van sub-artikel (2) van toepassing is, magtig om in 'n aangewese bedryf en gedurende 'n aangegewe tydperk, 'n aantal minderjariges in sy diens te neem wat hoogstens soveel is as 'n aantal bepaal ooreenkomsdig 'n vasgestelde verhouding van minderjariges en vakleerlinge tot gekwalifiseerde werknemers in daardie bedryf in 'n bepaalde onderneming; en die bepalings van genoemde sub-artikel is nie ten opsigte van 'n minderjarige wat ooreenkomsdig so 'n magtiging in diens geneem is, van toepassing nie.
- (b) Die registrator kan, op aanbeveling van die betrokke komitee, en by skriftelike kennisgewing op die betrokke werkewer gedien, 'n kragtens paragraaf (a) verleende magtiging wysig of intrek.
- (c) Iemand wat 'n minderjarige ooreenkomsdig 'n magtiging kragtens paragraaf (a) in sy diens neem, moet die sekretaris van die betrokke komitee binne sewe dae en op die voorgeskrewe vorm daarvan verwittig, en moet soortgelyke kennis gee van die beëindiging van die diens van so 'n minderjarige.
- (5) Die registrator gee nie sy toestemming kragtens sub-artikel (2) ten opsigte van 'n minderjarige wat nie volgens sub-artikel (1) van artikel *twee-en-twintig* bevoeg is om hom as vakleerling te bind nie, en niemand neem so 'n minderjarige kragtens sub-artikel (3) of (4) in sy diens of hou hom kragtens hierdie artikel in sy diens nie; en elke minderjarige wat kragtens hierdie artikel in diens is, moet in diens wees ooreenkomsdig voorwaardes wat vir hom nie minder gunstig is nie dan die voorwaardes (as daar is) wat kragtens sub-artikel (2) van artikel *sestien* voorgeskryf is, vir sover hul betrekking het op die skale van besoldiging en werkure, gedurende die eerste jaar van die normale voorgeskrewe leertyd, van vakleerlinge wat in die betrokke bedryf in diens is.”.

10. Artikel twintig van die Hoofwet word hiermee gewysig Wysiging van artikel 20 van Wet 37 van 1944.

deur die volgende voorbehoudbepaling aan die end van sub-paragraaf (a) van paragraaf (1) by te voeg:

„Met dien verstande dat by die bepaling van 'n in hierdie paragraaf bedoelde tydperk van diens, diens voor die datum van die aanwysing nie bygereken word nie;”.

11. Artikel twee-en-twintig van die Hoofwet word hiermee gewysig Wysiging van artikel 22 van Wet 37 van 1944.

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

„(4) Met die goedkeuring van die registrator kan enig iemand wat hom kragtens sub-artikel (1), (2) of (3) as vakleerling kan bind, hom aldus bind by meer dan een werkewer, mits in die leerlingskontrak die voorwaardes opgeneem word betreffende die onderskeie verpligtings van die verskillende werkewers, wat die registrator na raadpleging met die betrokke komitee mag bepaal.”.

Amendment of
section 26 of
Act 37 of 1944.

12. Section *twenty-six* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words “from work” of the words “or suspended from work or on which in the opinion of the registrar the apprentice without good reason failed to attend any class or course or at any place for the purpose of study, which or at which he was required to attend in accordance with any condition of apprenticeship applicable to him, whether or not the time of the required attendance falls wholly or partly outside his ordinary working hours”; and
- (b) by the addition at the end thereof of the following sub-section:

“(4) If two or more orders have been given under sub-section (1) in respect of any apprentice, wholly or partly in pursuance of his failure to attend any class or course or at any place for the purpose of study, the committee concerned may, except in the case of an apprentice employed by the railway administration, order that he shall forfeit such portion of the remuneration payable to him in respect of each day included in any extended period of apprenticeship by the second or any subsequent order by reason of such failure, as the committee may determine, but not exceeding one-half of an amount which bears the same proportion to his ordinary remuneration for such day, as the time during which such failure occurred bears to his ordinary hours of work on such day; and the provisions of sub-section (2) of this section and sub-section (6) of section *twenty-eight* shall *mutatis mutandis* apply to any order under this sub-section.”.

Amendment of
section 27 of
Act 37 of 1944.

13. Section *twenty-seven* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) With the consent of the registrar given after consultation with the committee concerned, the rights and obligations of any employer under any contract of apprenticeship may be transferred to another employer or an apprentice may be transferred to another area in the service of the same employer: Provided that—

- (a) in the case of any such transfer to another employer in an area and in an industry in respect of which another committee has been established, the registrar shall not give his consent until he has consulted such other committee;
- (b) the conditions of apprenticeship applicable in the trade concerned, in any area to which the apprentice has been so transferred, shall apply in respect of the apprentice, and any conditions of apprenticeship applicable to him prior to such transfer, which are inconsistent with the first-mentioned conditions shall, with effect from the date of the transfer, and while he is employed in that area, be suspended in respect of the apprentice; and
- (c) the rate at which the apprentice is required to be remunerated by his employer in terms of the contract of apprenticeship, shall not be reduced as a result of any such transfer.”.

Amendment of
section 28 of
Act 37 of 1944.

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

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

“(1)*bis.* (a) If in the opinion of the registrar an apprentice has acted in a manner justifying his suspension under sub-section (1), and he has not been suspended by the employer concerned, the registrar may at any time, after consultation with the committee concerned, by written notice order the suspension of the apprentice as from such date and for such period, not exceeding thirty working days, as he may determine.

- (b) The registrar may by writing under his hand and subject to such conditions as he may determine, delegate the powers conferred upon him by

12. Artikel ses-en-twintig van die Hoofwet word hiermee **gewysig**— **Wysiging van artikel 26 van Wet 37 van 1944.**

- (a) deur in sub-artikel (1), na die woorde „afwesig was”, die volgende woorde in te voeg: „of in sy werk geskors was of waarop, na die mening van die registrator, die vakleerling sonder goeie rede versuim het om 'n klas of kursus by te woon wat hy verplig was om by te woon of om vir die doeleindes van studie aanwesig te wees op 'n plek waar hy verplig was om aanwesig te wees, volgens 'n leervoorwaarde wat op hom van toepassing is, onverskillig of die tyd van die verpligte bywoning of aanwesigheid al dan nie geheel-en-al of gedeeltelik buite sy gewone werkure val.”;
- (b) deur die volgende sub-artikel aan die end daarvan by te voeg:
- „(4) Indien twee of meer lasgewings kragtens sub-artikel (1) ten opsigte van 'n vakleerling gegee is, geheel-en-al of gedeeltelik ingevolge sy versuim om 'n klas of kursus by te woon of vir die doeleindes van studie op 'n plek aanwesig te wees, dan kan die betrokke komitee, behalwe in die geval van 'n vakleerling wat by die spoorwegadministrasie in diens is, beveel dat hy sodanige gedeelte van die besoldiging verbeur wat aan hom betaalbaar is vir elke dag wat deur die tweede of 'n daaropvolgende lasgewing uit hoofde van bedoelde versuim by 'n verlengde leertyd ingesluit is, as wat die komitee mag bepaal, maar nie meer nie dan die helfte van 'n bedrag wat in dieselfde verhouding staan tot sy gewone besoldiging vir daardie dag, as dié waarin die tyd gedurende welke die versuim plaasgevind het, staan tot sy gewone werkure op daardie dag; en die bepalings van sub-artikel (2) van hierdie artikel en van sub-artikel (6) van artikel *agt-en-twintig* is *mutatis mutandis* op 'n bevel kragtens hierdie sub-artikel van toepassing.”.

13. Artikel sewen-en-twintig van die Hoofwet word hiermee **gewysig** deur sub-artikel (1) te vervang deur die volgende sub-artikel: **Wysiging van artikel 27 van Wet 37 van 1944.**

- „(1) Met toestemming van die registrator, na raadpleging met die betrokke komitee verleen, kan die regte en verpligtings van 'n werkewer ingevolge 'n leerlingskontrak aan 'n ander werkewer oorgedra word of kan 'n vakleerling na 'n ander gebied in diens van dieselfde werkewer oorgeplaas word: Met dien verstande dat—
- (a) in die geval van so 'n oordrag aan 'n ander werkewer in 'n gebied en in 'n nywerheid ten opsigte waarvan 'n ander komitee ingestel is, die registrator nie sy toestemming verleen alvorens hy die ander komitee geraadpleeg het nie;
- (b) die leervoorwaardes wat in die betrokke bedryf van toepassing is in 'n gebied waarheen die vakleerling aldus oorgeplaas is, ten opsigte van die vakleerling van toepassing is, en enige leervoorwaardes wat voor die oorplasing op hom van toepassing was en wat met eersbedoelde voorwaardes onbestaanbaar is, met ingang vanaf die datum van die oorplasing en terwyl hy in daardie gebied in diens is, ten opsigte van die vakleerling opgeskort word; en
- (c) die skaal waarteen die werkewer volgens die leerlingskontrak die vakleerling moet besoldig, nie as gevolg van so 'n oorplasing verminder word nie.”.

14. Artikel agt-en-twintig van die Hoofwet word hiermee **gewysig**— **Wysiging van artikel 28 van Wet 37 van 1944.**

- (a) deur die volgende sub-artikel na sub-artikel (1) in te voeg:
- „(1)*bis.* (a) Indien 'n vakleerling na die mening van die registrator opgetree het op 'n wyse wat sy skorsing kragtens sub-artikel (1) regverdig en hy nie deur die betrokke werkewer geskors is nie, dan kan die registrator te eniger tyd, na raadpleging met die betrokke komitee, by skriftelike kennisgewing beveel dat die vakleerling in sy diens geskors word vanaf die datum en vir die tydperk van hoogstens dertig werksdae wat hy mag bepaal.
- (b) Die registrator kan die bevoegdhede deur paraagraaf (a) aan hom verleen skriftelik onder sy handtekening en onderworpe aan die voor-

paragraph (a) to any apprenticeship committee, to be exercised, subject to the directions of the registrar, by the committee in respect of apprentices within the committee's area of jurisdiction.

- (c) Any such delegation may at any time be withdrawn by the registrar."; and
(b) by the substitution for sub-section (3) of the following sub-section:

"(3) The committee shall, as soon as may be, enquire into and confirm, vary or set aside any suspension under sub-section (1).".

Insertion of section 29bis in Act 37 of 1944.

15. The following section is hereby inserted in the principal Act after section twenty-nine:

"Modification of contracts of apprenticeship.

29bis. (1) Whenever it appears that the facts relating to any apprentice are incorrectly recorded in his contract of apprenticeship and that by reason thereof prejudice is caused to a party to the contract the registrar may, if he is satisfied that it is desirable to do so, on the application of the prejudiced party and with the consent of the other party to the contract, affix thereto a statement setting out the correct facts and the relative terms of the contract as amended in pursuance of those facts.

(2) Any such statement shall be signed by the registrar and thereafter the relative terms so set out therein shall form part of the contract of apprenticeship, and the registrar shall adjust his records in accordance therewith: Provided that no additional financial liability shall be imposed on any party to the contract in respect of any period prior to the date on which the statement is signed.".

Amendment of section 30 of Act 37 of 1944.

16. Section thirty of the principal Act is hereby amended by the substitution for sub-section (1), of the following sub-section:

"(1) Any employer, prospective employer, apprentice, prospective apprentice or minor, who feels aggrieved by a decision of the registrar under sub-section (9) of section sixteen, paragraph (b) of sub-section (2) or sub-section (4) of section nineteen, sub-paragraph (d) of paragraph (2) of section twenty, sub-section (2) or (4) of section twenty-two, sub-section (3) of section twenty-three, section twenty-four, sub-section (1) or (2) of section twenty-five, section twenty-six, sub-section (3) of section twenty-seven, paragraph (a) of sub-section (1)bis or sub-section (6) of section twenty-eight, or section twenty-nine, may within fourteen days of the date of the decision appeal to the Minister who may, after consultation with the board and the committee concerned, confirm the registrar's decision or give such other decision as in his opinion the registrar ought to have given.".

Amendment of section 32 of Act 37 of 1944.

17. Section thirty-two of the principal Act is hereby amended—

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

"(1) Every employer upon whom a contract of apprenticeship is binding, and every employer who employs in a designated trade a minor other than an apprentice, shall at all times keep in respect of every apprentice and of every such minor, records of the remuneration paid, of the time worked, and of such other particulars as may be prescribed, including, without prejudice to the generality of the provisions of this sub-section, particulars as to the training provided for and the progress made by any apprentice in any prescribed course of training and the steps taken by the employer to carry out any conditions prescribed under paragraph (g) of sub-section (2) of section sixteen."; and

- (b) by the insertion, after sub-section (2), of the following sub-section:

"(2)bis. Every employer shall forward to the committee concerned at the prescribed times a true copy of any record required to be kept by him of

waardes wat hy mag bepaal, aan 'n komitee vir vakleerlinge deleger, om onderworpe aan die bevele van die registrator deur die komitee uitgeoefen te word ten opsigte van vakleerlinge binne die komitee se magsgebied.

- (c) Die registrator kan so 'n delegasie te eniger tyd intrek."; en
(b) deur sub-artikel (3) te vervang deur die volgende sub-artikel:
„(3) Die komitee moet so spoedig doenlik 'n skorsing kragtens sub-artikel (1) ondersoek, en dit bekratig, wysig of vernietig.”.

15. Die volgende artikel word hiermee na artikel *negen-en-twintig* van die Hoofwet ingevoeg:

„**Wysiging 29bis.** (1) Wanneer dit blyk dat die feite met betrekking tot 'n vakleerling onjuis in sy leerlingskontrakte. 'n party by die kontrak nadeel veroorsaak word, dan kan die registrator, as hy oortuig is dat dit wenslik is sulks te doen, op aansoek van die benadeelde party en met toestemming van die ander party by die kontrak, 'n verklaring daaraan heg waarin die juiste feite en die desbetreffende bepalings van die kontrak soos ingevolge daardie feite gewysig, uiteengesit word.

Invoeging van artikel 29bis in Wet 37 van 1944.

(2) So 'n verklaring word deur die registrator onderteken en daarop maak die desbetreffende bepalings wat aldus daarin uiteengesit word, deel van die leerlingskontrak uit, en die registrator wysig sy stukke dienooreenkomsdig: Met dien verstande dat geen addisionele geldelike aanspreeklikheid aan enige party by die kontrak ten opsigte van 'n tydperk voor die datum waarop die verklaring onderteken word, opgelê word nie.”.

16. Artikel *dertig* van die Hoofwet word hiermee gewysig deur sub-artikel (1) te vervang deur die volgende sub-artikel:

„(1) 'n Werkewer, voorgenome werkewer, vakleerling, voorgenome vakleerling of minderjarige, wat hom veronreg voel deur 'n beslissing van die registrator ingevolge sub-artikel (9) van artikel *sestien*, paragraaf (b) van sub-artikel (2) of sub-artikel (4) van artikel *negentien*, sub-paragraaf (d) van paragraaf (2) van artikel *twintig*, sub-artikel (2) of (4) van artikel *twee-en-twintig*, sub-artikel (3) van artikel *drie-en-twintig*, artikel *vier-en-twintig*, sub-artikel (1) of (2) van artikel *vyf-en-twintig*, artikel *ses-en-twintig*, sub-artikel (3) van artikel *seven-en-twintig*, paragraaf (a) van sub-artikel (1)*bis* of sub-artikel (6) van artikel *agt-en-twintig*, of artikel *negen-en-twintig*, kan hom binne veertien dae na die datum van die beslissing op die Minister beroep, en hy kan, na raadpleging met die raad en die betrokke komitee, die beslissing van die registrator bekratig of sodanige ander beslissing gee as wat die registrator na sy mening behoort te gegee het.”.

Wysiging van artikel 30 van Wet 37 van 1944.

17. Artikel *twee-en-dertig* van die Hoofwet word hiermee gewysig—

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

Wysiging van artikel 32 van Wet 37 van 1944.

„(1) Elke werkewer wat deur 'n leerlingskontrak gebonde is, en elke werkewer wat 'n minderjarige, behalwe 'n vakleerling, in 'n aangewese bedryf in diens het, moet ten alle tye ten opsigte van elke vakleerling en elke sodanige minderjarige, aantekenings hou van die besoldiging wat betaal is, van die tyd wat gwerk is en van die ander besonderhede wat voorgeskryf mag word, met inbegrip, sonder afbreuk aan die algemeenhed van die bepalings van hierdie sub-artikel, van besonderhede betreffende die opleiding wat in enige voorgeskrewe opleidingskursus aan 'n vakleerling verskaf word, die vordering wat hy daarin gemaak het, en die stappe wat die werkewer gedoen het om gevolg te gee aan enige voorwaardes wat kragtens paragraaf (g) van sub-artikel (2) van artikel *sestien* voorgeskryf is.”; en

(b) deur die volgende sub-artikel na sub-artikel (2) in te voeg:

„(2)*bis*. Elke werkewer moet aan die betrokke komitee op die voorgeskrewe tye 'n juiste afskrif stuur van enige aantekenings wat hy verplig is om te hou

particulars as to the training provided for and the progress made by any apprentice in any prescribed course of training and the steps taken by the employer to carry out any conditions prescribed under paragraph (g) of sub-section (2) of section *sixteen*.”.

Amendment of
section 33 of
Act 37 of 1944.

18. Section *thirty-three* of the principal Act is hereby amended by the substitution in sub-section (1), for the words “designated trade” of the words “trade, which has been designated in respect of any area, whether or not such school, institution, class or course is conducted in any such area.”.

Amendment of
section 38 of
Act 37 of 1944.

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

(a) by the insertion in paragraph (d) of sub-section (1), after the word “*twenty-four*”, of the words “or sub-section (1)*bis*”; and

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

“(1)*bis*. Paragraph (a) of sub-section (1) shall not apply in respect of a failure to attend any class or course or at any place as a result of which an order has been made under sub-section (1) of section *twenty-six*.”.

Short title.

20. This Act shall be called the Apprenticeship Amendment Act, 1951.

van besonderhede betreffende die opleiding wat in enige voorgeskrewe opleidingskursus aan 'n valleerling verskaf word, die vordering wat hy daarin gemaak het, en die stappe wat die werkewer gedoen het om gevvolg te gee aan enige voorwaardes wat kragtens paragraaf (g) van sub-artikel (2) van artikel *sesien* voorgeskryf is.”.

18. Artikel *drie-en-dertig* van die Hoofwet word hiermee Wysiging van gewysig deur in sub-artikel (1) die woorde „aangewese bedryf” artikel 33 van te vervang deur die woorde „bedryf wat ten opsigte van enige gebied aangewys is, onverskillig of die skool, inrigting, klas of kursus al dan nie in so 'n gebied bestuur of gehou word.”.

19. Artikel *agt-en-dertig* van die Hoofwet word hiermee Wysiging van gewysig— artikel 38 van Wet 37 van 1944.

(a) deur in paragraaf (d) van sub-artikel (1), na die woorde „vier-en-twintig”, die woorde „of sub-artikel (1)*bis*” in te voeg; en

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

„(1)*bis*. Paragraaf (a) van sub-artikel (1) is nie van toepassing nie ten opsigte van 'n versuim om 'n klas of kursus by te woon of om op 'n plek aanwesig te wees, as gevvolg waarvan 'n lasgewing kragtens sub-artikel (1) van artikel *ses-en-twintig* gegee is.”.

20. Hierdie Wet heet die Wysigingswet op Vakleerlinge, 1951. Kort titel.