



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 351.

4 Maart 1970.

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

No. 9 van 1970: Ongevallewysigingswet, 1970.

No. 351.

4th March, 1970.

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

No. 9 of 1970: Workmen's Compensation Amendment Act, 1970.

WET

Tot wysiging van bepalings van die Ongevallewet, 1941, met betrekking tot woordskrywings, toepassing van Wet buite landsgrense en op seeliede en vliegeniers, skadeloosstelling, werkgewers en geneeskundige onkoste.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Februarie 1970.)*

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

Wysiging van artikel 2 van Wet 30 van 1941, soos gewysig deur artikel 1 van Wet 27 van 1945, artikel 1 van Wet 36 van 1949 en artikel 1 van Wet 51 van 1956.

1. Artikel 2 van die Ongevallewet, 1941 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur die volgende omskrywing na die omskrywing van „skadeloosstelling” in te voeg:

„vastelandsplat’ die in artikel 7 van die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963), bedoelde vastelandsplat;”;
 - (b) deur die volgende omskrywing na die omskrywing van „onderlinge vereniging” in te voeg:

„natuurlike hulpbronne’ die in artikel 7 van die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963), bedoelde natuurlike hulpbronne;”.

Wysiging van artikel 3 van Wet 30 van 1941, soos vervang deur artikel 1 van Wet 21 van 1964 en gewysig deur artikel 1 van Wet 58 van 1967.

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

„(g) persone in diens as seeliede of vliegeniers, met uitsondering van sodanige persone in diens onder die in artikel 10 (1A) bedoelde omstandighede en behalwe soos in artikel 11 bepaal;”.

Wysiging van artikel 10 van Wet 30 van 1941.

3. Artikel 10 van die Hoofwet word hierby gewysig—
 - (a) deur na subartikel (1) die volgende subartikel in te voeg:

„(1A) Wanneer ’n werksman wat in die Unie woonagtig is, ’n ongeval oorkom terwyl hy in, op of bo die vastelandsplat in diens is in verband met opnames, navorsing, prospektering of ontginning ten opsigte van natuurlike hulpbronne, is hierdie Wet ten opsigte van die ongeval van toepassing asof dit in die Unie plaasgevind het.”;
 - (b) deur in subartikel (3) al die woorde voor die voorbehoudsbepaling deur die volgende woorde te vervang:

„Wanneer ’n werksman onder die omstandighede in subartikel (1) beskryf, volgens die regsbepalings van die land waarin ’n ongeval plaasvind, ten opsigte van daardie ongeval op skadeloosstelling geregtig is of wanneer ’n werksman onder die omstandighede in subartikel (1A) beskryf of in die Unie ’n ongeval het

WORKMEN'S COMPENSATION AMENDMENT ACT, 1970. Act No. 9, 1970

ACT

To amend the provisions of the Workmen's Compensation Act, 1941, relating to definitions, application of Act extra-territorially and to seamen and airmen, compensation, employers and medical expenses.

*(Afrikaans text signed by the State President.)
(Assented to 24th February, 1970.)*

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

1. Section 2 of the Workmen's Compensation Act, 1941 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion after the definition of "compensation" of the following definition:

"continental shelf" means the continental shelf referred to in section 7 of the Territorial Waters Act, 1963 (Act No. 87 of 1963);"
 - (b) by the insertion after the definition of "mutual association" of the following definition:

"natural resources" means natural resources referred to in section 7 of the Territorial Waters Act, 1963 (Act No. 87 of 1963);"
2. Section 3 of the principal Act is hereby amended by the substitution for paragraph (g) of subsection (2) of the following paragraph:

"(g) persons employed as seamen or airmen, excluding such persons employed in circumstances referred to in section 10 (1A) and save as provided in section 11;".
3. Section 10 of the principal Act is hereby amended—
 - (a) by the insertion after subsection (1) of the following subsection:

"(1A) Where an accident happens to a workman resident in the Union, while employed in, on or above the continental shelf in connection with surveys, research, prospecting or exploitation in respect of natural resources, this Act shall apply in respect of such accident as if it had happened in the Union.";
 - (b) by the substitution in subsection (3) for all the words preceding the proviso, of the following words:

"Where by the law of the country in which an accident happens, a workman in the circumstances described in subsection (1) is entitled to compensation in respect of such accident, or where an accident happens to a workman in the circumstances described in subsection (1A) or in the Union and he would be

Amendment of section 2 of Act 30 of 1941, as amended by section 1 of Act 27 of 1945, section 1 of Act 36 of 1949 and section 1 of Act 51 of 1956.

Amendment of section 3 of Act 30 of 1941, as substituted by section 1 of Act 21 of 1964 and amended by section 1 of Act 58 of 1967.

Amendment of section 10 of Act 30 of 1941.

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en hy kragtens die regsbepalings van 'n ander land sowel as ingevolge hierdie Wet op skadeloosstelling geregtig sou wees, moet hy by kennisgewing aan die kommissaris kies of om ingevolge hierdie Wet of die wet van die ander land skadeloosstelling te eis."

Wysiging van artikel 11 van Wet 30 van 1941, soos gewysig deur artikel 4 van Wet 36 van 1949.

4. Artikel 11 van die Hoofwet word hierby gewysig deur al die woorde voor paragraaf (a) deur die volgende woorde te vervang:

„Hierdie Wet is ten opsigte van 'n ander ongeval as 'n in artikel 10 (1A) bedoelde ongeval van toepassing op 'n seeman of vliegenier wie se beloning nie uitsluitlik uit 'n aandeel in die ontvangste bestaan nie—”.

Wysiging van artikel 43 van Wet 30 van 1941, soos gewysig deur artikel 22 van Wet 27 van 1945, artikel 19 van Wet 36 van 1949 en artikel 16 van Wet 51 van 1956.

5. Artikel 43 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Ondanks die feit dat geen aansoek ingevolge subartikel (1) gedoen is nie, kan die kommissaris, as daar na sy oordeel *prima facie*-bewys bestaan dat die werksman op addisionele skadeloosstelling kragtens hierdie artikel geregtig is, die bepalings van hierdie artikel *mutatis mutandis* op enige geval toepas, te eniger tyd voor die verstryking van 'n tydperk van twaalf maande na die datum waarop die ongeval by die kommissaris deur die werkgewer aangegee is.”.

Wysiging van artikel 43bis van Wet 30 van 1941, soos ingevoeg deur artikel 17 van Wet 51 van 1956.

6. Artikel 43bis van die Hoofwet word hierby gewysig—

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

„(1) Die Minister kan, op aanbeveling van die kommissaris, by kennisgewing in die *Staatskoerant* beveel dat alle pensioene kragtens artikel 39 of 40 van hierdie Wet betaalbaar by die inwerkingtreding van die Ongevallewysigingswet, 1970, ten opsigte van ongevallen wat voor die inwerkingtreding van die Ongevallewysigingswet, 1967 (Wet No. 58 van 1967), plaasgevind het, vanaf 'n datum deur die Minister bepaal, betaalbaar is asof bedoelde ongevallen op daardie datum plaasgevind het.”;

(b) deur subartikel (3) te skrap.

Wysiging van artikel 68 van Wet 30 van 1941, soos gewysig deur artikel 11 van Wet 7 van 1961.

7. (1) Artikel 68 van die Hoofwet word hierby gewysig deur in subartikel (1) al die woorde voor paragraaf (c) deur die volgende woorde te vervang:

„Elke vir aanslag aanspreeklike werkgewer moet tussen die eerste en die een-en-dertigste dag van Maart in elke jaar, of, indien hy na die laasgenoemde datum vir aanslag aanspreeklik word, binne een maand nadat hy aldus aanspreeklik geword het, aan die kommissaris 'n staat in die voorgeskrewe vorm instuur wat hy as juis gesertifiseer het en wat aantoon—

(a) die bedrag van die lone, wat hy aan sy werksmense betaal het gedurende die tydperk vanaf die eerste dag van Maart van die onmiddellik voorafgaande jaar tot en met die laaste dag van Februarie van die daaropvolgende jaar;”.

(2) Ondanks die bepalings van paragraaf (a) van subartikel (1) van artikel 68 van die Hoofwet soos by hierdie artikel gewysig, word die maande Januarie en Februarie 1970 by die daardie paragraaf bedoelde tydperk ingesluit wanneer 'n staat ingevolge bedoelde subartikel gedurende die jaar 1971 ingestuur moet word.

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entitled to compensation under the law of any other country as well as under this Act, he shall, by notice to the commissioner, elect to claim compensation either under this Act, or under the law of the other country:".

4. Section 11 of the principal Act is hereby amended by the substitution for all the words preceding paragraph (a), of the following words:

Amendment of section 11 of Act 30 of 1941, as amended by section 4 of Act 36 of 1949.

"This Act shall apply in respect of an accident (other than an accident referred to in section 10 (1A)) to a seaman or airman whose remuneration is not fixed solely by a share in the takings—".

5. Section 43 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

Amendment of section 43 of Act 30 of 1941, as amended by section 22 of Act 27 of 1945, section 19 of Act 36 of 1949 and section 16 of Act 51 of 1956.

"(6) The provisions of this section may *mutatis mutandis* be applied by the commissioner at any time before the expiration of a period of twelve months after the date on which the accident has been reported to the commissioner by the employer, in any case where, notwithstanding the fact that no application has been made under subsection (1), the commissioner considers that there is *prima facie* proof that the workman is entitled to additional compensation in terms of this section."

6. Section 43bis of the principal Act is hereby amended—

Amendment of section 43bis of Act 30 of 1941, as inserted by section 17 of Act 51 of 1956.

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

"(1) The Minister may, on the recommendation of the commissioner, by notice in the *Gazette* order that all pensions payable under section 39 or 40 of this Act at the commencement of the Workmen's Compensation Amendment Act, 1970, in respect of accidents which happened before the commencement of the Workmen's Compensation Amendment Act, 1967 (Act No. 58 of 1967), shall with effect from a date to be determined by the Minister, be payable as if such accidents had happened on that date."

(b) by the deletion of subsection (3).

7. (1) Section 68 of the principal Act is hereby amended by the substitution in subsection (1) for all the words preceding paragraph (c), of the following words:

Amendment of section 68 of Act 30 of 1941, as amended by section 11 of Act 7 of 1961.

"Every employer liable to assessment shall between the first and thirty-first day of March in each year, or if he becomes liable to be assessed after the last mentioned date, within one month after having become so liable, transmit to the commissioner a statement in the prescribed form, certified by him as true, showing—

(a) the amount of wages paid to his workmen during the period with effect from the first day of March of the immediately preceding year up to and including the last day of February of the following year;".

(2) Notwithstanding anything contained in paragraph (a) of subsection (1) of section 68 of the principal Act as amended by this section, the months of January and February 1970 shall be included in the period referred to in the said paragraph when a statement under the said subsection is to be transmitted during the year 1971.

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Wysiging van artikel 69 van Wet 30 van 1941, soos gewysig deur artikel 26 van Wet 27 van 1945 en artikel 12 van Wet 7 van 1961.

8. Artikel 69 van die Hoofwet word hierby gewysig deur subartikel (1) al die woorde voor die voorbehoudsbepaling deur die volgende woorde te vervang:

„Die kommissaris moet so spoedig doenlik na die een-en-dertigste dag van Maart in elke jaar, of in die geval van 'n werkgewer wat na daardie datum vir aanslag aanspreeklik word, so spoedig doenlik na ontvangs van die in artikel 68 bedoelde staat, elke werkgewer, behalwe 'n ingevolge artikel 70 van aanslag vrygestelde werkgewer, aanslaan op grondslag van so 'n persentasie van die jaarlikse lone van sy werksmense as wat die kommissaris vir die vereistes van die ongevallefonds vir die jaar van die aanslag nodig ag:”.

Wysiging van artikel 77 van Wet 30 van 1941, soos gewysig deur artikel 29 van Wet 27 van 1945, artikel 27 van Wet 36 van 1949 en artikel 22 van Wet 51 van 1956.

9. Artikel 77 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg:

„(6) Die kommissaris kan—

(a) ondanks andersluidende bepalings van hierdie artikel, van tyd tot tyd na oorlegpleging met die Mediese Vereniging van Suid-Afrika, by kennisgewing in die *Staatskoerant* voorskrifte uitvaardig waarvolgens dit, in die gevalle en onder die omstandighede in die voorskrifte vermeld, verpligtend is dat in hierdie artikel bedoelde geneeskundige behandeling ontvang word in 'n ooreenkomstig die voorskrifte bepaalde inrigting wat beheer word deur die kommissaris of deur of ingevolge 'n in artikel 14 (2) bedoelde liggaam, organisasie of skema waaraan of aan wie die kommissaris geldelike hulp verleen of verleen het;

(b) by dergelike kennisgewing bedoelde voorskrifte te eniger tyd intrek of na bedoelde oorlegpleging wysig.

(7) Die in subartikel (6) bedoelde voorskrifte kan verskil ten opsigte van verskillende klasse van geneeskundige behandeling, gebiede of werksmense.

(8) Ondanks andersluidende bepalings van hierdie artikel, kan die kommissaris of 'n werkgewer met goedkeuring van die kommissaris, weier om koste te betaal wat ten opsigte van in hierdie artikel bedoelde geneeskundige behandeling aangegaan is, indien die geneeskundige behandeling in stryd met kragtens subartikel (6) uitgevaardigde voorskrifte ontvang is.”.

Wysiging van artikel 96 van Wet 30 van 1941, soos gewysig deur artikel 34 van Wet 36 van 1949.

10. Artikel 96 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Elke persoon wat nie in die Unie woonagtig is nie, en elke regs persoon wat nie ingevolge die wetsbepalings betreffende maatskappye in die Unie geregistreer is nie, en wat in die Unie besigheid dryf of in, op of bo die vastelandsplat deelneem aan bedrywighede in verband met opnames, navorsing, prospektering of ontginning van natuurlike hulpbronne en 'n werksman in verband daarmee in diens neem, moet die adres van sy hoofkantoor en die naam van sy hoofampptenaar in die Unie aan die kommissaris mededeel en daardie ampptenaar is gemagtig en verplig om die verpligtings van 'n werkgewer, soos deur hierdie Wet bepaal, na te kom en moet die diening aanneem van elke ingevolge hierdie Wet uitgegewe stuk wat daardie persoon of regs persoon aangaan.”.

Kort titel.

11. Hierdie Wet heet die Ongevallewysigingswet, 1970.

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- 8.** Section 69 of the principal Act is hereby amended by the substitution in subsection (1) for all the words preceding the proviso, of the following words:
 "The commissioner shall as soon as practicable after the thirty-first day of March in every year or in the case of an employer becoming liable to be assessed after that date, as soon as practicable after receipt of the statement referred to in section 68, assess every employer other than an employer exempted from payment of assessments in terms of section 70 on the basis of such percentage of the annual wages of his workmen as the commissioner deems necessary for the requirements of the accident fund for the year of assessment:".
- Amendment of section 69 of Act 30 of 1941, as amended by section 26 of Act 27 of 1945 and section 12 of Act 7 of 1961.
- 9.** Section 77 of the principal Act is hereby amended by the addition of the following subsections:
 "(6) The Commissioner may—
 (a) notwithstanding anything to the contrary in this section contained, from time to time after consultation with the Medical Association of South Africa, by notice in the *Gazette* issue instructions whereby it shall, in such cases and in such circumstances as may be specified in the instructions, be obligatory that medical aid referred to in this section shall be received in an institution to be determined in accordance with such directions and which is controlled by the commissioner or by or under any body, organization or scheme referred to in section 14 (2), to which the commissioner grants or granted financial assistance;
 (b) at any time by like notice cancel or after the said consultation amend the said instructions.
 (7) The instructions referred to in subsection (6) may differ in respect of different classes of medical aid, areas or workmen.
 (8) Notwithstanding anything to the contrary in this section contained, the commissioner or an employer with the consent of the commissioner, may refuse to pay any expenses incurred in respect of medical aid referred to in this section, if the medical aid has been received contrary to instructions issued under subsection (6)."
- Amendment of section 77 of Act 30 of 1941, as amended by section 29 of Act 27 of 1945, section 27 of Act 36 of 1949 and section 22 of Act 51 of 1956.
- 10.** Section 96 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:
 "(3) Every person not resident in the Union who, and every corporate body not registered in the Union under the law relating to companies which, carries on business in the Union or engages, in, on or above the continental shelf, in activities in connection with surveys, research, prospecting or exploitation of natural resources and in connection therewith employs a workman, shall notify the commissioner of the address of his or its chief office and of the name of his or its chief officer in the Union, and such officer shall be authorized and required to perform the duties of an employer as provided by this Act, and shall accept service of any document issued under this Act which affects such person or body."
- Amendment of section 96 of Act 30 of 1941, as amended by section 34 of Act 36 of 1949.
- 11.** This Act shall be called the Workmen's Compensation Short title. Amendment Act, 1970.