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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 498. 14 Maart 1979.

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

No. 8 van 1979: Ongevallewysigingswet, 1979.

DEPARTMENT OF THE PRIME MINISTER

No. 498. 14 March 1979.

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

No. 8 of 1979: Workmen's Compensation Amendment Act, 1979.

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Workmen's Compensation Act, 1941, relating to the payment of monthly pensions which cease in the course of any month; to authorize the commissioner to further extend the period within which applications for increased compensation may be lodged; and to further adjust certain monthly pensions; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 6 March 1979.)

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

Amendment of section 27 of Act 30 of 1941, as amended by section 10 of Act 27 of 1945, section 9 of Act 36 of 1949 and section 8 of Act 51 of 1956.

1. Section 27 of the Workmen's Compensation Act, 1941 (hereinafter referred to as the principal Act), is hereby amended by the addition to the proviso in subsection (1) of the following paragraph:

"*(c)* if any monthly pension payable in terms of this Act on or at any time after the date of commencement of the Workmen's Compensation Amendment Act, 1979, ceases in the course of any month, such pension shall be deemed to have ceased on the last day of such month.".

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, section 16 of Act 51 of 1956 and section 5 of Act 9 of 1970.

2. Section 43 of the principal Act is hereby amended by the substitution for the proviso to paragraph *(a)* of subsection (2) of the following proviso:

"Provided that the commissioner may extend the said period by a further period not exceeding **[six]** eighteen months if he is satisfied that the workman had good reason for not making the application within the said period, and that neither the accident fund nor the employer will be seriously prejudiced by the extension of the said period.".

Amendment of section 43*bis* of Act 30 of 1941, as inserted by section 17 of Act 51 of 1956 and amended by section 6 of Act 9 of 1970 and section 9 of Act 11 of 1974.

3. Section 43*bis* of the principal Act is hereby amended 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 monthly pensions payable under section 39 or 40 of this Act at the commencement of the Workmen's Compensation Amendment Act, **[1974]** 1979, or awarded subsequently, in respect of accidents which happened before the commencement of the Workmen's Compensation Amendment Act, **[1971 (Act No. 60 of 1971)]** 1977 (Act No. 28 of 1977), shall with effect from a date to be determined by the Minister, be **[payable as if such accidents had happened on the date upon which the last-mentioned Act commenced]** increased by fifteen per cent.".

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ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

______ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die bepalings van die Ongevallewet, 1941, betreffende die betaling van maandelikse pensioene wat in die loop van 'n maand verval; om die kommissaris te magtig om die tydperk verder te verleng waarbinne aansoeke om verhoogde skadeloosstelling ingedien kan word; en om sekere maandelikse pensioene verder aan te pas; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 6 Maart 1979.)

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

Wysiging van artikel 27 van Wet 30 van 1941, soos gewysig deur artikel 10 van Wet 27 van 1945, artikel 9 van Wet 36 van 1949 en artikel 8 van Wet 51 van 1956.

1. Artikel 27 van die Ongevallewet, 1941 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) die volgende paragraaf by die voorbehoudsbepaling te voeg:

„*(c)* indien 'n maandelikse pensioen wat op of te eniger tyd na die datum van inwerkingtreding van die Ongevallewysigingswet, 1979, ingevolge hierdie Wet betaalbaar is, in die loop van enige maand verval, daardie pensioen geag word op die laaste dag van daardie maand te verval het.".

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, artikel 16 van Wet 51 van 1956 en artikel 5 van Wet 9 van 1970.

2. Artikel 43 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by paragraaf *(a)* van subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat die kommissaris daardie tydperk met 'n verdere tydperk van hoogstens **[ses]** agtien maande kan verleng indien hy oortuig is dat daar goeie redes bestaan waarom die werksman die aansoek nie binne daardie tydperk gedoen het nie, en dat nòg die ongevallefonds nòg die werkgewer deur die verlenging van daardie tydperk ernstig benadeel sal word.".

Wysiging van artikel 43*bis* van Wet 30 van 1941, soos ingevoeg deur artikel 17 van Wet 51 van 1956 en gewysig deur artikel 6 van Wet 9 van 1970 en artikel 9 van Wet 11 van 1974.

3. Artikel 43*bis* van die Hoofwet word hierby gewysig 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 maandelikse pensioene kragtens artikel 39 of 40 van hierdie Wet betaalbaar by die inwerkingtreding van die Ongevallewysigingswet, **[1974]** 1979, of daarna toegeken, ten opsigte van ongevalle wat voor die inwerkingtreding van die Ongevallewysigingswet, **[1971 (Wet No. 60 van 1971)]** 1977 (Wet No. 28 van 1977), plaasgevind het, vanaf 'n datum deur die Minister bepaal, **[betaalbaar is asof bedoelde ongevalle plaasgevind het op die datum waarop laasgenoemde Wet in werking getree het]** met vyftien persent verhoog word.".

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Short title and commencement.

4. This Act shall be called the Workmen's Compensation Amendment Act, 1979, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*: Provided that the amendment effected by—

(a) section 2 shall not apply with reference to accidents which occurred prior to the date so fixed;

(b) section 3 shall not apply with reference to accidents which occurred after the commencement of the Workmen's Compensation Amendment Act, 1977 (Act No. 28 of 1977).

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Kort titel en inwerkingtreding.

4. Hierdie Wet heet die Ongevallewysigingswet, 1979, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat die wysiging wat aangebring is deur—

(*a*) artikel 2 nie van toepassing is nie met betrekking tot ongevalle wat plaasgevind het voor die datum wat aldus bepaal is;

(*b*) artikel 3 nie van toepassing is nie ten opsigte van ongevalle wat plaasgevind het na die inwerkingtreding van die Ongevallewysigingswet, 1977 (Wet No. 28 van 1977).