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## PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. 45, 1990

PROKLAMASIE TOT WYSIGING VAN DIE  
ONGEVALLEWET, 1941, SOOS DIT  
ONDERSKEIDELIK IN DIE GEBIED SUIDWES-  
AFRIKA EN IN DIE REPUBLIEK VAN SUID-  
AFRIKA VAN TOEPASSING IS TEN EINDE  
VOORSIENING TE MAAK VIR DIE INSTELLING  
VAN 'N ONGEVALLEFONDS VIR DIE GEBIED  
SUIDWES-AFRIKA EN VIR DIE ADMINISTRASIE  
VAN GENOEMDE WET DEUR DIE  
ADMINISTRATEUR-GENERAAL

Kragtens die bevoegdheid my verleen by artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), maak ek hierby die wette in die Bylae vervat.

Gegee onder my Hand en Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die 22ste dag van Februarie Eenduisend Negehonderd en Negentig.

F. W. DE KLERK  
Staatspresident

Op las van die Staatspresident-in-Kabinet:

R. F. BOTHA  
Minister van die Kabinet

## BYLAE

### Woordomskrywing

- In hierdie Proklamasie, tensy uit die samehang anders blyk, beteken—  
“die Wet” die Ongevallewet, 1941 (Wet 30 van 1941);  
“gebied” die gebied Suidwes-Afrika.

## DEEL I

### WYSIGING VAN DIE WET SOOS DIT IN DIE GEBIED VAN TOEPASSING IS

#### Toepassing van Deel I van die Proklamasie

- Hierdie deel is slegs in die gebied van toepassing.

## PROCLAMATION

by the

State President of the Republic of South Africa

No. 45, 1990

PROCLAMATION TO AMEND THE WORKMEN'S  
COMPENSATION ACT, 1941, AS IT APPLIES IN  
THE TERRITORY OF SOUTH WEST AFRICA AND  
IN THE REPUBLIC OF SOUTH AFRICA  
RESPECTIVELY SO AS TO MAKE PROVISIONS  
FOR THE ESTABLISHMENT OF AN ACCIDENT  
FUND FOR THE TERRITORY OF SOUTH WEST  
AFRICA AND FOR THE ADMINISTRATION OF  
THE SAID ACT BY THE ADMINISTRATOR  
GENERAL

Under the powers vested in me by section 38 of the South West Africa Constitution Act, 1968 (Act 39 of 1968), I hereby make the laws set out in the Schedule.

Given under my Hand and Seal of the Republic of South Africa at Cape Town on this 22nd day of February One thousand Nine hundred and Ninety.

F. W. DE KLERK  
State President

By order of the State President-in-Cabinet:

R. F. BOTHA  
Minister of the Cabinet

## SCHEDULE

### Definitions

- In this Proclamation, unless the context indicates otherwise—  
“the Act” means the Workmen's Compensation Act, 1941 (Act 30 of 1941);  
“territory” means the territory of South West Africa.

## PART I

### AMENDMENT OF THE ACT AS IT APPLIES IN THE TERRITORY

#### Application of Part I of the Proclamation

- This part shall apply only in the territory.

**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, artikel 1 van Wet 51 van 1956, artikel 1 van Wet 9 van 1970, artikel 1 van Wet 11 van 1974 en artikel 1 van Wet 29 van 1984**

**3. Artikel 2 van die Wet word hierby gewysig—**

- (a) deur in die omskrywing van “ongevallefonds” die woord “ingevolge” deur die woord “by” te vervang;
- (b) deur die omskrywing van “Swartes” te skrap;
- (c) deur die omskrywing van “vastelandsplat” deur die volgende omskrywing te vervang:  
“‘vastelandsplat’ die in artikel 7 van die Proklamasie op die Territoriale Waters van Suidwes-Afrika, 1979 (Proklamasie AG. 32 van 1979), bedoelde vastelandsplat;”;
- (d) deur die omskrywing van “werkgewersorganisasie” deur die volgende omskrywing te vervang:  
“‘werkgewersorganisasie’ ‘n werkgewersorganisasie soos omskryf in artikel 79 van die Ordonnansie op Lone en Nywerheidsversoening, 1952 (Ordonnansie 35 van 1952);”;
- (e) deur die omskrywing van “Staatskoerant” te skrap;
- (f) deur voor die omskrywing van “inrigting” die volgende omskrywing in te voeg:  
“‘regeringsdiens’ die regeringsdiens bedoel in artikel 2 van die Regeringsdienswet, 1980 (Wet 2 van 1980);”;
- (g) deur die omskrywing van “plaaslike bestuur” te skrap;
- (h) deur die omskrywing van “Minister” te skrap;
- (i) deur die omskrywing van “onderlinge vereniging” te skrap;
- (j) deur die omskrywing van “natuurlike hulpbronne” deur die volgende omskrywing te vervang:  
“‘natuurlike hulpbronne’ die in artikel 7 van die Proklamasie op die Territoriale Waters van Suidwes-Afrika, 1979 (Proklamasie AG. 32 van 1979), bedoelde natuurlike hulpbronne;”;
- (k) deur die omskrywing van “provinsiale of plaaslike afdeling van die Hooggereghof” te skrap;
- (l) deur na die omskrywing van “reserwe fonds” die volgende omskrywing in te voeg:  
“‘hersieningsraad’ ‘n hersieningsraad in artikel 25 (2) bedoel;”;
- (m) deur die omskrywing van “skip” deur die volgende omskrywing te vervang:  
“‘skip’ ‘n vaartuig van watter aard ook wat vir skeepvaart gebruik word behalwe ‘n lugvaartuig;”;
- (n) deur die omskrywing van “vakvereniging” deur die volgende omskrywing te vervang:  
“‘vakvereniging’ ‘n vakvereniging soos omskryf in artikel 79 van die Ordonnansie op Lone en Nywerheidsversoening, 1952 (Ordonnansie 35 van 1952);”;
- (o) deur die omskrywing van “Republiek” te skrap;
- (p) deur die omskrywing van “Suid-Afrikaanse lugvaartuig” te skrap.

**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, artikel 2 van Wet 9 van 1970, artikel 2 van Wet 11 van 1974, artikel 1 van Wet 28 van 1977, artikel 1 van Wet 24 van 1981, artikel 2 van Wet 29 van 1984, artikels 46 en 47 van Wet 97 van 1986 en artikel 1 van Wet 35 van 1987**

**4. Artikel 3 van die Wet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:**

- “(a) lede van die Suidwes-Afrikaanse Polisie terwyl hulle in ‘n oorlog of ander noodtoestand gebruik word om in verband met die verdediging van die gebied te dien;”.

**Wysiging van artikel 4 van Wet 30 van 1941, soos gewysig deur artikel 3 van Wet 27 van 1945, artikel 3 van Wet 51 van 1956, artikel 3 van Wet 11 van 1974 en artikel 2 van Wet 28 van 1977**

**5. Artikel 4 van die Wet word hierby gewysig—**

- (a) deur subartikel (2) te skrap; en

**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, section 1 of Act 51 of 1956, section 1 of Act 9 of 1970, section 1 of Act 11 of 1974 and section 1 of Act 29 of 1984**

**3. Section 2 of the Act is hereby amended—**

- (a) by the substitution in the definition of “accident fund” for the word “under” of the word “by”;
- (b) by the deletion of the definition of “Black”;
- (c) by the substitution for the definition of “continental shelf” of the following definition:  
“‘continental shelf’ means the continental shelf referred to in section 7 of the Territorial Waters of South West Africa Proclamation, 1979 (Proclamation AG. 32 of 1979);”;
- (d) by the substitution for the definition of “employers’ organization” of the following definition:  
“‘employers’ organization’ means an employers’ organization as defined in section 79 of the Wage and Industrial Conciliation Ordinance, 1952 (Ordinance 35 of 1952);”;
- (e) by the deletion of the definition of “Gazette”;
- (f) by the insertion before the definition of “institution” of the following definition:  
“‘government service’ the government service referred to in section 2 of the Government Service Act, 1980 (Act 2 of 1980);”;
- (g) by the deletion of the definition of “local authority”;
- (h) by the deletion of the definition of “Minister”;
- (i) by the deletion of the definition of “mutual association”;
- (j) by the substitution for the definition of “natural resources” of the following definition:  
“‘natural resources’ means natural resources referred to in section 7 of the Territorial Waters of South West Africa Proclamation, 1979 (Proclamation AG. 32 of 1979);”;
- (k) by the deletion of the definition of “provincial or local division of the Supreme Court”;
- (l) by the insertion after the definition of “reserve fund” of the following definition:  
“‘revision board’ means a revision board referred to in section 25 (2);”;
- (m) by the substitution for the definition of “ship” of the following definition:  
“‘ship’ means a vessel of any description used in navigation, other than an aircraft;”;
- (n) by the substitution for the definition of “trade union” of the following definition:  
“‘trade union’ means a trade union as defined in section 79 of the Wage and Industrial Conciliation Ordinance, 1952 (Ordinance 35 of 1952);”;
- (o) by the deletion of the definition of “Republic”;
- (p) by the deletion of the definition of “South African aircraft”.

**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, section 2 of Act 9 of 1970, section 2 of Act 11 of 1974, section 1 of Act 28 of 1977, section 1 of Act 24 of 1981, section 2 of Act 29 of 1984, sections 46 and 47 of Act 97 of 1986 and section 1 of Act 35 of 1987**

**4. Section 3 of the Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:**

- “(a) members of the South West African Police while employed in a war or other emergency to assist in the defence of the territory;”;

**Amendment of section 4 of Act 30 of 1941, as amended by section 3 of Act 27 of 1945, section 3 of Act 51 of 1956, section 3 of Act 11 of 1974 and section 2 of Act 28 of 1977**

**5. Section 4 of the Act is hereby amended—**

- (a) by the deletion of subsection (2); and

- (b) deur subartikel (3) deur die volgende subartikel te vervang:  
“(3) By die toepassing van hierdie artikel omvat ‘weduwe’ 'n vrou wat 'n deelgenote was in 'n egtelike verbintenis volgens die tradisionele reg en gebruik wat deur 'n bepaalde bevolkingsgroep toegepas word, waar nog die vrou, nog die man 'n party by 'n bestaande huwelike was.”.

**Wysiging van artikel 11 van Wet 30 van 1941, soos gewysig deur artikel 4 van Wet 36 van 1949 en artikel 4 van Wet 9 van 1970**

6. Artikel 11 van die Wet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) terwyl hy in diens is—

- (i) in die geval van 'n seeman, op 'n skip wat kragtens die wette wat met betrekking tot die registrasie van skepe in die gebied van krag is of die wette van enige ander land, geregistreer is en wat behoort aan of kragtens 'n vragkontrak gehuur word deur 'n persoon wie se hoofkantoor of besigheidsplek in die gebied is of 'n persoon wat in die gebied woon;
- (ii) in die geval van 'n vliegenier, op 'n lugvaartuig wat kragtens die wette wat met betrekking tot die registrasie of lisensiëring van vliegtuie in die gebied van krag is, geregistreer of gelisensiéer is en waarvan die eienaar in die gebied woon of 'n besigheidsplek binne die gebied het:

Met dien verstande dat indien die ongeval buite die gebied plaasgevind het, die bepalings van hierdie Wet nie van toepassing is nie tensy die werksman 'n lid van die bemanning van die skip of lugvaartuig is; of”.

**Wysiging van artikel 13 van Wet 30 van 1941, soos gewysig deur artikel 7 van Wet 27 van 1945 en artikel 6 van Wet 36 van 1949**

7. Artikel 13 van die Wet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Administrateur-generaal kan, onderworpe aan die bepalings van hierdie artikel, vir die tydperk en op die voorwaarde wat hy in enige geval bepaal, soveel persone (om onderskeidelik werksmense en werkgewers te verteenwoordig) as wat hy nodig ag, aanstel as assessore om op die voorgeskrewe wyse 'n hersenningsraad by te staan met die verhoor van besware wat ingevolge artikel 25 ingedien word en om die ander werksaamhede te verrig wat ingevolge hierdie Wet deur 'n assessor verrig kan word.”.

**Wysiging van artikel 14 van Wet 30 van 1941, soos gewysig deur artikel 1 van Wet 5 van 1951, artikel 4 van Wet 11 van 1974 en artikel 5 van Wet 29 van 1984**

8. Artikel 14 van die Wet word hierby gewysig deur paragraaf (n) van subartikel (1) deur die volgende paragraaf te vervang:

“(n) so spoedig doenlik na elke audit ingevolge artikel 22 (2), 'n afskrif van die geouditeerde balansstate en die verslag van die Ouditeur-generaal oor sodanige audit tesame met 'n verslag oor die uitvoering van hierdie Wet gedurende die jaar waarop die audit betrekking het, aan die Administrateur-generaal voorlê;”.

**Wysiging van artikel 17 van Wet 30 van 1941**

9. Artikel 17 van die Wet word hierby gewysig deur die voorbehoudbepaling van subartikel (6) te skrap.

**Wysiging van artikel 19 van Wet 30 van 1941**

10. Artikel 19 van die Wet word hierby gewysig deur in subartikel (1) die woorde “deur die Parlement vir daardie doel toegestaan” deur die woorde “by wet vir die doel bewillig” te vervang.

**Wysiging van artikel 20 van Wet 30 van 1941, soos gewysig deur artikel 6 van Wet 29 van 1984**

11. Artikel 20 van die Wet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die kommissaris kan van tyd tot tyd enige gedeelte van die geldte van die ongevalle- of reserwfonds belê by 'n finansiële instelling deur die Administrateur-generaal goedgekeur.”.

**Wysiging van artikel 22 van Wet 30 van 1941, soos gewysig deur artikel 5 van Wet 11 van 1974 en artikel 7 van Wet 29 van 1984**

12. Artikel 22 van die Wet word hierby gewysig deur subartikel (3) te skrap.

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

“(3) For the purposes of this section “widow” includes any woman who was a partner in a conjugal union in terms of the traditional laws and customs applied by a particular population group where neither the woman nor the man was a party to a subsisting marriage.”.

**Amendment of section 11 of Act 30 of 1941, as amended by section 4 of Act 36 of 1949 and section 4 of Act 9 of 1970**

6. Section 11 of the Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) while he is employed—

- (i) in the case of a seaman, on a ship which is registered under the laws in force in the territory in relation to the registration of ships or the laws of any other country and which is owned or chartered by a person whose principal office or place of business is in the territory, or by a person who resides in the territory;
- (ii) in the case of an airman, on an aircraft registered or licensed under the laws in force in the territory in relation to the registration or licensing of aircraft and whereof the owner resides or has a place of business in the territory:

Provided that if the accident happened outside the territory, the provisions of this Act shall not apply unless the workman is a member of the crew of the ship or aircraft; or”.

**Amendment of section 13 of Act 30 of 1941, as amended by section 7 of Act 27 of 1945 and section 6 of Act 36 of 1949**

7. Section 13 of the Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Administrator-General may, subject to the provisions of this section, appoint, for such period and on such conditions as he may in any case determine, so many persons (representing workmen and employers respectively) as he may deem necessary as assessors to assist in the manner prescribed a revision board in the hearing of any objection lodged in terms of section 25 and to perform such other tasks as may in terms of this Act be performed by an assessor.”.

**Amendment of section 14 of Act 30 of 1941, as amended by section 1 of Act 5 of 1951, section 4 of Act 11 of 1974 and section 5 of Act 29 of 1984**

8. Section 14 of the Act is hereby amended by the substitution for paragraph (n) of subsection (1) of the following paragraph:

- “(n) as soon as practicable after every audit in terms of section 22 (2) submit to the Administrator-General a copy of the audited balance sheets and the report of the Auditor-General in connection with such audit, together with a report upon the administration of this Act during the year to which such audit relates;”.

**Amendment of section 17 of Act 30 of 1941**

9. Section 17 of the Act is hereby amended by the deletion of the proviso to subsection (6).

**Amendment of section 19 of Act 30 of 1941**

10. Section 19 of the Act is hereby amended by the substitution for the word “Parliament” of the word “law”.

**Amendment of section 20 of Act 30 of 1941, as amended by section 6 of Act 29 of 1984**

11. Section 20 of the Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The commissioner may from time to time invest with a financial institution approved by the Administrator-General any portion of the moneys of the accident or reserve fund.”.

**Amendment of section 22 of Act 30 of 1941, as amended by section 5 of Act 11 of 1974 and section 7 of Act 29 of 1984**

12. Section 22 of the Act is hereby amended by the deletion of subsection (3).

**Vervanging van artikel 25 van Wet 30 van 1941, soos gewysig deur artikel 9 van Wet 27 van 1945, artikel 8 van Wet 36 van 1949 en artikel 7 van Wet 51 van 1956**

13. Artikel 25 van die Wet word hierby gewysig deur die volgende artikel te vervang:

**"Beware en appelle teen beslissings van die kommissaris**

**25.** (1) Iemand wat veronreg voel deur 'n beslissing van die kommissaris, kan binne sestig dae na die datum waarop die beslissing gegee is en op die voorgeskrewe wyse by die kommissaris 'n beswaar teen sodanige beslissing indien.

(2) (a) Die kommissaris verwys die beswaar vir oorweging en beslissing na 'n hersieningsraad wat bestaan uit—

(i) 'n landdros deur die Administrateur-generaal as voorsitter aangestel;

(ii) twee assessore deur die voorsitter gekies uit die in artikel 13 bedoelde assessorre waarvan een 'n assessor moet wees wat werksmense verteenwoordig en een 'n assessor moet wees wat werkgewers verteenwoordig; en

(iii) een of meer geneeskundige assessorre bedoel in artikel 13 in 'n geval waar die voorsitter dit nodig ag.

(3) (a) 'n Beswaar word verhoor op die datum, plek en tyd deur die kommissaris in oorleg met die voorsitter van die hersieningsraad vasgestel.

(b) Die kommissaris stel die beswaarmaker of syregsverteenwoordiger en die betrokke werkewer skriftelik in kennis van die datum, plek en tyd van die verhoor al dus deur hom vasgestel.

(4) Die beslissing van 'n meerderheid van die lede van 'n hersieningsraad (met uitsluiting van enige geneeskundige assessorre) maak sy beslissing uit: Met dien verstande dat enige regspunt wat voor 'n hersieningsraad vir beslissing ontstaan, en enige vraag of 'n punt vir beslissing 'n regspunt is, deur die voorsitter alleen beslis word.

(5) (a) Die bepalings van artikels 16, 17, 57, 58 en 59 is *mutatis mutandis* van toepassing ten opsigte van die verrigtinge van 'n hersieningsraad.

(b) Die kommissaris of iemand deur hom aangewys kan voor die hersieningsraad verskyn en deur 'n regsverteenwoordiger verteenwoordig word.

(c) 'n Party voor 'n hersieningsraad kan getuenis lewer, getuies roep, getuies deur 'n ander party geroep, kruisverhoor en die hersieningsraad toespreek.

(6) (a) Indien 'n hersieningsraad die beswaar handhaaf, moet hy die bevel gee wat hy billik ag.

(b) 'n Hersieningsraad kan die kostebefel gee wat hy goeddink.

(7) (a) Enige party kan na die Hooggereghof van Suidwes-Afrika appelleer teen 'n beslissing van 'n hersieningsraad aangaande—

(i) die vertolkning van hierdie Wet of enige ander wet;

(ii) die vraag of 'n ongeval wat die arbeidsongeskiktheid of dood van 'n werksman veroorsaak het aan sy eie ernstige en opsetlike wangedrag toe te skryf is;

(iii) die vraag of die bedrag van enige skadeloosstelling wat toegeken is so buitensporig of so onvoldoende is dat die toekenning nie redelikerwys gemaak kan word nie;

(iv) die reg op bykomende skadeloosstelling ingevolge artikel 43.

(b) So 'n appèl word aangeteken en voortgesit asof dit 'n appèl teen 'n vonnis van 'n landdroshof in 'n siviele saak was, en die reëls wat daarop van toepassing is, is *mutatis mutandis* van toepassing op 'n appèl ingevolge hierdie subartikel.

(8) (a) Tensy die kommissaris anders gelas, word 'n verpligting om 'n aanslag, skadeloosstelling of ander bedrag aan die kommissaris of die ongevallefonds te be-

**Substitution of section 25 of Act 30 of 1941, as amended by section 9 of Act 27 of 1945, section 8 of Act 36 of 1949 and section 7 of Act 51 of 1956**

13. The following section is hereby substituted for section 25 of the Act:

**"Objections and appeals against decisions of commissioner**

**25.** (1) Any person who feels aggrieved by a decision of the commissioner may within sixty days after the date on which the decision was given and in the prescribed manner, lodge an objection with the commissioner against such decision.

(2) (a) The commissioner shall refer the objection for consideration and decision to a revision board which shall consist of—

(i) a magistrate appointed as chairman by the Administrator-General;

(ii) two assessors elected by the chairman from the assessors referred to in section 13 of whom one shall be an assessor representing workmen and one an assessor representing employers; and

(iii) one or more medical assessors referred to in section 13 in a case where the chairman considers it necessary.

(3) (a) An objection shall be heard on the date and at the place and time fixed by the commissioner in consultation with the chairman of the revision board.

(b) The commissioner shall notify the objector or his legal representative and the employer concerned in writing of the date, place and time of the hearing so fixed by him.

(4) The decision of a majority of the members of a revision board (excluding any medical assessors) shall constitute its decision: Provided that any matter of law arising for decision before a revision board, and any question as to whether a matter for decision is a matter of law, shall be decided by the chairman alone.

(5) (a) The provisions of sections 16, 17, 57, 58 and 59 shall apply *mutatis mutandis* in respect of the proceedings of a revision board.

(b) The commissioner or a person designated by him may appear before a revision board and may be represented by a legal representative.

(c) A party before a revision board may lead evidence, call witnesses, cross-examine witnesses called by another party, and address the revision board.

(6) (a) If a revision board upholds the objection, it shall give such decision as it considers equitable.

(b) A revision board may make such order as to costs as it deems fit.

(7) (a) Any party may appeal to the Supreme Court of South West Africa against a decision of a revision board concerning—

(i) the interpretation of this Act or any other law;

(ii) the question whether an accident causing the disablement or death of a workman was attributable to his own serious and wilful misconduct;

(iii) the question whether the amount of any compensation awarded was so excessive or so inadequate that the award could not reasonably have been made;

(iv) the right to additional compensation in terms of section 43.

(b) Such an appeal shall be noted and prosecuted as if it were an appeal against a judgment of a magistrate's court in a civil case, and the rules applicable thereto shall apply *mutatis mutandis* to an appeal in terms of this subsection.

(8) (a) Unless the commissioner orders otherwise an obligation to pay any assessment, compensation or other amount to the commissioner or the accident fund, or

taal of om periodieke uitkerings aan of ten behoeve van 'n werksman ingevolge 'n beslissing van die kommissaris te betaal, nie opgeskort of uitgestel op grond van die feit dat 'n beswaar ingevolge subartikel (1) ingedien of 'n appèl ingevolge subartikel (7) aangeteken is nie.

- (b) Indien enige bedrag wat ingevolge 'n beslissing van die kommissaris betaalbaar was as gevolg van 'n beswaar of appèl verander word, moet die verskil aan die betrokke persoon terugbetaal word in die geval van 'n verlaging, of deur hom betaal word in die geval van 'n verhoging.

(9) Die koste verbonde aan die verrigting van die werkzaamhede van 'n hersieningsraad moet deur die kommissaris uit die ongevallefonds betaal word.".

#### Vervanging van artikel 26 van Wet 30 van 1941

14. Artikel 26 van die Wet word hierby deur die volgende artikel vervang:

##### "Kommissaris of voorsitter van hersieningsraad kan casuspositie vir Hooggereghof opstel

26. (1) Die kommissaris of die voorsitter van 'n hersieningsraad kan uit eie beweging of op versoek van 'n belanghebbende party by verrigtinge ingevolge hierdie Wet, 'n casuspositie van 'n regsvraag in verband met enige aangeleenthed wat uit sodanige verrigtinge ontstaan, opstel ter beslissing deur die Hooggereghof van Suidwes-Afrika. Elke belanghebbende party is geregtig om by die verhoor van sodanige regsvraag persoonlik of deur 'n advokaat te verskyn.

(2) Die kommissaris of die voorsitter van 'n hersieningsraad moet in so 'n casuspositie uiteenset—

- (a) die feite wat vasgestel is; en  
(b) die regsoopvatting wat hy met betrekking tot daardie feite toegedaan is.

(3) Wanneer die kommissaris of die voorsitter van 'n hersieningsraad enige twyfel het omtrent die juistheid van 'n uitspraak deur die Hooggereghof aangaande enige regsvraag in verband met hierdie Wet gedoen, kan hy bedoelde uitspraak aan die Appèlafdeling van die Hooggereghof van Suid-Afrika voorlê en die saak daarvoor laat bepleit, sodat genoemde Afdeling die betrokke vraag kan beslis om in die toekoms as leidraad vir alle geregshoue te dien.".

#### Wysiging van artikel 30 van Wet 30 van 1941, soos vervang deur artikel 2 van Wet 98 van 1969

15. Artikel 30 van die Wet word hierby gewysig deur die uitdrukking "(behalwe 'n werksman in diens van die Regering soos in artikel 1 van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), omskryf)" deur die uitdrukking "(behalwe 'n werksman in die regeringsdienis)" te vervang.

#### Wysiging van artikel 31 van Wet 30 van 1941, soos gewysig deur artikel 13 van Wet 27 van 1945, artikel 10 van Wet 36 van 1949, artikel 3 van Wet 98 van 1969 en artikel 4 van Wet 28 van 1977

16. Artikel 31 van die Wet word hierby gewysig deur in subparaaf (i) van paragraaf (a) van subartikel (1) die woorde "'n onderlinge vereniging" deur die uitdrukking "deur 'n onderlinge vereniging voor die datum van inwerkingtreding van die Ongevallewysigingsproklamasie, 1990," te vervang.

#### Wysiging van artikel 33 van Wet 30 van 1941, soos gewysig deur artikel 11 van Wet 51 van 1956

17. Artikel 33 van die Wet word hierby gewysig deur in subartikel (5) die woorde "Regering van die Republiek of die administrasie van die gebied, na gelang van die geval," deur die woorde "Gouvernement van die gebied" te vervang.

#### Wysiging van artikel 34 van Wet 30 van 1941, soos ingevoeg deur artikel 12 van Wet 51 van 1956 en gewysig deur artikel 3 van Wet 21 van 1964

18. Artikel 34 van die Wet word hierby gewysig deur in subartikel (1) die uitdrukking "in sub-paragraaf (i) van paragraaf (a) van subartikel (1) van artikel *seventig* vermeld" deur die woorde "individueel aanspreeklik" te vervang.

to make any periodical payments to or on behalf of a workman in terms of a decision of the commissioner, shall not be suspended or deferred by reason of the fact that an objection has been lodged in terms of subsection (1) or an appeal has been noted in terms of subsection (7).

- (b) If any amount which was payable in terms of a decision of the commissioner is varied as a result of an objection or an appeal, the difference shall, in the case of a reduction, be refunded to the person concerned or, in the case of an increase, be paid by him.

(9) The costs in connection with the performance of the functions of a revision board shall be paid by the commissioner out of the accident fund.".

#### Substitution of section 26 of Act 30 of 1941

14. The following section is hereby substituted for section 26 of the Act:

##### "Commissioner or chairman of revision board may state a case for Supreme Court

26. (1) The commissioner or the chairman of a revision board may of his own motion or at the request of an interested party to any proceedings in terms of this Act, state a special case on any question of law in connection with any matter arising in such proceedings, for the decision of the Supreme Court of South West Africa. Every interested party shall have the right to appear in person or by counsel at the hearing of such special case.

(2) In any case so stated the commissioner or the chairman of the revision board shall set forth—

- (a) the facts which were established; and  
(b) the view of the law which he has adopted in relation to those facts.

(3) Whenever the commissioner or the chairman of a revision board has any doubt as to the correctness of any decision given by the Supreme Court on any question of law in connection with this Act, he may submit that decision to the Appellate Division of the Supreme Court of South Africa and cause the matter to be argued before it, in order that it may determine the said question for future guidance of all courts.".

#### Amendment of section 30 of Act 30 of 1941, as substituted by section 2 of Act 98 of 1969

15. Section 30 of the Act is hereby amended by the substitution for the expression "(other than a workman in the employ of the Government as defined in section 1 of the Government Service Pensions Act, 1965 (Act No. 62 of 1965))" of the expression "(other than a workman in the government service)".

#### Amendment of section 31 of Act 30 of 1941, as amended by section 13 of Act 27 of 1945, section 10 of Act 36 of 1949, section 3 of Act 98 of 1969 and section 4 of Act 28 of 1977

16. Section 31 of the Act is hereby amended by the substitution in subparagraph (i) of paragraph (a) of subsection (1) for the words "a mutual association" of the expression "by a mutual association before the date of commencement of the Workmen's Compensation Amendment Proclamation, 1990."

#### Amendment of section 33 of Act 30 of 1941, as amended by section 11 of Act 51 of 1956

17. Section 33 of the Act is hereby amended by the substitution in subsection (5) for the words "Government of the Republic or the administration of the territory, as the case may be" of the words "Government of the territory".

#### Amendment of section 34 of Act 30 of 1941, as inserted by section 12 of Act 51 of 1956 and amended by section 3 of Act 21 of 1964

18. Section 34 of the Act is hereby amended by the substitution in subsection (1) for the expression "referred to in sub-paragraph (i) of paragraph (a) of subsection (1) of section *seventy*" of the words "individually liable".

**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, artikel 5 van Wet 9 van 1970, artikel 2 van Wet 8 van 1979 en artikel 16 van Wet 29 van 1984**

**19. Artikel 43 van die Wet word hierby gewysig—**

- (a) deur in subparagraph (iv) van paragraaf (a) van subartikel (1) die uitdrukking “die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), of” te skrap;
- (b) deur in subparagraph (v) van paragraaf (a) van subartikel (1) die uitdrukking “die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), of” te skrap; en
- (c) deur subartikel (3)*bis* deur die volgende subartikel te vervang:

“(3)*bis* Indien die kommissaris nie oortuig is dat die ongeval te wye is aan enige nataligheid of gebrek in subartikel (1) bedoel nie, moet hy die aansoek na ‘n hersieningsraad verwys, wat die aansoek *mutatis mutandis* ooreenkomsdig die procedure voorgeskryf in artikel 25 moet behandel asof dit ‘n beswaar bedoel in daardie artikel was.”.

**Wysiging van artikel 54 van Wet 30 van 1941, soos gewysig deur artikel 25 van Wet 36 van 1949 en artikel 19 van Wet 29 van 1984**

**20. Artikel 54 van die Wet word hierby gewysig deur in subartikel (3) die woorde “of die onderlinge vereniging (as daar een is) wat vir die betaling van daardie voordele aanspreeklik is” te skrap.**

**Wysiging van artikel 59 van Wet 30 van 1941, soos gewysig deur artikel 25 van Wet 27 van 1945**

**21. Artikel 59 van die Wet word hierby gewysig deur paragraaf (f) van subartikel (1) te skrap.**

**Wysiging van artikel 63 van Wet 30 van 1941, soos gewysig deur artikel 10 van Wet 28 van 1977**

**22. Artikel 63 van die Wet word hierby gewysig—**

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

“(1) Ondanks enige teenstrydige bepaling in hierdie Wet, kan die kommissaris, onderworpe aan sodanige voorstrikte as wat hy mag bepaal, ‘n werkgever individueel aanspreeklik magtig om eise om skadeloosstelling deur werksmense voorlopig te skik, met inbegrip van voorlopige skikkings ten opsigte van enkele geldsomme betaalbaar kragtens artikel 45 of 49 in plaas van pensioene: Met dien verstande dat so ‘n werkgever van sodanige voorlopige skikkings aan die kommissaris verslag moet doen, met vermelding van sodanige besonderhede en by sodanige tussenpose as wat die kommissaris mag bepaal, en die kommissaris moet of ‘n toekenning maak wat so ‘n voorlopige skikking bekratig of met die eis op die in artikel 56 bepaalde wyse handel asof bedoelde voorlopige skikking nie getref was nie.”; en

- (b) deur in subartikel (2) die uitdrukking “sub-paragraaf (i) van paragraaf (a) van subartikel (1) van artikel *sewentig* bedoelde werkgever” deur die uitdrukking “werkgever individueel aanspreeklik” te vervang.

**Wysiging van artikel 64 van Wet 30 van 1941**

**23. Artikel 64 van die Wet word hierby gewysig deur die uitdrukking wat paragraaf (a) voorafgaan deur die volgende uitdrukking te vervang:**

“Op die datum van inwerkingtreding van die Wysigingsproklamasie op Ongevalle, 1990, word ‘n fonds, met die naam die ongevallefonds, ingestel wat bestaan uit—”.

**Vervanging van artikel 70 van Wet 30 van 1941, soos gewysig deur artikel 13 van Wet 7 van 1961, artikel 2 van Wet 27 van 1970, artikel 11 van Wet 11 van 1974 en artikel 1 van Wet 9 van 1982 (van die Nasionale Vergadering)**

**24. Artikel 70 van die Wet word hierby deur die volgende artikel vervang:**

**“Staat van aanslag vrygestel**

**70. Geen aanslag is ten gunste van die ongevallefonds deur die Staat, met inbegrip van ‘n Verteenwoordigende Owerheid soos omskryf in artikel 1 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie**

**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, section 5 of Act 9 of 1970, section 2 of Act 8 of 1979 and section 16 of Act 29 of 1984**

**19. Section 43 of the Act is hereby amended—**

- (a) by the deletion in subparagraph (iv) of paragraph (a) of subsection (1) of the expression “the Mines and Works Act, 1956 (Act No. 27 of 1956), or”;
- (b) by the deletion in subparagraph (v) of paragraph (a) of subsection (1) of the expression “the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), or”; and
- (c) by the substitution for subsection (3)(*bis*) of the following subsection:

“(3)*bis* If the commissioner is not satisfied that the accident was due to any negligence or defect referred to in subsection (1), he shall refer the application to a revision board, which shall deal with the application *mutatis mutandis* in accordance with the procedure prescribed in section 25 as if it were an objection referred to in that section.”.

**Amendment of section 54 of Act 30 of 1941, as amended by section 25 of Act 36 of 1949 and section 19 of Act 29 of 1984**

**20. Section 54 of the Act is hereby amended by the deletion in subsection (3) of the words “or of the mutual association (if any) responsible for the payment of those benefits”.**

**Amendment of section 59 of Act 30 of 1941, as amended by section 25 of Act 27 of 1945**

**21. Section 59 of the Act is hereby amended by the deletion of paragraph (f) of subsection (1).**

**Amendment of section 63 of Act 30 of 1941, as amended by section 10 of Act 28 of 1977**

**22. Section 63 of the Act is hereby amended—**

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

“(1) Notwithstanding anything to the contrary in this Act, the commissioner may authorise any employer individually liable, subject to such conditions as he may determine, to make provisional settlements of claims for compensation with his workmen, including provisional settlements in respect of lump sums payable under section 45 or 49 in lieu of pensions: Provided that such employer shall report such provisional settlements to the commissioner with such particulars and at such intervals as the commissioner may determine, and the commissioner shall either make an award confirming any such provisional settlement or shall deal with such claim in the manner provided in section 56 as if such provisional settlement had not been made.”;

- (b) by the substitution in subsection (2) for the expression “referred to in sub-paragraph (i) of paragraph (a) of subsection (1) of section seventy” of the expression “individually liable”.

**Amendment of section 64 of Act 30 of 1941**

**23. Section 64 of the Act is hereby amended by the substitution for the expression preceding paragraph (a) of the following expression:**

“On the date of commencement of the Workmen’s Compensation Amendment Proclamation, 1990, a fund, to be known as the accident fund, shall be established which shall consist of—”.

**Substitution of section 70 of Act 30 of 1941, as amended by section 13 of Act 7 of 1961, section 2 of Act 27 of 1970, section 11 of Act 11 of 1974 and section 1 of Act 9 of 1982 (of the National Assembly)**

**24. The following section is hereby substituted for section 70 of the Act:**

**“State exempted from assessment**

**70. No assessment for the benefit of the accident fund shall be payable by the State, including a Representative Authority as defined in section 1 of the Representative Authorities Proclamation, 1980 (Proclamation AG 8 of**

AG 8 van 1980), ten opsigte van werksmense in diens van 'n departement ingestel kragtens artikel 3 (1) van die Regeringsdienswet, 1980 (Wet 2 van 1980), betaalbaar nie.”.

**Wysiging van artikel 74 van Wet 30 van 1941, soos gewysig deur artikel 28 van Wet 27 van 1945, artikel 20 van Wet 51 van 1956 en artikel 12 van Wet 28 van 1977**

**25. Artikel 74 van die Wet word hierby gewysig—**

- (a) deur in subartikel (1) die uitdrukking “die werkgewers individueel aanspreeklik, waarna in paraaf (a) van subartikel (1) van artikel *sewentig* verwys word, en elke onderlinge vereniging” deur die woorde “‘n werkewer indiwidueel aanspreeklik” te vervang;
- (b) deur in subartikel (2) die uitdrukking “Die in paraaf (a) van subartikel (1) van artikel *sewentig* bedoelde werkewer indiwidueel aanspreeklik, en elke onderlinge vereniging” deur die woorde “‘n Werkewer indiwidueel aanspreeklik” te vervang; en
- (c) deur subartikel (3) te skrap.

**Wysiging van artikel 75 van Wet 30 van 1941, soos gewysig deur artikel 21 van Wet 51 van 1956 en artikel 21 van Wet 29 van 1984**

**26. Artikel 75 van die Wet word hierby gewysig deur in subartikel (1) die uitdrukking “die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983)” te skrap.**

**Herroeping van Hoofstuk IX van Wet 30 van 1941**

**27. Hoofstuk IX van die Wet word hierby herroep.**

**Herroeping van artikel 95 van Wet 30 van 1941**

**28. Artikel 95 van die Wet word hierby herroep.**

**Wysiging van artikel 96 van Wet 30 van 1941, soos gewysig deur artikel 34 van Wet 36 van 1949, artikel 10 van Wet 9 van 1970 en artikel 28 van Wet 29 van 1984**

**29. Artikel 96 van die Wet word hierby gewysig—**

- (a) deur in subartikel (1) die uitdrukking “en wat nie kragtens subartikel (2) vrygestel is nie” te skrap; en
- (b) deur subartikel (2) te skrap.

**Herroeping van artikel 103 van Wet 30 van 1941**

**30. Artikel 103 van die Wet word hierby herroep.**

**Wysiging van artikel 107 van Wet 30 van 1941, soos gewysig deur artikel 29 van Wet 51 van 1956, artikel 31 van Wet 29 van 1984 en artikel 46 van Wet 97 van 1986**

**31. Artikel 107 van die Wet word hierby gewysig deur in paraaf (i) van subartikel (1) die uitdrukking “of die Werksmense Skadeloosstelling Wet, 1934 (Wet No. 59 van 1934) of die ‘Werklieden Schadeloosstelling (Ongevalle en Bedrijfsziekten) Proklamatie, 1924’ (Proklamasie No. 27 van 1924 van die gebied)” te skrap.**

**Wysiging van artikel 109bis van Wet 30 van 1941, soos ingevoeg deur artikel 30 van Wet 51 van 1956 en gewysig deur artikel 8 van Wet 21 van 1964**

**32. Artikel 109bis van die Wet word hierby gewysig deur in subartikel (1) die woorde “en enige wysigings daarvan” te skrap.**

**Wysiging van sekere uitdrukkings in Wet 30 van 1941**

**33. Dic Wet word hierby gewysig—**

- (a) deur die uitdrukkings “Staatspresident”, “Minister van Finansies” en “Minister”, oral waar hulle voorkom, deur die uitdrukking “Administrator-generaal” te vervang;
- (b) deur die woorde “Republiek”, oral waar dit voorkom deur die woorde “gebied” te vervang;
- (c) deur die woorde “staatsdiens”, oral waar dit voorkom, deur die woorde “regeringsdiens” te vervang;
- (d) deur die woorde “Staatskoerant”, oral waar dit voorkom, deur die woorde “Offisiële Koerant” te vervang; en

1980), in respect of workmen in the employ of any department established under section 3 (1) of the Government Service Act, 1980 (Act 2 of 1980).”.

**Amendment of section 74 of Act 30 of 1941, as amended by section 28 of Act 27 of 1945, section 20 of Act 51 of 1956 and section 12 of Act 28 of 1977**

**25. Section 74 of the Act is hereby amended—**

- (a) by the substitution in subsection (1) for the expression “the employers individually liable referred to in paragraph (a) of subsection (1) of section *seventy* and every mutual association” of the words “an employer individually liable”;
- (b) by the substitution in subsection (2) for the expression “The employers individually liable referred to in paragraph (a) of subsection (1) of section *seventy* and every mutual association” of the words “An employer individually liable”; and
- (c) by the deletion of subsection (3).

**Amendment of section 75 of Act 30 of 1941, as amended by section 21 of Act 51 of 1956 and section 21 of Act 29 of 1984**

**26. Section 75 of the Act is hereby amended by the deletion in subsection (1) of the expression “the Mines and Works Act, 1956 (Act No. 27 of 1956), the Machinery and Occupational Safety Act, 1983 (Act no. 6 of 1983)”.**

**Repeal of Chapter IX of Act 30 of 1941**

**27. Chapter IX of the Act is hereby repealed.**

**Repeal of section 95 of Act 30 of 1941**

**28. Section 95 of the Act is hereby repealed.**

**Amendment of section 96 of Act 30 of 1941, as amended by section 34 of Act 36 of 1949, section 10 of Act 9 of 1970 and section 28 of Act 29 of 1984**

**29. Section 96 of the Act is hereby amended—**

- (a) by the deletion in subsection (1) of the expression “and not exempted under subsection (2)”;
- (b) by the deletion of subsection (2).

**Repeal of section 103 of Act 30 of 1941**

**30. Section 103 of the Act is hereby repealed.**

**Amendment of section 107 of Act 30 of 1941, as amended by section 29 of Act 51 of 1956, section 31 of Act 29 of 1984 and section 46 of Act 97 of 1986**

**31. Section 107 of the Act is hereby amended by the deletion in paragraph (i) of subsection (1) of the expression “or the Workmen’s Compensation Act, 1934 (Act No. 59 of 1934) or the Workmen’s Compensation (Accidents and Industrial Diseases) Proclamation, 1924 (Proclamation No. 27 of 1924 of the territory)”.**

**Amendment of section 109bis of Act 30 of 1941, as inserted by section 30 of Act 51 of 1956 and amended by section 8 of Act 21 of 1964**

**32. Section 109bis of the Act is hereby amended by the deletion in subsection (1) of the words “and any amendments thereto”.**

**Amendment of certain expression in Act 30 of 1941**

**33. The Act is hereby amended—**

- (a) by the substitution for the expressions “State President”, “Minister of Finance” and “Minister”, wherever they occur, of the expression “Administrator-General”;
- (b) by the substitution for the word “Republic”, wherever it occurs, of the word “territory”;
- (c) by the substitution for the words “public service”, wherever they occur, of the words “government service”;
- (d) by the insertion before the word “Gazette”, wherever it occurs, of the word “Official”;

- (e) deur die woord "Staatsinkomstefonds", oral waar dit voorkom, deur die woorde "Centrale Inkomstefonds" te vervang.

**Wysiging van regulasies uitgevaardig kragtens artikel 107 van Wet 30 van 1941**

34. (1) Die regulasies kragtens artikel 107 van die Wet uitgevaardig en aangekondig by Governmentskennisgewing R. 581 van 1 September 1961, soos gewysig, word hierby gewysig—

- (a) deur in subregulasie (1) van regulasie 5 die woord "Pretoria" deur die woord "Windhoek" te vervang;  
(b) deur subregulasie (3) van regulasie 9 deur die volgende subregulasie te vervang:  
    "(3) 'n In subregulasie (2) bedoelde kennisgewing moet gestuur word aan die Kommissaris, Privaatsak 13223, Windhoek.";  
(c) deur subregulasie (2) van regulasie 10 deur die volgende subregulasie te vervang:  
    "(2) Elke sodanige eis moet ingedien word by of gepost word aan die werkewer of die Kommissaris, en dit word geag ingedien te wees op die datum van ontvangs van die eis deur die werkewer of die Kommissaris, na gelang van die geval.";  
(d) deur subregulasie (4) van regulasie 10 te skrap;  
(e) deur in regulasie 19 die woorde "Staatskoerant" en "Republiek", oral waar dit voorkom, deur, onderskeidelik, die woorde "Offisiële Koerant" en "gebied" te vervang; en  
(f) deur subregulasie (3) van regulasie 19 te skrap.

(2) Die kommissaris kan enige vorm wat deur die regulasies voorgeskryf word, aanpas vir sover dit nodig is om aan die bepalings van subartikel (1) en artikel 33 gevolg te gee.

**Organgsbeplittings**

35. Eniglets wat voor die inwerkingtreding van hierdie Deel kragtens 'n bepaling van die Wet gedoen is, word, behalwe vir sover dit klaarblyklik onvanpas is en behoudens die bepalings van artikel 46, geag kragtens daardie bepaling soos deur die een of ander bepaling van hierdie Deel gewysig, gedoen te wees.

**DEEL II**

**WYSIGING VAN DIE WET SOOS DIT IN DIE REPUBLIEK VAN TOEPASSING IS**

**Toepassing van Deel II van die Proklamasie**

36. Hierdie deel is slegs in die Republiek van toepassing.

**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, artikel 1 van Wet 51 van 1956, artikel 1 van Wet 9 van 1970, artikel 1 van Wet 11 van 1974 en artikel 1 van Wet 20 van 1984**

37. Artikel 2 van die Wet word hierby gewysig—

- (a) deur die omskrywing van "Staatskoerant" te skrap;  
(b) deur die omskrywing van "provinciale of plaaslike afdeling van die Hooggereghof" te skrap;  
(c) deur die omskrywing van "gebied" te skrap; en  
(d) deur die omskrywing van "Republiek" te skrap.

**Wysiging van artikel 33 van Wet 30 van 1941, soos gewysig deur artikel 11 van Wet 51 van 1956**

38. Artikel 33 van die Wet word hierby gewysig deur in subartikel (5) die woorde "of die administrasie van die gebied, na gelang van die geval," te skrap.

**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, artikel 5 van Wet 9 van 1970, artikel 2 van Wet 8 van 1979 en artikel 16 van Wet 29 van 1984**

39. Artikel 43 van die Wet word hierby gewysig—

- (a) deur in subparagraaf (iv) van paragraaf (a) van subartikel (1) die uitdrukking "of die Ordonnansie op Myne, Bedrywe en Minerale, 1968 (Ordonnansie No. 20 van 1968 van die gebied)" te skrap; en

- (e) by the substitution for the words "State Revenue Fund", wherever they occur, of the words "Central Revenue Fund".

**Amendment of regulations made under section 107 of Act 30 of 1941**

34. (1) The regulations made under section 107 of the Act and promulgated by Government Notice R.581 of 1 September 1961, as amended, are hereby amended—

- (a) by the substitution in subregulation (1) of regulation 5 for the word "Pretoria" of the word "Windhoek";  
(b) by the substitution for subregulation (3) of regulation 9 of the following subregulation:  
    "(3) A notice referred to in subregulation (2) must be forwarded to the Commissioner, Private Bag 13223, Windhoek.";  
(c) by the substitution for subregulation (2) of regulation 10 of the following subregulation:  
    "(2) Every such claim shall be handed or posted to the employer or the Commissioner and shall be deemed to have been lodged on the date of receipt of the claim by the employer or the commissioner, as the case may be.";  
(d) by the deletion of subregulation (4) of regulation 10;  
(e) by the substitution in regulation 19 for the words "Gazette" and "Republic", wherever they occur, of the words "Official Gazette" and "territory", respectively; and  
(f) by the deletion of subregulation (3) of regulation 19.

(2) The commissioner may adjust any form prescribed by the regulations in so far as it is necessary to give effect to the provisions of subsection (1) and section 33.

**Transitional provisions**

35. Anything done before the commencement of this Part under a provision of the Act, shall, except in so far as it is obviously inappropriate and subject to the provisions of section 46, be deemed to have been done under that provision as amended by any provision of this Part.

**PART II**

**AMENDMENT OF THE ACT AS IT APPLIES IN THE REPUBLIC**

**Application of Part II of the Proclamation**

36. This part shall apply only in the Republic.

**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, section 1 of Act 51 of 1956, section 1 of Act 9 of 1970, section 1 of Act 11 of 1974 and section 1 of Act 29 of 1984**

37. Section 2 of the Act is hereby amended—

- (a) by the deletion of the definition of "Gazette";  
(b) by the deletion of the definition of "provincial or local division of the Supreme Court";  
(c) by the deletion of the definition of "territory"; and  
(d) by the deletion of the definition of "Republic".

**Amendment of section 33 of Act 30 of 1941, as amended by section 11 of Act 51 of 1956**

38. Section 33 of the Act is hereby amended by the deletion in subsection (5) of the words "or the administration of the territory, as the case may be".

**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, section 5 of Act 9 of 1970, section 2 of Act 8 of 1979 and section 16 of Act 29 of 1984**

39. Section 43 of the Act is hereby amended—

- (a) by the deletion in subparagraph (iv) of paragraph (a) of subsection (1) of the expression "or the Mines, Works and Minerals Ordinance, 1968 (Ordinance No. 20 of 1968 of the territory); and

- (b) deur in subparagraaf (v) van paragraaf (a) van subartikel (1) die uitdrukking "of die Ordonnansie op Fabriek, Masjinerie en Bouwerk, 1952 (Ordonnansie No. 34 van 1952 van die gebied)" te skrap.

**Wysiging van artikel 70 van Wet 30 van 1941, soos gewysig deur artikel 13 van Wet 7 van 1961, artikel 2 van Wet 27 van 1970, artikel 11 van Wet 11 van 1974 en artikel 20 van Wet 29 van 1984**

40. Artikel 70 van die Wet word hierby gewysig deur in paragraaf (a) van subartikel (1) die uitdrukking "'n wetgewende raad ingestel kragtens die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet No. 54 van 1968)" te skrap.

**Wysiging van artikel 74 van Wet 30 van 1941, soos gewysig deur artikel 28 van Wet 27 van 1945, artikel 20 van Wet 51 van 1956 en artikel 12 van Wet 28 van 1977**

41. Artikel 74 van die Wet word hierby gewysig deur in subartikel (3) die uitdrukking "of van daardie Wet soos op die gebied toegepas deur die 'Spoorweg Bestuurs Proklamatie, 1920' (Proklamasie No. 70 van 1920 van die gebied)" te skrap.

**Wysiging van artikel 75 van Wet 30 van 1941, soos gewysig deur artikel 21 van Wet 51 van 1956 en artikel 21 van Wet 29 van 1984**

42. Artikel 75 van die Wet word hierby gewysig deur in subartikel (1) na die uitdrukking "Wet No. 27 van 1956" die woord "of" in te voeg en die uitdrukking "die Ordonnansie op Fabriek, Masjinerie en Bouwerk, 1952 (Ordonnansie No. 34 van 1952 van die gebied), of die Ordonnansie op Myne, Bedrywe en Minerale, 1968 (Ordonnansie No. 20 van 1968 van die gebied)" te skrap.

**Wysiging van artikel 103 van Wet 30 van 1941, soos gewysig deur artikel 28 van Wet 51 van 1956**

43. Artikel 103 van die Wet word hierby gewysig deur in subartikel (1) die uitdrukking "en elke versekeringsmaatskappy en elke onderlinge vereniging wat onmiddellik voor die datum van inwerkingtreding van die Ongevallewysigingswet, 1956, onder die 'Werklieden Schadeloostelling (Ongevalle en Bedrijfsziekten) Proklamatie, 1924' (Proklamasie No. 27 van 1924 van die gebied), besigheid gedoen het, moet" te skrap.

**Wysiging van artikel 107 van Wet 30 van 1941, soos gewysig deur artikel 29 van Wet 51 van 1956, artikel 21 van Wet 7 van 1961, artikel 31 van Wet 29 van 1984 en artikel 46 van Wet 97 van 1986**

44. Artikel 107 van die Wet word hierby gewysig deur in paragraaf (i) van subartikel (1) die uitdrukking "of die 'Werklieden Schadeloostelling (Ongevalle en Bedrijfsziekten) Proklamatie, 1924' (Proklamasie No. 27 van 1924 van die gebied)" te skrap.

**Herroeping van artikel 109bis van Wet 30 van 1941, soos ingevoeg deur artikel 30 van Wet 51 van 1956 en gewysig deur artikel 8 van Wet 21 van 1964**

45. Artikel 109bis van die Wet word hierby herroep.

### DEEL III

#### ALGEMEEN

##### Voorbehoude

**46. By die toepassing van die Wet in die gebied—**

- (a) is die bepalings daarvan soos deur hierdie Proklamasie gewysig slegs van toepassing met betrekking tot ongevalle wat plaasgevind het of vergoedingspligtige siektes wat opgedoen is op of na die datum van inwerkingtreding van hierdie Proklamasie;
- (b) met betrekking tot ongevalle wat plaasgevind het of vergoedingspligtige siekte wat opgedoen is voor die bedoelde datum, bly die bepalings van die Wet van toepassing asof hierdie Proklamasie nie uitgevaardig is nie en enigets wat ingevolge 'n bepaling van die Wet met betrekking tot 'n ongeval of vergoedingspligtige siekte in hierdie paragraaf bedoel, gedoen moet of kan word of mee begin is, word gedoen of kan gedoen word of word voortgesit ooreenkomsdig daardie bepaling soos van toepassing ingevolge hierdie paragraaf;
- (c) raak die wysigings aangebring deur hierdie Proklamasie nie enige bestaande voorreg, reg, verpligting of aanspreeklikheid wat ingevolge die Wet voor die inwerkingtreding van hierdie

- (b) by the deletion in subparagraph (v) of paragraph (a) of subsection (1) of the expression "or the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance No. 34 of 1952 of the territory)".

**Amendment of section 70 of Act 30 of 1941, as amended by section 13 of Act 7 of 1961, section 2 of Act 27 of 1970, section 11 of Act 11 of 1974 and section 20 of Act 29 of 1984**

40. Section 70 of the Act is hereby amended by the deletion in paragraph (a) of subsection (1) of the expression "a legislative council established under the Development of Self-government for Native Nations in South West Africa Act, 1968 (Act No. 54 of 1968)".

**Amendment of section 74 of Act 30 of 1941, as amended by section 28 of Act 27 of 1945, section 20 of Act 51 of 1956 and section 12 of Act 28 of 1977**

41. Section 74 of the Act is hereby amended by the deletion in subsection (3) of the expression "or of that Act as applied to the territory by the Railway Management Proclamation, 1920 (Proclamation No. 70 of 1920 of the territory)".

**Amendment of section 75 of Act 30 of 1941, as amended by section 21 of Act 51 of 1956 and section 21 of Act 29 of 1984**

42. Section 75 of the Act is hereby amended by the insertion in subsection (1) after the expression "(Act No. 27 of 1956)" of the word "or" and the deletion of the expression "the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance No. 34 of 1952 of the territory), or the Mines, Works and Minerals Ordinance, 1968 (Ordinance No. 20 of 1968 of the territory)".

**Amendment of section 103 of Act 30 of 1941, as amended by section 28 of Act 51 of 1956**

43. Section 103 of the Act is hereby amended by the deletion in subsection (1) of the expression "and every insurance company and every mutual association which carried on business under the Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924 (Proclamation No. 27 of 1924 of the territory), immediately prior to the date of commencement of the Workmen's Compensation Amendment Act, 1956, shall".

**Amendment of section 107 of Act 30 of 1941, as amended by section 29 of Act 51 of 1956, section 21 of Act 7 of 1961, section 31 of Act 29 of 1984 and section 46 of Act 97 of 1986**

44. Section 107 of the Act is hereby amended by the deletion in paragraph (i) of subsection (1) of the expression "or the Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924 (Proclamation No. 27 of 1924 of the territory)".

**Repeal of section 109bis of Act 30 of 1941, as inserted by section 30 of Act 51 of 1956 and amended by section 8 of Act 21 of 1964**

45. Section 109bis of the Act is hereby repealed.

### PART III

#### GENERAL

##### Savings

**46. In the application of the Act in the territory—**

- (a) the provisions thereof as amended by this Proclamation shall apply only in relation to accidents which happened or scheduled diseases contracted on or after the date of commencement of this Proclamation;
- (b) in relation to accidents which happened or scheduled diseases contracted before the said date, the provisions of the Act shall continue to apply as if this Proclamation had not been promulgated and anything which in terms of any provision of the Act must or can be done or has been commenced with in relation to an accident or scheduled disease referred to in this paragraph, shall or can be done or shall be continued in accordance with that provision as applicable in terms of this paragraph;
- (c) the amendments effected by this Proclamation shall not affect any existing privilege, right, obligation or liability acquired, accrued or incurred in terms of the Act before the com-

Proklamasie verkry is of ontstaan of opgeloop het nie, en sodanige voorreg of reg kan uitgeoefen word of verpligting moet nagekom word of aanspreeklikheid bly voortbestaan asof hierdie Proklamasie nie uitgevaardig is nie;

- (d) word, ondanks die bepalings van artikel 43bis, die bepalings van paragraaf 1 (d) van Goewermentskennisgewing 1291 van 23 Junie 1989, geag nie van toepassing te wees nie ten opsigte van 'n maandelikse pensioen wat onmiddellik voor 1 Julie 1989 ingevolge artikel 39 of 40 van die Wet, deur die Staat, met ingebrip van 'n verteenwoordigende owerheid soos om-skyf in artikel 1 van die Proklamasie op Verteenwoerdende Owerhede, 1980 (Proklamasie AG. 8 van 1980), in verband met die arbeidsongesiktheid of dood van 'n werksman in diens van 'n departement ingestel kragtens artikel 3 (1) van die Regeringsdienswet, 1980 (Wet 2 van 1980), betaalbaar was.

**Kort titel en inwerkingtreding**

47. Hierdie Proklamasie heet die Ongevallewysigingsproklamasie, 1990, en word geag op 1 Februarie 1990 in werking te getree het.

mencement of this Proclamation, and any such privilege or right can be exercised or obligation shall be discharged or liability shall continue to exist as if this Proclamation had not been promulgated.

- (d) paragraph 1 (d) of Government Notice 1291 of 23 June 1989 shall, notwithstanding the provisions of section 43bis, be deemed not to be applicable in respect of any monthly pension which was payable by the State, including a Representative Authority as defined in section 1 of the Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980), in terms of section 39 or 40 of the Act immediately before 1 July 1989 in connection with the disablement or death of a workman in the service of a department established under section 3 (1) of the Government Service Act, 1980 (Act 2 of 1980).

**Short title and commencement**

47. This Proclamation shall be called the Workmen's Compensation Amendment Proclamation, 1990, and is deemed to have come into operation on 1 February 1990.

**INHOUD**

**PROKLAMASIE**

No.	BLADSY No.	No.
45		45
Proklamasie tot wysiging van die Ongevallewet, 1941, soos dit onderskeidelik in die Gebied Suid- wes-Afrika en in die Republiek van Suid-Afrika van toepassing is ten einde voorsiening te maak vir die instelling van 'n Ongevallefonds vir die Gebied Suidwes-Afrika en vir die administrasie van ge- noemde Wet deur die Administrateur-generaal . . . .	1	

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