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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1359. 29 Julie 1977.

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

No. 117 van 1977: Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1977.

DEPARTMENT OF THE PRIME MINISTER

No. 1359. 29 July 1977.

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

No. 117 of 1977: Occupational Diseases in Mines and Works Amendment Act, 1977.

ACT

To provide for the further increase of certain benefits, special awards and assistance payable in terms of the Occupational Diseases in Mines and Works Act, 1973.

(Afrikaans text signed by the State President.)
(Assented to 11 July 1977.)

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

Increase of certain benefits and special awards.

1. (1) Subject to the provisions of subsection (2), a benefit as defined in section 1, and a special award referred to in section 101 or 115 of the Occupational Diseases in Mines and Works Act, 1973 (Act No. 78 of 1973) (hereinafter referred to as the principal Act), which are payable in terms of the principal Act, but have not yet been paid, and which were increased by the Occupational Diseases in Mines and Works Amendment Act, 1975 (Act No. 45 of 1975), shall be further increased—

(a) in the case of any such benefit payable in the form of a monthly pension, whether it became or becomes payable before or after the commencement of this section, by fifteen per cent;

(b) in the case of a special award payable immediately prior to the commencement of this section in terms of section 101 of the principal Act, by an amount which the commissioner may in his discretion determine, but not exceeding fifteen per cent; and

(c) in the case of a special award payable immediately prior to the commencement of this section in terms of section 115 of the principal Act, by an amount which the Bantu affairs authority may in its discretion determine, but not exceeding fifteen per cent:

Provided that any pension or any such special award so increased shall be calculated to the next complete rand.

(2) The provisions of this section shall not apply with reference to any one-sum benefit, as defined in section 1 of the principal Act, to which a person became entitled before the commencement of this section or to which a person will become entitled after the commencement of this section.

Amendment of section 102 of Act 78 of 1973.

2. Section 102 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

"(2) Assistance under subsection (1) may be rendered by way of a single award or periodical awards, as the commissioner deems desirable, and in the case of secondary school education or education at any college, university or other post-school educational institution, by way of bursaries which shall be awarded on such conditions and in accordance with such scale as the

WET

Om voorsiening te maak vir die verdere verhoging van sekere voordele, spesiale toekennings en bystand betaalbaar ingevolge die Wet op Bedryfsiektes in Myne en Bedrywe, 1973.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op 11 Julie 1977.*)

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

Verhoging van sekere voordele en spesiale toekennings.

1. (1) Behoudens die bepalings van subartikel (2), word 'n voordeel soos omskryf in artikel 1, en 'n spesiale toekenning bedoel in artikel 101 of 115, van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973 (Wet No. 78 van 1973) (hieronder die Hoofwet genoem), wat ingevolge die Hoofwet betaalbaar is, maar wat nog nie betaal is nie, en wat verhoog is by die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1975 (Wet No. 45 van 1975), verder verhoog—

(a) in die geval van so 'n voordeel wat in die vorm van 'n maandelikse pensioen betaal word, hetsy dit voor of na die inwerkingtreding van hierdie artikel betaalbaar geword het of word, met vyftien persent;

(b) in die geval van 'n spesiale toekenning wat onmiddellik voor die inwerkingtreding van hierdie artikel betaalbaar was kragtens artikel 101 van die Hoofwet, met 'n bedrag wat die kommissaris na goeddunke kan bepaal, maar hoogstens vyftien persent; en

(c) in die geval van 'n spesiale toekenning wat onmiddellik voor die inwerkingtreding van hierdie artikel betaalbaar was kragtens artikel 115 van die Hoofwet, met 'n bedrag wat die Bantoesake-owerheid na goeddunke kan bepaal, maar hoogstens vyftien persent:

Met dien verstande dat 'n pensioen of so 'n spesiale toekenning wat aldus verhoog is, tot die volgende volle rand bereken word.

(2) Die bepalings van hierdie artikel is nie van toepassing nie met betrekking tot 'n enkelbedragvoordeel, soos omskryf in artikel 1 van die Hoofwet, waarop iemand voor die inwerkingtreding van hierdie artikel geregtig geword het of waarop iemand na die inwerkingtreding van hierdie artikel geregtig word.

Wysiging van artikel 102 van Wet 78 van 1973.

2. Artikel 102 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Bystand ingevolge subartikel (1) kan verleen word by wyse van 'n eenmalige toekenning of periodieke toekennings, na gelang die kommissaris dit wenslik ag, en in die geval van hoërskoolopleiding of opleiding by 'n kollege, universiteit of ander na-skoolse opvoedkundige inrigting, by wyse van beurse wat toegeken word op die voorwaardes en volgens die skaal

commissioner may with the concurrence of the advisory committee determine.''; and

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

''(3) The amounts paid out under this section shall not exceed in the aggregate in any one financial year such amount as the Minister may from time to time determine with the concurrence of the Minister of Finance.''.

Substitution of section 115 of Act 78 of 1973.

3. The following section is hereby substituted for section 115 of the principal Act:

"Special award to Bantu person.

115. If a Bantu person to whom a benefit awarded under the previous Act or this Act has been paid in full, is in necessitous circumstances and unable, by reason of old age or continuous poor health, to earn sufficient means of subsistence, the Bantu affairs authority may in its discretion, out of moneys in the Bantu Compensation Fund not required for the payment of benefits under this Act, make special awards to such person.''.

Short title and commencement.

4. This Act shall be called the Occupational Diseases in Mines and Works Amendment Act, 1977, and the provisions thereof shall come into operation on 1 October 1977, excluding the provisions of section 2, which shall be deemed to have come into operation on 1 April 1977.

wat die kommissaris met die instemming van die advieskomitee bepaal.''; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

,,(3) Die bedrae wat kragtens hierdie artikel uitbetaal word, gaan in die geheel gedurende 'n enkele boekjaar nie die bedrag wat die Minister van tyd tot tyd met die instemming van die Minister van Finansies bepaal, te bowe nie.''.

Vervanging van artikel 115 van Wet 78 van 1973.

3. Artikel 115 van die Hoofwet word hierby deur die volgende artikel vervang:

„Spesiale toekenning aan Bantoepersoon.

115. Indien 'n Bantoepersoon aan wie 'n voordeel wat ingevolge die vorige Wet of hierdie Wet toegeken is, ten volle betaal is, in behoeftige omstandighede verkeer en weens ouderdom of voortdurende swak gesondheid nie in staat is om voldoende lewensmiddele te verdien nie, kan die Bantoesake-owerheid na goeddunke uit gelde in die Bantoevergoedingsfonds wat nie vir die betaling van voordele ingevolge hierdie Wet nodig is nie, aan die betrokke persoon spesiale toekennings maak.''.

Kort titel en inwerkingtreding.

4. Hierdie Wet heet die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1977, en die bepalings daarvan tree in werking op 1 Oktober 1977, uitgesonderd die bepalings van artikel 2, wat geag word op 1 April 1977 in werking te getree het.

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