



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. 1436.

4 Julie 1979.

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

Nó. 95 van 1979: Wet op Indiensopleiding, 1979.

No. 1436.

4 July 1979.

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

No. 95 of 1979: In-Service Training Act, 1979.

ACT

To provide for the promotion and regulation of the training of certain classes of employees in industry and for that purpose to provide for the establishment of a council; to provide for the registration of training schemes and private training centres; and for the inspection of such schemes and centres; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 21 June 1979.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “apprentice” means an apprentice as defined in section 1 of the Apprenticeship Act, 1944 (Act No. 37 of 1944); (xv)
 - (ii) “artisan” means any person who is engaged in work normally performed by a skilled artisan; (i)
 - (iii) “committee” means a committee appointed by the council in terms of section 5 (1) (b); (vi)
 - (iv) “council” means the Council for In-service Training established under section 2; (xi)
 - (v) “Department” means the Department of Labour; (iii)
 - (vi) “employee” means any person (except an employee as defined in section 1 of the Black Employees’ In-Service Training Act, 1976 (Act No. 86 of 1976)) who is employed by or performing work for any employer in any industry and who receives or is entitled to receive remuneration from such employer; (xvii)
 - (vii) “employer” means any person whatsoever who employs or provides work for any person and who remunerates or expressly or tacitly undertakes to remunerate him or who permits any person whatsoever in any manner to assist him in the carrying on or conducting of his business; (xvi)
 - (viii) “industry” includes any class of undertaking, any section or portion of any industry and any group of industries, but does not include any mining undertaking; (viii)
 - (ix) “inspector” means any person appointed as an inspector in terms of section 9; (v)
 - (x) “Minister” means the Minister of Labour; (vii)
 - (xi) “officer” means an officer as defined in section 1 (1) of the Public Service Act, 1957 (Act No. 54 of 1957); (ii)

WET

Om voorsiening te maak vir die bevordering en regulering van die opleiding van sekere klasse werknemers in die nywerheid en om vir daardie doel voorsiening te maak vir die instelling van 'n raad; om voorsiening te maak vir die registrasie van opleidingskemas en private opleidingsentrums; en vir die inspeksie van sodanige skemas en sentrums; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1979.)

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

1. In hierdie Wet, tensy uit die samehang anders blyk, Woordomskrywing.
5 beteken—
- (i) „ambagsman” iemand wat werk doen wat normaalweg deur 'n geskoolde ambagsman gedoen word; (ii)
 - (ii) „beampte” 'n beampte soos omskryf in artikel 1 (1) van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (xi)
 - 10 (iii) „Departement” die Departement van Arbeid; (v)
 - (iv) „geskoolde ambagsman” ook iemand—
 - (a) wat sy leertyd uitgedien het in 'n bedryf wat ingevolge die bepalings van artikel 16 van die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), as 'n bedryf aangewys is of geag word ingevolge daardie bepalings as 'n bedryf aangewys te wees;
 - 15 (b) aan wie 'n vaardigheidsertifikaat ingevolge artikel 6 of 'n sertifikaat ingevolge òf artikel 2 (7) òf 7 (3) van die Wet op Opleiding van Ambagsmanne, 1951 (Wet No. 38 van 1951), deur die Registrateur van Vakleerlinge uitgereik is; (xvi)
 - 20 (v) „inspekteur” iemand wat ingevolge artikel 9 as 'n inspekteur aangestel is; (ix)
 - 25 (vi) „komitee” 'n komitee wat ingevolge artikel 5 (1) (b) deur die raad aangestel is; (iii)
 - (vii) „Minister” die Minister van Arbeid; (x)
 - (viii) „nywerheid” ook enige kategorie onderneming, enige afdeling of gedeelte van 'n nywerheid en enige groep nywerhede, maar nie ook 'n mynbou-onderneming nie;
 - 30 (viii)
 - (ix) „opleiding” enige opleiding waarvan die besondere oogmerk is om 'n werknemer beter te bekwaam vir enige werk wat in of in verband met 'n nywerheid verrig word; (xvii)
 - 35 (x) „private sentrum” 'n opleidingsentrum wat ingevolge artikel 8 (2) as 'n private sentrum geregistreer is; (xii)

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- (xii) "private centre" means any training centre registered as a private centre in terms of section 8 (2); (x)
- (xiii) "registrar" means the Registrar of Training Schemes appointed in terms of section 6; (xii)
- (xiv) "scheme" means a scheme registered under section 7 5 (2); (xiv)
- (xv) "Secretary" means the Secretary for Labour; (xiii)
- (xvi) "skilled artisan" includes any person—
 - (a) who has served his apprenticeship in a trade designated or deemed to have been designated as a 10 trade in terms of the provisions of section 16 of the Apprenticeship Act, 1944;
 - (b) to whom a certificate of proficiency in terms of section 6 or a certificate in terms of either section 2 (7) or 7 (3) of the Training of Artisans Act, 1951 15 (Act No. 38 of 1951), has been issued by the Registrar of Apprenticeship; (iv)
- (xvii) "training" means any training which has as its special aim the improvement of the proficiency of any employee for any work performed in or in connection with any 20 industry. (ix)

Establishment of council.

2. The Minister shall establish a council under the name the Council for In-service Training.

Constitution of council.

3. (1) The council shall consist of 13 members appointed by the Minister, of whom— 25

- (a) two shall be officers in the service of the Department and of whom one shall be designated by the Minister as chairman and one as vice-chairman of the council;
- (b) one shall be an officer in the service of the Department of Inland Revenue; 30
- (c) five shall be persons whose names appear on a list of persons whose names have been submitted for the purpose of such appointment by organizations which in the opinion of the Minister are competent to represent the interests of employers; 35
- (d) five shall be persons whose names appear on a list of persons whose names have been submitted for the purpose of such appointment by organizations which in the opinion of the Minister are competent to represent the interests of employees. 40

(2) If after the expiry of a period of one month from the date on which the Secretary in writing requested the organizations referred to in subsection (1) (c) or (d) to submit a list of names as contemplated in that subsection, such organizations have not yet submitted such list to the Secretary or have submitted a list 45 defective in some or other respect or have submitted a list containing the name of any person who in the opinion of the Minister is incompetent to be a member of the council, the Minister shall appoint any suitable person or persons as a member or as members of the council in the place of the person or persons 50 he would have appointed if such organizations had not failed to submit a list or had not submitted a list defective in some or other respect or containing the name of an incompetent person.

(3) The Minister may appoint one alternate member in respect of each member of the council. 55

(4) The provisions of subsections (1) and (2) shall apply *mutatis mutandis* to the appointment of alternate members.

(5) An alternate member appointed in terms of this section may attend any meeting of the council and participate in the proceedings there, but shall have the power to vote at any such 60 meeting only if the member in respect of whom he has been appointed as an alternate member is absent from such meeting.

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- (xi) „raad” die Raad vir Indiensopleiding wat kragtens artikel 2 ingestel is; (iv)
- (xii) „registrateur” die Registrateur van Opleidingskemas wat kragtens artikel 6 aangestel is; (xiii)
- 5 (xiii) „Sekretaris” die Sekretaris van Arbeid; (xv)
- (xiv) „skema” ’n skema wat ingevolge artikel 7 (2) geregistreer is; (xiv)
- (xv) „vakleerling” ’n vakleerling soos omskryf in artikel 1 van die Wet op Vakleerlinge, 1944; (i)
- 10 (xvi) „werkgever” enige persoon hoegenaamd wat enige persoon in diens het of aan hom werk verskaf, en wat daardie persoon beloon of uitdruklik of stilswyend onderneem om hom te beloon of wat enige persoon hoegenaamd toelaat om hom op enige wyse by te staan om sy besigheid voort te sit of te dryf; (vii)
- 15 (xvii) „werknemer” enige persoon (behalwe ’n werknemer soos omskryf in artikel 1 van die Wet op Indiensopleiding van Swart Werknemers, 1976 (Wet No. 86 van 1976)) wat in diens is by of werk verrig vir enige
- 20 werkgever in ’n nywerheid en wat van daardie werkgever beloning ontvang of geregtig is om beloning te ontvang. (vi)

2. Die Minister stel ’n raad in met die naam die Raad vir Instelling van raad. Indiensopleiding.

25 3. (1) Die raad bestaan uit 13 lede wat deur die Minister aangestel word, van wie— Samestelling van raad.

- (a) twee beamptes in die diens van die Departement is en van wie een as voorsitter en een as ondervoorsitter van die raad deur die Minister aangewys word;
- 30 (b) een ’n beampte in die diens van die Departement van Binnelandse Inkomste is;
- (c) vyf persone is wie se name voorkom op ’n lys van persone wie se name vir die doel van sodanige aanstelling voorgelê is deur organisasies wat na die oordeel van die Minister bevoeg is om die belange van werkgewers te verteenwoordig;
- 35 (d) vyf persone is wie se name voorkom op ’n lys van persone wie se name vir die doel van sodanige aanstelling voorgelê is deur organisasies wat na die oordeel van die Minister bevoeg is om die belange van werknemers te verteenwoordig.
- 40

(2) Indien na die verstryking van ’n tydperk van ’n maand vanaf die datum waarop die Sekretaris die organisasies bedoel in subartikel (1) (c) of (d) skriftelik versoek het om ’n lys van name

45 soos beoog in daardie subartikel voor te lê, daardie organisasies nog nie sodanige lys aan die Sekretaris voorgelê het nie of ’n lys voorgelê het wat in een of ander opsig gebrekkig is of ’n lys voorgelê het wat die naam van iemand bevat wat na die oordeel van die Minister onbevoeg is om ’n lid van die raad te wees, moet

50 die Minister enige geskikte persoon of persone as lid of lede van die raad aanstel in die plek van die persoon of persone wat hy sou aangestel het indien daardie organisasies nie in gebreke gebly het om ’n lys voor te lê nie of nie ’n lys voorgelê het wat om een of ander rede gebrekkig is of die naam van ’n onbevoegde persoon

55 bevat het nie.

(3) Die Minister kan ten opsigte van elke lid van die raad een plaasvervangende lid aanstel.

(4) Die bepalings van subartikels (1) en (2) is *mutatis mutandis* op die aanstelling van plaasvervangende lede van toepassing.

60 (5) ’n Plaasvervangende lid wat ingevolge hierdie artikel aangestel is, kan ’n vergadering van die raad bywoon en aan die verrigtinge daar deelneem, maar mag slegs op enige sodanige vergadering stem wanneer die lid ten opsigte van wie hy as plaasvervangende lid aangestel is van daardie vergadering afwesig

65 is.

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(6) The members of the council and alternate members shall hold office for a period of three years on such conditions as the Minister on the dates of their appointments may determine.

(7) No person shall be appointed as a member or an alternate member of the council if he—

- (a) is an unrehabilitated insolvent;
- (b) has at any time been convicted of an offence involving an element of dishonesty or has been sentenced for any other offence to a period of imprisonment without the option of a fine; or
- (c) is not a South African citizen permanently resident in the Republic.

(8) A member or an alternate member of the council shall vacate his office if he—

- (a) becomes subject to any disqualification referred to in subsection (7);
- (b) becomes of unsound mind;
- (c) fails to comply with a condition referred to in subsection (6) applicable to him; or
- (d) has been absent from more than two consecutive meetings of the council without the leave of the council.

(9) If any member or alternate member of the council dies or resigns by notice in writing addressed to the Minister or ceases to be a member or an alternate member of the council in terms of subsection (8), the Minister may, with due regard to the provisions of subsections (1), (2), (3) and (4), appoint a person as successor of such member or alternate member for the unexpired period of office of such member or alternate member.

(10) Any member or any alternate member of the council or a member of any committee who is not an officer shall in connection with the activities of the council or such committee be paid such remuneration and allowance as the Minister with the concurrence of the Minister of Finance may determine.

Meetings of council.

4. (1) Subject to the provisions of any rules made by the council, the council shall meet at such times and places as the chairman or, if he is absent, the vice-chairman may determine.

(2) The chairman or, if he is absent, the vice-chairman shall preside at all meetings of the council, and if the chairman and the vice-chairman are absent from a meeting of the council, the members present, including any alternate members entitled to vote at that meeting, shall elect a person from among themselves to preside at that meeting.

(3) The decision of a majority of the members of the council, including any alternate members entitled to vote at the meeting in question, present at a meeting of the council shall constitute a decision of the council, and in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

(4) No decision taken by the council or act performed under the authority of the council shall be invalid merely by reason of a vacancy on the council or the fact that any person not entitled to sit as a member or an alternate member of the council, sat as a member or an alternate member when such decision was taken or such act was authorized, if such decision was taken or such act was authorized by the majority of the members and alternate members of the council then present and entitled to vote in connection therewith.

Powers and functions of council and committees.

5. (1) The council—

- (a) shall advise the Minister on—
 - (i) matters of policy arising out of or connected with the application of the provisions of this Act;
 - (ii) the promulgation of any regulation under section 13;
 - (iii) any other matter relating to the training of employees which the Minister may refer to the council;

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- (6) Die lede van die raad en plaasvervangende lede beklee hulle ampte vir 'n tydperk van drie jaar op die voorwaardes wat die Minister op die datums van hulle aanstellings bepaal.
- (7) Niemand word as 'n lid of 'n plaasvervangende lid van die raad aangestel nie indien hy—
- (a) 'n ongerehabiliteerde insolvent is;
 - (b) te eniger tyd skuldig bevind is weens 'n misdryf waarvan oneerlikheid 'n element is of weens 'n ander misdryf tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete veroordeel is; of
 - (c) nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is nie.
- (8) 'n Lid of 'n plaasvervangende lid van die raad ontruim sy amp indien hy—
- (a) onderworpe raak aan 'n onbevoegdheid bedoel in subartikel (7);
 - (b) geestelik versteurd raak;
 - (c) in gebreke bly om te voldoen aan 'n voorwaarde bedoel in subartikel (6) wat op hom van toepassing is; of
 - (d) sonder verlof van die raad van meer as twee agtereenvolgende vergaderings van die raad afwesig was.
- (9) Indien 'n lid of plaasvervangende lid van die raad sterf of by skriftelike kennisgewing gerig aan die Minister bedank of ingevolge subartikel (8) ophou om 'n lid of 'n plaasvervangende lid van die raad te wees, kan die Minister, met behoorlike inagneming van die bepalings van subartikels (1), (2), (3) en (4), iemand vir die onverstreke ampstermyn van daardie lid of plaasvervangende lid as opvolger van daardie lid of plaasvervangende lid aanstel.
- (10) Aan 'n lid of plaasvervangende lid van die raad of 'n lid van 'n komitee wat nie 'n beampete is nie, word in verband met die werksaamhede van die raad of daardie komitee die besoldiging en toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.
4. (1) Behoudens die bepalings van enige reëls wat deur die raad gemaak word, vergader die raad op die tye en plekke wat die voorsitter of, indien hy afwesig is, die ondervoorsitter bepaal.
- (2) Die voorsitter of, indien hy afwesig is, die ondervoorsitter moet op alle vergaderings van die raad voorsit, en indien die voorsitter en die ondervoorsitter van 'n vergadering van die raad afwesig is, kies die aanwesige lede, met inbegrip van enige plaasvervangende lede wat geregtig is om op daardie vergadering te stem, iemand uit hulle midde om op daardie vergadering voor te sit.
- (3) Die beslissing van 'n meerderheid van die lede van die raad, met inbegrip van enige plaasvervangende lede wat geregtig is om op die betrokke vergadering te stem, wat op 'n vergadering van die raad aanwesig is, maak 'n besluit van die raad uit, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem 'n beslissende stem.
- (4) Geen besluit van die raad of handeling wat op gesag van die raad verrig is, is ongeldig nie bloot vanweë 'n vakature in die raad of omdat iemand wat nie geregtig was om as 'n lid of 'n plaasvervangende lid van die raad sitting te neem nie, as sodanige lid of plaasvervangende lid sitting geneem het toe daardie besluit geneem of daardie handeling gemagtig is, indien daardie besluit geneem of daardie handeling gemagtig is deur die meerderheid van die lede en plaasvervangende lede van die raad wat toe aanwesig was en geregtig was om daarvoor te stem.
5. (1) Die raad—
- (a) dien die Minister van advies oor—
 - (i) beleidsaangeleenthede wat voortspruit uit of in verband staan met die toepassing van die bepalings van hierdie Wet;
 - (ii) die uitvaardiging van enige regulasie kragtens artikel 13;
 - (iii) enige ander aangeleentheid betreffende die opleiding van werknemers wat deur die Minister na die raad verwys word;

Vergaderings van raad.

Bevoegdhede en werksaamhede van raad en komitees.

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- (b) may appoint one or more than one committee—
 - (i) which, subject to the directions and control of the council, shall exercise such powers and perform such functions of the council as the council with the approval of the Minister may assign to any such committee; 5
 - (ii) to investigate, and to report to the council regarding, any matter or category of matters or all matters in respect of which the council may exercise any power; 10
- (c) may make rules regarding—
 - (i) the calling of, the fixing of a quorum for and the procedure at a meeting of the council or any committee; 15
 - (ii) the manner in which the members and the chairman of any committee are to be appointed or elected; 15
 - (iii) any other matter which may be necessary for the efficient carrying out or exercise of the functions, duties and powers of the council or any committee; 20
- (d) shall perform such other functions as are assigned to it in terms of this Act. 20

(2) A committee may consist of members of the council only or of other persons than such members only or of both such members and such other persons: Provided that any committee appointed under subsection (1) (b) (i) shall consist, in addition to its chairman, of an equal number of representatives of employers and employees. 25

(3) The secretarial work of the council and of any committee shall be performed by such officers in the Department as the Secretary may designate for that purpose. 30

Appointment of Registrar and of Assistant Registrar of Training Schemes.

6. Subject to the provisions of the laws governing the public service, the Minister may—

- (a) appoint an officer as the Registrar of Training Schemes, who shall, subject to the control and directions of the Minister, exercise such powers or perform such duties as may be conferred or imposed upon the registrar by this Act or any other law, and perform such other functions as the Minister may from time to time assign to him; 35
- (b) appoint an officer as the Assistant Registrar of Training Schemes, who may, subject to the control and directions of the registrar or in the absence of the registrar or if the registrar is for any other reason unable to perform his duties, do anything which may lawfully be done by the registrar. 45

Registration of schemes for training of employees.

7. (1) Any employer who conducts or intends to conduct a scheme for the training of his employees may apply to the registrar for the registration of such scheme.

(2) The registrar may on such conditions as he may deem fit register any scheme to which an application contemplated in subsection (1) relates. 50

(3) The conditions contemplated in subsection (2) may relate to—

- (a) the courses of training which may be provided; 55
- (b) the nature, duration and standard of such courses; 55
- (c) the premises, equipment, facilities and materials to be used or provided for the purposes of such training; 55
- (d) the standard of education or practical experience which shall have been achieved or gained by employees before they may be permitted to undergo training of a particular nature; 60
- (e) any other matter connected with such training or with the management or control of the scheme in question. 60

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- (b) kan een of meer as een komitee aanstel—
- (i) wat, onderworpe aan die voorskrifte en beheer van die raad, die bevoegdhede van die raad uitoefen en die werksaamhede van die raad verrig wat deur die raad met die goedkeuring van die Minister aan enige sodanige komitee opgedra word;
 - (ii) om ondersoek in te stel na en aan die raad verslag te doen aangaande enige aangeleentheid of kategorie aangeleenthede of alle aangeleenthede ten opsigte waarvan die raad enige bevoegdheid kan uitoefen;
- (c) kan reëls maak betreffende—
- (i) die byeenroeping van, die bepaling van 'n kworum vir en die prosedure by 'n vergadering van die raad of 'n komitee;
 - (ii) die wyse waarop die lede en die voorsitter van 'n komitee aangestel of verkies moet word;
 - (iii) enige ander aangeleentheid wat nodig is vir die doeltreffende verrigting of uitoefening van die werksaamhede, pligte en bevoegdhede van die raad of 'n komitee;
- (d) verrig die ander werksaamhede wat ingevolge hierdie Wet aan hom opgedra word.
- (2) 'n Komitee kan bestaan net uit lede van die raad of net uit ander persone as sodanige lede of uit sowel sodanige lede as sodanige ander persone: Met dien verstande dat 'n komitee wat kragtens subartikel (1) (b) (i) aangestel is, benewens sy voorsitter, uit 'n gelyke aantal verteenwoordigers van werkgewers en werknemers moet bestaan.
- (3) Die sekretariële werk van die raad en van enige komitee word verrig deur beamptes van die Departement wat vir daardie doel deur die Sekretaris aangewys word.
6. Die Minister kan, met inagneming van die wetsbepalings op die staatsdiens—
- (a) 'n beampte as Registrateur van Opleidingskemas aanstel, wat, onderworpe aan die beheer en voorskrifte van die Minister, die bevoegdhede uitoefen en die pligte verrig wat by hierdie Wet of enige ander Wet aan die registrateur verleen of opgelê word, en die ander werksaamhede verrig wat die Minister van tyd tot tyd aan hom opdra;
 - (b) 'n beampte as Assistent-registrateur van Opleidingskemas aanstel, wat, onderworpe aan die beheer en voorskrifte van die registrateur, of indien die registrateur afwesig is of weens 'n ander rede nie in staat is om sy pligte uit te voer nie, enigiets kan doen wat die registrateur regtens kan doen.
7. (1) 'n Werkgewer wat 'n skema vir die opleiding van sy werknemers dryf of voornemens is om sodanige skema te dryf, kan by die registrateur om die registrasie van daardie skema aansoek doen.
- (2) Die registrateur kan op die voorwaardes wat hy goedvind 'n skema registreer waarop 'n aansoek beoog in subartikel (1) betrekking het.
- (3) Die voorwaardes in subartikel (2) beoog, kan betrekking hê op—
- (a) die kursusse van opleiding wat verskaf mag word;
 - (b) die aard, duur en standaard van sodanige kursusse;
 - (c) die persele, toerusting, fasiliteite en materiaal wat vir die doeleindes van sodanige opleiding gebruik of verskaf moet word;
 - (d) die standaard van onderwys of praktiese ondervinding wat deur werknemers behaal of opgedoen moet word voordat hulle toegelaat mag word om opleiding van 'n bepaalde aard te ondergaan;
 - (e) enige ander aangeleentheid wat met sodanige opleiding of met die bestuur of beheer van die betrokke skema in verband staan.

Registrateur en
Assistent-
registrateur van
Opleidingskemas.

Registrasie van
skemas vir
opleiding van
werknemers.

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(4) The registrar may withdraw or from time to time amend any condition imposed in terms of this section.

(5) The registrar may in respect of any scheme registered in terms of subsection (2) render such assistance, except financial assistance, as could in his opinion contribute towards the attainment of the purpose for which such scheme has been established. 5

(6) The registrar may at any time and without giving any reasons therefor withdraw the registration of a scheme if he is of the opinion that any of the conditions imposed in respect thereof has not been complied with.

(7) The registrar shall from time to time report to the council on all applications received by him in terms of subsection (1).

(8) (a) Any employer whose application for registration of a scheme in terms of subsection (1) was refused, may 15 appeal to the Minister.

(b) The Minister may confirm or set aside the decision of the registrar and if he sets aside that decision he may register the scheme in question on any condition contemplated in subsection (2). 20

Private centres.

8. (1) No person shall provide training for the employees of any other person except at a training centre registered by the registrar in terms of subsection (2) as a private centre.

(2) Whenever any person applies to the registrar for the registration of a training centre as a private centre, the registrar 25 may, after consultation with the council, register such training centre as a private centre on such conditions as he may deem fit.

(3) The conditions contemplated in subsection (2) may relate to any matter specified in section 7 (3) (a) to (d) and to any matter connected with the management or conduct of the private centre in 30 question.

(4) The registrar may in respect of any private centre render such assistance, except financial assistance, as could in his opinion contribute towards the attainment of the purpose for which such private centre has been established. 35

(5) The registrar may, after consultation with the council, at any time and without giving any reasons therefor withdraw the registration of any training centre as a private centre if he is of the opinion that any of the conditions imposed in respect thereof has not been complied with. 40

(6) (a) Any person whose application for the registration of a training centre as a private centre in terms of subsection (2) was refused, may appeal to the Minister.

(b) The Minister may confirm or set aside the decision of the registrar and if he sets aside that decision he may 45 register the training centre in question as a private centre on any condition contemplated in subsection (2).

Appointment of inspectors.

9. (1) Subject to the provisions of the laws governing the public service the Minister may appoint officers as inspectors to exercise, subject to the directions and control of the registrar, the functions 50 of inspectors under this Act.

(2) The Minister may in writing and on such conditions as he may think fit delegate his power to appoint inspectors under subsection (1) to the Secretary and may at any time withdraw any power so delegated. 55

Powers of inspectors.

10. (1) Any inspector furnished with inspection authority in writing by the registrar may conduct investigations—

(a) in order to establish whether any condition imposed in terms of section 7 (2) or 8 (2) in respect of any scheme or private centre is being or has been complied with; 60

(b) as to the efficacy of the training provided in accordance with any scheme or at any private centre;

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(4) Die registrateur kan 'n voorwaarde wat ingevolge hierdie artikel opgelê is, intrek of van tyd tot tyd wysig.

(5) Die registrateur kan ten opsigte van 'n skema wat ingevolge subartikel (2) geregistreer is, die bystand, behalwe geldelike bystand, verleen wat na sy oordeel sou kon bydra tot die bereiking van die doel waarvoor daardie skema ingestel is.

(6) Die registrateur kan te eniger tyd en sonder om redes daarvoor te verstrek, die registrasie van 'n skema intrek indien hy van oordeel is dat enige van die voorwaardes wat ten opsigte daarvan opgelê is, nie nagekom is nie.

(7) Die registrateur moet van tyd tot tyd aan die raad verslag doen oor al die aansoeke wat hy ingevolge subartikel (1) ontvang het.

(8) (a) 'n Werkgewer wie se aansoek om registrasie van 'n skema ingevolge subartikel (1) geweier is, kan na die Minister appelleer.

(b) Die Minister kan die beslissing van die registrateur bekragtig of tersyde stel en kan, indien hy daardie beslissing tersyde stel, die betrokke skema op enige voorwaarde beoog in subartikel (2) registreer.

8. (1) Niemand mag opleiding aan die werknemers van iemand anders verskaf nie behalwe by 'n opleidingsentrum wat deur die registrateur ingevolge subartikel (2) as 'n private sentrum geregistreer is. Private sentrums.

(2) Wanneer iemand by die registrateur aansoek doen om die registrasie van 'n opleidingsentrum as 'n private sentrum, kan die registrateur, na oorleg met die raad, op die voorwaardes wat hy goedvind, daardie opleidingsentrum as 'n private sentrum registreer.

(3) Die voorwaardes in subartikel (2) beoog, kan betrekking hê op enige aangeleentheid vermeld in artikel 7 (3) (a) tot (d) en op enige aangeleentheid wat met die bestuur of beheer van die betrokke private sentrum in verband staan.

(4) Die registrateur kan ten opsigte van 'n private sentrum die bystand, behalwe geldelike bystand, verleen wat na sy oordeel sou kon bydra tot die bereiking van die doel waarvoor daardie private sentrum ingestel is.

(5) Die registrateur kan, na oorleg met die raad, te eniger tyd en sonder om redes daarvoor te verstrek, die registrasie van enige opleidingsentrum as 'n private sentrum intrek indien hy van oordeel is dat enige van die voorwaardes wat ten opsigte daarvan opgelê is, nie nagekom is nie.

(6) (a) Iemand wie se aansoek om die registrasie van 'n opleidingsentrum as 'n private sentrum ingevolge subartikel (2) geweier is, kan na die Minister appelleer.

(b) Die Minister kan die beslissing van die registrateur bekragtig of tersyde stel en kan, indien hy daardie beslissing tersyde stel, die betrokke opleidingsentrum as 'n private sentrum op enige voorwaarde beoog in subartikel (2) registreer.

9. (1) Die Minister kan met inagneming van die wetsbepalings op die Staatsdiens beamptes as inspekteurs aanstel om onderworpe aan die voorskrifte en beheer van die registrateur die werksaamhede van inspekteurs kragtens hierdie Wet te verrig. Aanstelling van inspekteurs.

(2) Die Minister kan sy bevoegdheid om inspekteurs kragtens subartikel (1) aan te stel skriftelik aan die Sekretaris delegeer op die voorwaardes wat hy goedvind en kan te eniger tyd 'n bevoegdheid intrek wat aldus gedelegeer is.

10. (1) 'n Inspekteur aan wie die registrateur skriftelik inspeksiebevoegdhede verleen het, kan ondersoek instel— Bevoegdhede van inspekteurs.

(a) ten einde vas te stel of daar voldoen word of is aan enige voorwaarde wat ingevolge artikel 7 (2) of 8 (2) ten opsigte van enige skema of private sentrum opgelê is;

(b) betreffende die doelmatigheid van die opleiding wat ooreenkomstig 'n skema of by 'n private sentrum verskaf word;

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- (c) as to any other matter connected with any scheme or any private centre which in the opinion of the registrar should be inspected,
and may for that purpose—
- (i) without giving any prior notice enter any place or upon any premises in respect of which he has reason to believe that it is used for or connected with the providing of any training, and inspect such place or premises and any equipment, facilities or materials used for the purposes of such training; 5
 - (ii) question any person whom he finds at such place or on such premises, either in private or in the presence of any other person; 10
 - (iii) inspect any book, record or other document connected with any training or in writing order any person having in his possession or under his control such book, record or other document to put it at his disposal for the purposes of inspection; 15
 - (iv) make extracts from and copies of any book, record or other document referred to in paragraph (iii). 20
- (2) No person shall—
- (a) fail on demand to put at the disposal of any inspector referred to in subsection (1) anything in his possession or under his control or on his premises which may relate to any inspection; 25
 - (b) fail to comply with any order given under subsection (1) (iii);
 - (c) hinder or obstruct any inspector in the exercise of his powers under this section;
 - (d) falsely hold himself out to be an inspector. 30
- (3) Any inspector who exercises any power in terms of this section shall, at the request of any person affected by the exercise of such power, produce the inspection authority in writing furnished to him in terms of subsection (1).
- (4) Any inspector who has carried out an inspection in terms of this section shall report to the registrar thereon, and thereupon the registrar may take such steps as he may think fit in the circumstances in question. 35

Exemption from
certain provisions.

11. (1) The Minister may, on such conditions as he may deem fit and after consultation with the council, exempt any person from the provisions of section 8 (1) if he is of the opinion that in respect of such person there are special circumstances justifying such exemption. 40

(2) The Minister may at any time withdraw any exemption granted in terms of subsection (1) or amend the conditions on which it was granted. 45

(3) The Minister may in writing and on such conditions as he may think fit delegate any power conferred upon him by this section to any officer in the service of the Department and may at any time withdraw any power so delegated. 50

Secrecy.

12. No person shall in respect of the business of any employer disclose to any person any information which came to his knowledge in the carrying out of any duty or the performance of any function in terms of this Act or as a result of his attending any meeting of the council or any committee except— 55

- (a) for the purpose of carrying out any duty or performing any function in terms of this Act; or
- (b) when it is required by order of any competent court or in terms of any law.

Regulations.

13. (1) The Minister may make regulations— 60

- (a) relating to the issue of certificates to employees who have successfully undergone any training in accordance with any scheme or at any private centre;

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- (c) betreffende enige ander aangeleentheid wat met 'n skema of 'n private sentrum in verband staan en wat na die oordeel van die registrateur geïnspekteer behoort te word,

5 en kan vir daardie doel—

- (i) sonder voorafgaande kennisgewing enige plek of perseel betree of binnegaan ten opsigte waarvan hy rede het om te glo dat dit gebruik word vir of in verband staan met die verskaffing van enige opleiding, en daardie plek of perseel en enige toerusting, fasiliteite of materiaal wat vir die doeleindes van daardie opleiding gebruik word, inspekteer;
- (ii) iemand wat hy op daardie plek of perseel aantref of alleen of in die teenwoordigheid van iemand anders ondervra;
- (iii) enige boek, rekord of ander stuk wat in verband staan met enige opleiding inspekteer of iemand in wie se besit of onder wie se beheer daardie boek, rekord of ander stuk is, skriftelik gelas om dit vir die doeleindes van inspeksie tot sy beskikking te stel;
- (iv) uittreksels uit en afskrifte van enige boek, rekord of ander stuk bedoel in paragraaf (iii) maak.

(2) Niemand mag—

- (a) in gebreke bly om op aanvraag enigiets in sy besit of onder sy beheer of op sy perseel wat betrekking kan hê op 'n inspeksie, tot die beskikking van 'n inspekteur bedoel in subartikel (1) te stel nie;
- (b) in gebreke bly om te voldoen aan 'n bevel wat kragtens subartikel (1) (iii) gegee is nie;
- (c) 'n inspekteur by die uitoefening van sy bevoegdheid kragtens hierdie artikel hinder of dwarsboom nie;
- (d) valslik voorgêe dat hy 'n inspekteur is nie.
- (3) 'n Inspekteur wat 'n bevoegdheid ingevolge hierdie artikel uitoefen, moet op versoek van iemand wat deur die uitoefening van daardie bevoegdheid geraak word, die skriftelike inspeksiebevoegdheid toon wat ingevolge subartikel (1) aan hom verleen is.
- (4) 'n Inspekteur wat 'n inspeksie ingevolge hierdie artikel uitgevoer het, moet aan die registrateur daarvoor verslag doen en daarop kan die registrateur die stappe doen wat hy in die betrokke omstandighede goedvind.

11. (1) Die Minister kan op die voorwaardes wat hy goedvind en na oorleg met die raad enigiemand van die bepalings van artikel 8 (1) vrystel indien hy van oordeel is dat daar ten opsigte van so iemand spesiale omstandighede is wat sodanige vrystelling regverdig.

Vrystelling van sekere bepalings.

(2) Die Minister kan te eniger tyd 'n vrystelling wat ingevolge subartikel (1) verleen is, intrek of die voorwaardes waarop dit verleen is, wysig.

(3) Die Minister kan enige bevoegdheid wat by hierdie artikel aan hom verleen is, skriftelik en op die voorwaardes wat hy goedvind aan 'n beamppte in die diens van die Departement delegeer en kan te eniger tyd 'n bevoegdheid intrek wat aldus gedelegeer is.

12. Niemand mag ten opsigte van die sake van 'n werkgewer enige inligting wat hy by die uitvoering van enige plig of die verrigting van enige werksaamheid ingevolge hierdie Wet of as gevolg van die bywoning van enige vergadering van die raad of 'n komitee te wete gekom het aan iemand bekend maak nie behalwe—

Geheimhouding.

- (a) met die doel om ingevolge hierdie Wet enige plig uit te voer of werksaamheid te verrig; of
- (b) wanneer dit op bevel van 'n bevoegde hof of ingevolge 'n wetsbepaling vereis word.

13. (1) Die Minister kan regulasies uitvaardig—

Regulasies.

- (a) betreffende die uitreiking van sertifikate aan werknemers wat opleiding ingevolge 'n skema of by 'n private sentrum met goeie gevolg afgelê het;

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(b) relating to any matter which the Minister considers it necessary to prescribe in order that the objects of this Act may be achieved.

(2) Any regulation made under subsection (1) may prescribe that any person who contravenes or fails to comply with such regulation shall be guilty of an offence and liable on conviction to a fine not exceeding R50 or to imprisonment for a period not exceeding one month. 5

Offences.

14. Any person who—

(a) contravenes the provisions of section 8 (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment;

(b) contravenes or fails to comply with the provisions of section 10 (2) or 12 shall be guilty of an offence and liable on conviction to a fine not exceeding R50 or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment. 15

Short title and commencement.

15. This Act shall be called the In-Service Training Act, 1979, 20 and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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(b) betreffende enige aangeleentheid wat die Minister nodig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.

(2) 'n Regulasie wat kragtens subartikel (1) uitgevaardig is, kan voorskryf dat iemand wat daardie regulasie oortree of in gebreke bly om daaraan te voldoen, aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met 'n boete van hoogstens R50 of gevangenisstraf vir 'n tydperk van hoogstens 'n maand.

14. Iemand wat—

Misdrywe.

- 10 (a) die bepalings van artikel 8 (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met sowel daardie boete as daardie gevangenisstraf;
- 15 (b) die bepalings van artikel 10 (2) of 12 oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R50 of met gevangenisstraf vir 'n tydperk van hoogstens 'n maand of met sowel daardie boete as daardie gevangenisstraf.
- 20

15. Hierdie Wet heet die Wet op Indiensopleiding, 1979, en die bepalings daarvan tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en
inwerkingtreding.

