

CHAPTER 217

THE PNEUMOCONIOSIS ACT

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CHAPTER 217

PNEUMOCONIOSIS

An Act to make new provision for the assessment and payment of compensation in connection with pneumoconiosis; to provide for the medical examination and standards of physical fitness to be required of persons exposed or likely to be exposed to the risk of pneumoconiosis; and to provide for matters incidental to or connected with the foregoing.

[Parts I, II, VI and VII-1st November, 1950]

[Parts III (except section 44), IV and V-31st December, 1950]

[Part III (section 44)-21st December, 1951]

27 of 1950
 1 of 1951
 31 of 1951
 25 of 1952
 6 of 1954
 15 of 1955
 15 of 1956
 42 of 1956
 3 of 1957
 3 of 1959
 12 of 1960
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 30 of 1962
 76 of 1963
 77 of 1965
 25 of 1971
 13 of 1994
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 233 of 1963
 497 of
 1964
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 124 of 1965
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PART I PRELIMINARY

1. This Act may be cited as the Pneumoconiosis Act.
 (As amended by No. 15 of 1955)

Short title

2. (1) In this Act, unless the context otherwise requires-

"actuary" means an actuary appointed by the Minister for the purposes of this Act under section *six*;

"benefit", when used as a noun, means, according to the context, money which has been paid, or the payment of money, or a claim for the payment of money, to or on behalf of a miner or to or on behalf of a dependant of a deceased miner, under the provisions of this Act, or of the repealed Act, because the miner was found to be or to have been suffering from pneumoconiosis or tuberculosis or from both these diseases, but does not include financial assistance which the Board is empowered by sections *sixty-five* and *sixty-six* to give in its discretion; and reference to a benefit under any specific provision of this Act shall be deemed to include reference to a benefit under the corresponding provision of the repealed Act;

"Board" means the Pneumoconiosis Compensation Board established under section *seven*;

"Board of Appeal" means the Medical Board of Appeal established under section *twenty-five*;

"Bureau" means the Pneumoconiosis Medical and Research Bureau established under section *twenty*;

"certificate of fitness" means any of the following certificates issued by the Bureau under this Act:

- (a) an initial certificate;
- (b) an initial (restricted) certificate;
- (c) a periodical certificate;
- (d) a periodical (restricted) certificate;
- (e) a special certificate;

"certification" and any part of the verb "certify", in relation to an act by the Bureau, means the issue by the Bureau of a report that there is or are present in any person pneumoconiosis or tuberculosis or both those diseases;

"Chairman of the Board" means the Chairman of the Pneumoconiosis Compensation Board appointed under the provisions of section *four*;

"child" means an unmarried son or daughter and includes-

- (a) an illegitimate child;
- (b) a posthumous child;
- (c) a stepchild, which term shall be deemed to include an

illegitimate child of the wife of a miner or of any woman with whom the miner was, in the opinion of the Board, living as man and wife at the time of first certification, if such child was wholly or partly supported by the miner;

(d) a child adopted under the provisions of the Adoption Act, or adopted prior to the commencement of that Act or outside Zambia, if the child was in fact adopted prior to the first certification of the adoptive father by the Bureau;

"commencement of this Act" means, in relation to any particular provision of this Act, the date of commencement of that provision:

"commonwealth" means-

(a) the self-governing members of the Commonwealth;

(b) all British colonies;

(c) all states and territories under the protection of Her Britannic Majesty through Her Government in the United Kingdom; and

(d) all territories administered by governments of the Commonwealth in accordance with a mandate from the League of Nations or under the trusteeship system of the United Nations;

"dependant" means, in relation to a deceased miner, any person deemed to be a dependant of such miner under section *three*;

"Director of the Bureau" means the director of the Pneumoconiosis Medical and Research Bureau appointed under the provisions of section *twenty-one*;

"earnings", in relation to any miner, means the remuneration payable to such miner by his employer for his work but does not include any amount payable for overtime, extra duty, shift differential or as an allowance or bonus;

"employer" means-

(a) the owner of a scheduled mine or any person who, under any agreement whatever, works such a mine, and, where any miner engaged in working at such a mine is employed through a contractor, such owner or other person who, under any agreement whatever, works such mine shall be deemed to be his employer; and

(b) for the purpose of the giving and receiving of statements, notices or other documents under this Act, includes the manager, secretary, accountant, treasurer, duly authorised agent or other responsible person employed or appointed by the owner of a scheduled mine;

"former Bureau" means the organisation existing at Kitwe at the commencement of this Act commonly known as the Bureau and

provided for by sub-heads 43 to 59 inclusive of Head 16 of the estimates of expenditure of the former Protectorate of Northern Rhodesia approved for the year 1950;

"former employer" means an employer who has terminated the contract of a miner or whose contract with a miner has been terminated;

"Fund" means the Pneumoconiosis Compensation Fund established under section *eighty-nine*;

"initial certificate" means a certificate to which a person is entitled under paragraph (a) of subsection (3) of section *thirty-nine* and issued to such person under subsection (5) of that section;

"initial examination" means either a medical examination performed by the Bureau under section *thirty-nine* or the interpretation by the Bureau of a medical examination performed for the same purpose by a medical practitioner or medical practitioners outside Zambia under section *twenty-three*;

"initial (restricted) certificate" means a certificate for which a person is eligible under paragraph (b) of subsection (3) of section *thirty-nine* and issued to such person under subsection (5) of that section;

"miner" means, subject to the provisions of subsection (2)-

(a) any person employed or who has been employed at a scheduled mine, the nature of whose lawful employment has necessitated his working below the surface of the ground or in any scheduled place; or

(b) any other person whom the Bureau certifies to have contracted pneumoconiosis, which, in the opinion of the Board after consultation with the Bureau, was beyond reasonable doubt contracted as a result of employment at a scheduled mine;

"owner", in relation to any scheduled mine, means the person possessing the right to extract any mineral from such mine for his own benefit;

"periodical certificate" means a certificate issued under paragraph (a) of subsection (1) of section *forty-three*;

"periodical examination" means a medical examination performed by the Bureau under section *forty* or the interpretation by the Bureau of a medical examination performed for the same purpose by a medical practitioner or medical practitioners outside Zambia under section *twenty-three*;

"periodical (restricted) certificate" means a certificate issued by the Bureau under paragraph (b) of subsection (1) of section *forty-three*;

"pneumoconiosis" means any form of pneumoconiosis due to the inhalation of mineral dust;

"prescribed day" means the 31st December, 1950, or such other day as may be prescribed in lieu thereof;

"prescribed examination" means any of the following examinations conducted by the Bureau or by a medical practitioner outside Zambia with the authority of the Bureau:

- (a) an initial examination;
- (b) a periodical examination;
- (c) a discharge examination, under section *forty-four*;
- (d) a suspect examination, under section *forty-seven*;
- (e) a benefit examination, under section *forty-eight*; and
- (f) an additional examination under section *forty-nine*;

"prospective employer" means an employer who has the intention of engaging for employment a person as a miner;

"repealed Act" means the Silicosis (Temporary Arrangements) Act, Chapter 189 of the 1948 Edition of the Laws, repealed by section *one hundred and one*;

"scheduled mine" means any mine specified in the First Schedule;

"scheduled place" means any place specified in the Second Schedule;

"special certificate" means a certificate for which a person is eligible under paragraph (c) of subsection (3) of section *thirty-nine* and issued to such person under subsection (5) of that section;

"total service as a miner" means, subject to the provisions of section *seventy-nine*, the aggregate, whether the periods were continuous or not, of-

- (a) any period of service as a miner at any scheduled mine;
- (b) any period of service as a miner or native labourer, as defined in the Pneumoconiosis Act, 1956, of the Republic of South Africa, in any mine which is a controlled mine of Group A or Group B under the provisions of the said Act;
- (c) any period of service as a worker as defined in the Pneumoconiosis Act, 1960, of Southern Rhodesia, in any mining location in that Colony which has not been declared under that Act to be an exempted mining location; and
- (d) any period of mining service actually below the surface of the ground at any other place;

and any period of service referred to in paragraphs (a), (b) and (c) shall be deemed to include all periods of authorised absence from work, including Sundays and public holidays, which were immediately preceded and immediately followed by a day on which the person

whose service is being calculated worked as a miner or native labourer or worker, as the case may be;

"tuberculosis" means tuberculosis of the respiratory organs, and for the purposes of this Act a person shall be deemed to be suffering from tuberculosis when the Bureau is satisfied and certifies either-

- (a) that the sputum of the person in question contains the bacillus of tuberculosis; or
- (b) that the person in question, although his sputum does not contain the bacillus of tuberculosis at the time of examination, has tuberculosis of the respiratory organs in such a degree as to render his continued employment as a miner dangerous to himself or to others.

(2) For the purposes of the definition of "miner" in subsection (1), "working" does not include the performance of infrequent inspection or other occasional duties underground or in scheduled places or the performance underground or in a scheduled place of any work or duty necessitated by and performed during any serious emergency. In the event of any doubt or dispute whether duties are infrequent, occasional or otherwise, or whether any emergency was serious or not, or as to the duration of any emergency, the decision of the person carrying out the duties of Chief Inspector of Mines under the Mines and Minerals Act shall be final. Cap. 213

(As amended by No. 31 of 1951, No. 15 of 1955, No. 42 of 1956, No. 3 of 1957, No. 30 of 1962, No. 76 of 1963, S.I. No. 124 of 1965 and No. 77 of 1965)

3. (1) For the purposes of this Act, the following persons shall be deemed to be dependants of a deceased miner: Dependants of miner

(a) any widow of such miner who did not desert him during his lifetime or who, having so deserted him, *bona fide* returned to him before his death; or, if there is no such widow, any woman with whom such miner was, in the opinion of the Board, living as man and wife at the time of his death, and any such woman shall, for the purposes of this Act, be deemed to be his widow;

(b) the children of such miner, either under the age of eighteen years or, in the opinion of the Board, incapable by reason of ill health or physical or mental infirmity of earning their own living;

(c) the children of such miner who, but for the fact that they are

over the age of eighteen years, would be deemed to be dependants under the provisions of paragraph (b), who are under the age of twenty-five years and are attending a full-time educational course:

Provided that-

- (i) the persons specified in this subsection shall only be deemed to be dependants of the deceased miner so long as they remain unmarried;
- (ii) a stepchild shall be deemed to be a dependant of the deceased miner only if such child was, in the opinion of the Board, dependent upon such miner before the date upon which such miner first became entitled to a pension under the provisions of this Act.
- (iii) an adopted child shall be deemed to be a dependant of the deceased miner only if such child was, in the opinion of the Board, dependent upon him at the time of first certification by the Bureau.

(2) In default of any dependent of a deceased miner under the provisions of subsection (1), and subject to the provisions of paragraph (c) of subsection (2) of section *sixty-eight* and of subsection (2) of section *seventy-seven*, such of the following persons shall be deemed to be dependants of such deceased miner as, in the opinion of the Board, were dependent upon him at the time of his death and who have not contracted a marriage since the death of such miner:

- (a) his children over the age of eighteen years;
- (b) his father, mother, stepfather and stepmother;
- (c) his brother, sister, half-brother, half-sister and any of their children;
- (d) his grandparents and grandchildren; and
- (e) any other relation of his by consanguinity or affinity.

(As amended by No. 31 of 1951 and No. 77 of 1965)

PART II

ADMINISTRATION

Appointment of Officers

4. (1) The Minister shall appoint a Chairman of the Board. Appointment of
Chairman of Board

(2) Subject to the provisions of section *seventeen*, the Chairman of the Board may exercise all or any of the powers conferred upon the Board by this Act other than-

(a) the powers conferred upon the Board by Part VI; and

(b) the powers of the Board relating to the borrowing, lending and investment of money, and the realisation of investments.

*(As amended by No. 1 of 1951, No. 25 of 1952,
No. 15 of 1955 and No. 77 of 1965)*

5. Subject to the provisions of any law for the time being in force relating to the public service, the Public Service Commission may appoint such medical, technical, clerical, accounting and other officers as may be necessary for the efficient performance of the functions of the Board, the Bureau and the Board of Appeal. Appointment of
medical and other
officers

(As amended by No. 15 of 1955 and S.I. No. 124 of 1965)

6. The Minister shall from time to time appoint an actuary for the performance of the special duties specified in Part VI and for the performance of any other duties which the Board or Bureau may desire to refer to such officer. Appointment of
actuary

(As amended by No. 77 of 1965)

Pneumoconiosis Compensation Board

7. (1) Upon the commencement of this Act there shall be established a Board to be known as the Pneumoconiosis Compensation Board. Establishment of
Board

(2) The Board shall be a body corporate capable of suing and being sued in its corporate name and with power, subject to the provisions of

this Act, to do all such acts and things as a body corporate may do by law and may be necessary for or incidental to the carrying out of the powers, duties and functions of the Board under this Act.

(As amended by No. 3 of 1957)

8. (1) The Board shall consist of the Chairman of the Board and the following other members: Composition of Board

- (a) the Workers' Compensation Commissioner;
- (b) the Medical Superintendent of the Central Hospital, Kitwe;
- (c) the Director of the Bureau;
- (d) one member representing the Minister;
- (e) one member to be nominated by the Minister responsible for finance and appointed by the Minister;
- (f) two members to be appointed by the Minister from persons nominated by the registered trade unions representing the employees of the scheduled mines;
- (g) one member to be nominated by Mindeco Limited and appointed by the Minister;
- (h) one member to be nominated by Roan Consolidated Mines Limited and appointed by the Minister; and
- (i) one member to be nominated by Nchanga Consolidated Copper Mines Limited and appointed by the Minister.

(2) For each of the members of the Board other than the Chairman there shall be appointed an alternate member, and the provisions of subsection (3) and of section *nine* shall apply to alternate members. The alternate members shall be appointed by the Minister, and, in the case of alternate members for the members mentioned in paragraphs (e) to (i) of subsection (1), they shall be nominated in the manner prescribed in the aforementioned paragraphs (e) to (i) before they are so

appointed.

(3) If any of the persons mentioned in paragraphs (f) to (i) of subsection (1) fails, neglects or refuses to submit a nomination or nominations, as the case may be, pursuant to subsection (1) or (2), the Minister may, in lieu thereof, appoint such person or persons as he may deem fit to be a member or members of the Board.

(No. 25 of 1971)

9. (1) Subject to the provisions of subsection (2), the members of the Board appointed under paragraphs (f) to (i) of subsection (1) of section ^{Terms of office of} *eight* shall hold office for three years and shall be eligible for ^{members of Board} reappointment.

(2) The Minister may declare the appointment of any such member to be vacated if he is satisfied that such member-

(a) has died; or

(b) has been absent from three consecutive meetings of the Board without the permission of the Board; or

(c) is incapacitated by physical or mental illness; or

(d) is otherwise unfit or unable to discharge his functions as a member of the Board;

and in such case the Minister shall appoint to fill the vacancy a person chosen in the same manner as such member was chosen.

(3) If any of the members of the Board appointed under paragraphs (f) to (i) of subsection (1) of section *eight* is prevented by illness, absence from Zambia or other specific cause from exercising his functions as a member of the Board, the Minister may appoint any person to act for such member during his absence. The provisions of paragraph (f), (g), (h) or (i), as the case may be, of subsection (1) of section *eight*, shall apply to the appointment of such a person.

(4) If at any meeting of the Board the Chairman of the Board is

absent, the members of the Board who are present shall elect as chairman for that meeting one of the members present who is mentioned in paragraph (a), (b), (e) or (f) of subsection (1) of section eight.

(As amended by No. 15 of 1955, No. 12 of 1960, No. 77 of 1965 and No. 25 of 1971)

10. (1) Meetings of the Board shall be held as often as may be necessary, but not less frequently than once in any three months.

Meetings of Board
and quorum

(2) Five members of the Board, of whom one may be the chairman, shall form a quorum at any meeting thereof.

(3) The decision of the majority of the members of the Board present at any meeting shall constitute a decision of the Board:

Provided that in the event of an equality of votes, the chairman at the meeting shall have a casting vote in addition to his deliberative vote.

(4) An alternate member may attend and take part in the proceedings at any meeting of the Board notwithstanding the presence at such meeting of the member to whom he is alternate, but shall not be entitled to a vote unless the member to whom he is alternate is absent.

(5) Subject to the provisions of this Act, the procedure at meetings of the Board shall be determined by the Board.

11. (1) It shall be the duty of the Board generally to carry into effect the provisions of this Act relating to the award of benefits, the obtaining of funds from owners of scheduled mines and such other matters as are provided for in Parts IV, V and VI, and, in particular, the Board shall-

General powers,
duties and functions
of Board

(a) control and administer all funds and moneys placed under the control or at the disposal of the Board by or under this Act; and

(b) determine what persons are entitled to benefits under this Act and the benefits to which such persons are entitled, and shall pay such benefits from the funds at the disposal of the Board.

(2) The Board may from time to time make such recommendations to the Minister as it may deem desirable for the improvement of this Act and of any regulations made thereunder.

(As amended by No. 77 of 1965)

12. (1) All assets and liabilities which at the commencement of this Act were assets and liabilities of the former Board shall devolve upon the Board. Transfer of assets and liabilities of former Board

(2) For the purposes of this Act all acts performed by the former Board under and in accordance with the provisions of the repealed Act shall be deemed to have been done by the Board under and in accordance with the provisions of this Act.

13. (1) The Board shall deposit all its revenue in an account, in the name of the Board, at a bank or banks approved by the Minister and shall not pay out any money except by means of an order signed by two persons designated by the Board directing such bank or banks to pay the sum or sums in question on behalf of the Board. Deposit and investment of moneys

(2) The Board may invest any moneys belonging to the Fund in any of the following ways:

(a) in investments which are trustee investments within the meaning of the British Act known as the Trustee Act, 1925, or any Act amending the same or substituted therefor;

(b) in public stock, funds or debentures issued or guaranteed by the Government or of any part of the Commonwealth;

(c) on fixed deposit with any bank carrying on business within Zambia;

(d) in the Post Office Savings Bank;

(e) in any stock of a municipal council, or of a public utility corporation, or institution not carrying on business for gain, where such council, corporation or institution is within the Commonwealth;

(f) in any other investment approved by the Minister.

*(As amended by No. 31 of 1951, No. 25 of 1952,
G.N. No. 233 of 1964, S.I. No. 124 of 1965
and No. 77 of 1965)*

14. The Board may, with the consent of the Minister, borrow money ^{Power to borrow} for the purpose of any function which the Board is by this Act required ^{money} to perform.

(As amended by No. 77 of 1965)

15. (1) The Board shall cause full and true accounts to be kept in ^{Accounts and audit} respect of the Fund showing-

- (a) the investments of the Fund;
- (b) all sums received by or due to the Fund from any source;
- (c) all moneys paid out by the Board; and
- (d) all ascertained liabilities of the Fund.

(2) The Board shall cause the books and accounts of the Fund to be balanced every year up to the last day of December in such year, and a balance to be made up showing, as at that date, the assets of the Fund, including the investments, and the existing and accruing liabilities thereof.

(3) The Board shall cause proper books of account and other records to be kept in relation to its undertakings and property, and shall prepare yearly balance sheets, made up to the 31st December of each year, showing in all necessary detail the assets, liabilities, revenue and expenditure of the Board.

(4) All accounts kept by the Board shall be audited by an auditor chosen by the Board and approved by the Minister.

(5) The Board shall, as soon as possible after the end of each year

ending on the 31st December, furnish to the Minister a report upon its working operations during such year.

(6) The Board shall furnish to the Minister, either together with the report referred to in subsection (5) or as soon thereafter as practicable, a balance sheet and a complete statement, duly audited and accompanied by the report of the auditor, of the Board's revenue and expenditure during the year covered by the said report.

(As amended by No. 31 of 1951 and No. 77 of 1965)

16. (1) For the purpose of determining any matter the Board shall, in addition to its other functions and powers, have the same powers as are vested in a subordinate court to summon witnesses and to examine them on oath and to call for the production of documents. ^{Power to summon witnesses and take evidence}

(2) A summons for the attendance of a witness or for the production of any book, document or record before the Board shall be signed and issued by the Chairman of the Board, and shall be served in the same manner as a summons for the attendance of a witness at a criminal trial before a subordinate court.

(3) Any person summoned to give evidence or to produce any book, document or record or giving evidence before the Board shall be entitled to the same privileges and immunities as if he were summoned to attend or were giving evidence at a trial before a subordinate court.

(4) If any person who has been summoned to give evidence or to produce any book, document or record before the Board fails, neglects or refuses without reasonable excuse-

(a) to attend in obedience to such summons; or

(b) to be sworn as a witness; or

(c) having been sworn, to answer fully and to the best of his knowledge any question lawfully put to him; or

(d) to produce any such book, document or record;

he shall be guilty of an offence.

(As amended by No. 31 of 1951)

17. (1) The Chairman of the Board shall submit to each meeting of the Board, with such details as the Board may require, a report as to his exercise under subsection (2) of section *four*, of the powers of the Board since the previous meeting of the Board.

Exercise of powers
of Board by
Chairman of Board

(2) The amount and nature and method of payment of every benefit under this Act awarded by the Chairman of the Board in exercise of the powers of the Board shall be provisional, pending confirmation or variation by the Board, and the beneficiary concerned or a person acting on his behalf, when notified of the award of the Chairman of the Board, shall be notified that the amount, nature and method of payment thereof are provisional and such person shall, in due course, be notified of the confirmation or variation by the Board of the amount, nature and method of payment of such provisional award.

(3) A beneficiary or a person acting on his behalf, who, on receipt of notice of a provisional award, desires to make representations concerning any or all of the terms of such provisional award before the Board proceeds to confirm or vary the same shall, within fourteen days of the receipt of such notice, request the Chairman of the Board in writing to delay consideration by the Board of such provisional award until representations with regard to its terms have been received by him in writing.

(4) When the Chairman of the Board has received a written request to delay consideration by the Board as provided for in subsection (3), he shall not submit the provisional award in question to the Board for confirmation or variation until the meeting of the Board next following a period of forty days subsequent to the date of service of notice of the provisional award.

(5) When notice of a request has been given to the Chairman of the Board under subsection (3), the Chairman of the Board shall, at the meeting of the Board referred to in subsection (4), put the provisional award in question before the Board for confirmation or variation, either with or, if none has been received, without the written representations referred to in subsection (3), and the Board may then proceed to confirm or vary such provisional award.

(6) If the Chairman of the Board, when considering any matter relating to the payment to any person of a benefit, deems it expedient not to exercise the powers conferred upon him by subsection (2) of section *four*, he shall refer the matter to the Board, either at its next meeting or by circulation to all members, and shall inform the person whose benefit is in question that the matter has been so referred.

(As amended by No. 15 of 1955 and No. 30 of 1962)

18. Except where specifically provided, every finding, opinion and determination of the Board shall be final. Finality of Board's decisions

(As amended by No. 31 of 1951)

19. Subject to the provisions of section *eighty*, where the Board has paid to or for the benefit of any person any sum of money which was not due to that person, the Board may recover such sum either directly or by deduction from any benefit to which such person has or will become entitled. Recovery by Board of money paid in error

Pneumoconiosis Medical and Research Bureau

20. Upon the commencement of this Act there shall be established a Pneumoconiosis Medical and Research Bureau for the purpose of carrying into effect the provisions of Part III and carrying out the functions of the examining and certifying medical authority under this Act. Establishment of Bureau

(As amended by No. 3 of 1957)

21. The Bureau shall consist of a director, deputy director and such other members as the Minister may appoint. The director, deputy director and other members shall be medical practitioners in the service of the Government. Composition of Bureau

(As amended by No. 15 of 1955, No. 3 of 1957 and No. 7 of 1965)

22. The Bureau shall be under the direction and control of the Director of the Bureau and shall work in conjunction with the Board, and on all purely medical questions the advice and decision of the Bureau shall, subject to the provisions of section *twenty-eight*, be accepted by the Board and by any other person interested under this Function and control of Bureau

Act.

(No. 15 of 1955 as amended by No. 3 of 1957)

23. Except where otherwise specifically provided, the Bureau shall- Conduct of medical examinations and issue of certificates and reports by Bureau

(a) conduct all medical examinations required under this Act. In the case of a person who is resident outside Zambia, the Bureau may, in its discretion, and subject to the payment of any expenses involved by the person concerned, authorise the performance of a medical examination by a medical practitioner or medical practitioners approved by the Bureau for the purpose, but the Bureau shall interpret the findings of such examination and no certificate or report on any medical matter other than a certificate or a report by the Bureau or the Board of Appeal shall be valid for any purpose of this Act. Medical practitioners approved as aforesaid shall send to the Bureau a report written on a form to be supplied by the Bureau of the findings of each examination made together with a radiograph, to the satisfaction of the Bureau, of the chest of each person examined;

(b) issue all the certificates and reports referred to in Part III except those required under the provisions of subsection (1) of section *thirty-one*. Certificates and reports issued by the Bureau shall, subject to any finding of the Board of Appeal, be in accordance with the interpretation by the Bureau of the findings at examinations carried out in accordance with the provisions of paragraph (a).

24. All medical examinations and all certificates and reports which were validated by section *forty-eight* of the repealed Act, and all medical examinations and all reports and certificates of fitness performed or issued by the Director of Medical Services, or by the former Bureau in accordance with the arrangements made under the authority of section *twenty-three* of the repealed Act before the commencement of this Act, shall be deemed to have been performed and issued by the Bureau established under this Act and such reports and certificates shall be accepted by the Board and by every person interested under this Act in like manner as if they had been issued by the Bureau. Validity of examinations, certificates of fitness and reports issued prior to the commencement of this Act

Medical Board of Appeal

25. Upon the commencement of this Act, there shall be established a Medical Board of Appeal to which appeals against decisions of the Bureau shall lie in accordance with section *twenty-eight*. Establishment of Board of Appeal

26. (1) The Board of Appeal shall consist of the Director of Medical Services, who shall be the chairman of the Board of Appeal, the Director of the Bureau, one of the medical staff of the Bureau nominated by the Director of the Bureau and appointed by the Minister, and two medical practitioners in the service of the Government nominated by the Director of Medical Services and appointed by the Minister.

Composition of
Board of Appeal

(2) When an appeal concerns a report by the Bureau upon the findings resulting from a *post-mortem* examination, there shall be added to the Board as a member thereof a Government pathologist, who shall be nominated by the Director of Medical Services and appointed by the Minister.

(As amended by No. 15 of 1955,
No. 3 of 1957, No. 76 of 1963
and No. 77 of 1965)

27. The Board of Appeal shall meet as often as may be necessary, and shall consider all appeals which may be made to it in accordance with the provisions of this Act and all questions referred to it under section *thirty-three*.

Meetings of Board of
Appeal

28. (1) Subject to such conditions as may be prescribed, any miner who is dissatisfied with a report of the Bureau on any prescribed examination other than an initial examination, and who has not accepted any benefit under an award made as the result of such report, may, within thirty days after the receipt by him of the Bureau's report on such examination, appeal to the Board of Appeal, whose decision thereon shall, subject to the provisions of section *thirty-two*, be final, and shall not be subject to any further review or appeal.

Appeals to Board of
Appeal

(2) Whenever any dependant of a deceased miner is dissatisfied with the report of the Bureau as to the cause of such miner's death, or as to whether such miner did or did not have pneumoconiosis or tuberculosis, or both these diseases, at the time of his death, and if such dependant has not accepted any benefit under an award made by the Board as a result of such report, he may, within thirty days after the receipt by him of the Bureau's report, appeal to the Board of Appeal, whose decision shall, subject to the provisions of section *thirty-two*, be final, and shall not be subject to any further review or appeal:

Provided that the acceptance of any benefit shall not debar a beneficiary from appealing to the Board of Appeal if the appeal is based upon any fact of which the appellant was not aware at the time of such acceptance.

(As amended by No. 31 of 1951 and No. 15 of 1955)

29. When the Board of Appeal is considering any appeal against a decision of the Bureau, all radiographic, clinical and other records which are in the custody of the Bureau, and which relate to the subject-matter of the appeal, shall be made available to the Board of Appeal.

Records in custody of Bureau to be available for appeals

30. Any microfilmed or photostat copy of any radiographic, clinical or other similar records in the custody of the Bureau purporting to be certified as a true copy of any such record by the Director of the Bureau shall be admissible as evidence of the matters contained therein in all proceedings before a court.

Certified copies of records in custody of Bureau to be admissible as evidence of contents

(No. 77 of 1965)

31. (1) After the hearing of every appeal under the provisions of this Act, a report stating its decision in respect of the subject of the appeal shall be issued by the Board of Appeal.

Reports on appeals

(2) Any report which is issued under the provisions of subsection (1) shall be sent to the appellant, and a copy of the report shall be sent to the employer or former employer, as the case may be, to the Board and to the Bureau.

(As amended by No. 30 of 1962)

32. (1) When the Board of Appeal has issued a report and subsequently is satisfied that at the date of issue such report was incorrect, the Board of Appeal may issue a correct report which shall, subject to the provisions of section *eighty*, supersede and cancel the incorrect report.

Correction of reports

(2) When a correct report has been issued under the provisions of subsection (1), the provisions of subsection (2) of section *thirty-one* shall apply in respect of the issue of such correct report.

33. The Bureau may refer any medical questions for the opinion of the Board of Appeal, but when such reference is made by the Bureau, the opinion of the Board of Appeal shall not be binding upon the Bureau in respect of any decision arrived at, or to be arrived at, by the Bureau.

Reference of questions for opinion of Board of Appeal

PART III

MEDICAL EXAMINATIONS, CERTIFICATES OF FITNESS AND REPORTS

General

34. Any person who-

(a) employs as a miner any person who is not the subject of a valid certificate of fitness; or

(b) employs as a miner any person who is the subject of an initial (restricted) certificate or a periodical (restricted) certificate otherwise than in accordance with the restrictions set out in such certificate; or

(c) employs as a miner any person who is the subject of a special certificate for more than an aggregate of one hundred hours in any period of thirty days; or

(d) works as a miner without being the subject of a valid certificate of fitness; or

(e) being the subject of an initial (restricted) certificate or periodical (restricted) certificate, works as a miner otherwise than in accordance with the restrictions set out in such certificate; or

(f) being the subject of a special certificate, works as a miner for more than an aggregate of one hundred hours in any period of thirty days;

shall be guilty of an offence:

No employment without, or in breach of, a certificate of fitness

Provided that when a miner is or is to be presented for examination under section *forty-one*, the continuation of his working or employment as a miner up to fifteen days or for such longer period as the Bureau may authorise in writing with reference to him, after the validity of his certificate of fitness has expired, shall not constitute an offence against

the provisions of this Act.

(As amended by No. 30 of 1962)

35. (1) In order to obtain a certificate of fitness, the person concerned shall undergo the appropriate examination prescribed by this Act as hereinafter provided. Method of obtaining certificate of fitness

(2) Any employer or prospective employer desiring to present any person for a prescribed examination shall do so at a date and time to be arranged between the Bureau, or medical practitioner outside Zambia authorised by the Bureau under paragraph (a) of section *twenty-three*, and such employer or prospective employer.

(3) Any person not employed as a miner or having no definite offer of employment as a miner, who desires to undergo a prescribed examination, shall apply to the Bureau in person or in writing and shall attend for examination at the date and time fixed by the Bureau for the purpose.

(As amended by No. 30 of 1962)

36. (1) Before any prescribed examination is carried out, the first part, that is to say, the statement as to the nature of the examination, personal particulars, occupational history and declaration as to the truth of the particulars given, of the appropriate form supplied by the Bureau shall be completed and delivered to the Bureau at the same time as the person concerned presents himself, or is presented, for examination. Application forms for prescribed examinations

(2) In the case of a miner in employment as such, or a person presented by an employer for engagement as a miner, such required particulars shall be entered on the form by the employer or prospective employer, and the declaration that the particulars are correct shall be signed by such employer or prospective employer and by such miner or person presented for engagement as a miner, as the case may be.

(3) In all other cases the person to be examined shall enter or cause to be entered on his behalf such required particulars on the form and shall, as the Bureau may require, sign, or affix his thumbprint to, the declaration that the particulars are correct.

(4) Any person who knowingly makes a false statement on such form, and any person who knowingly leads any other person to record a false statement on any such form, shall be guilty of an offence.

(5) When any person is convicted of an offence under subsection (4) the court convicting him may, if it is satisfied that the Bureau has issued to or in respect of the convicted person any certificate of fitness or report which, but for the false statement, would not have been issued, direct that such certificate or report shall forthwith be cancelled and the person having custody of any such certificate of fitness shall forthwith return the same to the Bureau for cancellation.

(6) Any person who fails to return a certificate of fitness to the Bureau in accordance with subsection (5) shall be guilty of an offence and liable to a fine of three hundred penalty units.

(As amended by No. 31 of 1951, No. 30 of 1962 and Act No. 13 of 1994)

37. (1) On the occasion of every prescribed examination of a person who is in employment as a miner, the employer having the custody of the miner's certificate of fitness shall cause such certificate to be delivered to the Bureau before the new examination may be performed.

Existing, expired or expiring certificates of fitness to be delivered to Bureau at every examination

(2) On the occasion of every prescribed examination of a person who is not at the time of examination in employment as a miner but in respect of whom any certificate under this Part or under the repealed Act has been issued and has not been returned to the Bureau, such certificate shall, whether valid or expired, be delivered to the Bureau before the new examination may be performed.

(3) Notwithstanding the provisions of subsections (1) and (2), the Bureau may, if satisfied that a certificate not delivered as required has been lost or destroyed, proceed with an examination and issue a certificate appropriate to the case, having regard to the Bureau's records of previous examinations and certificates in respect of the person concerned.

38. (1) Upon any prescribed examination, after both clinical and radiological examination of the person examined, and having regard to

Stages of pneumoconiosis

the occupational history of such person and to any other factor considered by the Bureau to be relevant-

- (a) if the Bureau is satisfied that pneumoconiosis is present in the lungs of such person and that such pneumoconiosis shows-
 - (i) radiological evidence of nodulation accompanied by no, or only very slight, incapacity; or
 - (ii) no radiological evidence of nodulation but is accompanied by moderate incapacity;

the Bureau shall certify that such person is suffering from pneumoconiosis in the first stage; or

- (b) if the Bureau is satisfied that pneumoconiosis is present in the lungs of such person and is accompanied by definite and appreciable incapacity, the Bureau shall certify that such person is suffering from pneumoconiosis in the second stage; or

- (c) if the Bureau is satisfied-
 - (i) that pneumoconiosis is present in an advanced stage in the lungs of such person; and
 - (ii) that such pneumoconiosis is accompanied by serious incapacity;

the Bureau shall certify that such person is suffering from pneumoconiosis in the third stage;

and, subject to any appeal entered under the provisions of section *twenty-eight*, any such certificate of the Bureau shall be conclusive evidence for the purposes of this Act that such person is suffering from the stage of pneumoconiosis specified in such certificate.

- (2) For the purposes of this section, "incapacity" means physical incapacity, attributable to pneumoconiosis, for his work on the part of the person concerned.

(No. 15 of 1955)

Initial Examinations

- 39.** (1) A person desiring employment as a miner who does not hold Initial examinations

a valid certificate of fitness and who is not eligible for a periodical examination-

and issue of initial,
initial (restricted)
and special
certificates

(a) if he has been offered such employment, shall be presented by his prospective employer to the Bureau for examination; and

(b) if he has no definite offer of such employment, may himself make application to the Bureau for examination.

(2) A medical examination performed by the Bureau under the provisions of this section or the interpretation by the Bureau of the findings of a medical examination performed for a like purpose by an approved medical practitioner in the case of a person resident outside Zambia under paragraph (a) of section *twenty-three*, as the case may be, shall be known as an initial examination and shall be so described on the prescribed form of application.

(3) At every initial examination the candidate shall be clinically and radiologically examined, and upon such examination the Bureau may find either-

(a) that he is free from tuberculosis and any other respiratory disease and is in every way physically suitable for work as a miner in occupations involving exposure to harmful dust, and entitled accordingly to the issue of an initial certificate; or

(b) that he does not conform to the standard laid down in paragraph (a) but is nevertheless free from tuberculosis and from pneumoconiosis in the third stage and is, in the opinion of the Bureau, medically fit for work as a miner at a particular scheduled mine in some particular occupation or occupations, and eligible accordingly for the issue of an initial (restricted) certificate; or

(c) that he does not conform to the standard laid down in paragraph (a) but is nevertheless free from tuberculosis and from pneumoconiosis in the third stage and is, in the opinion of the Bureau, medically fit for work as a miner for an aggregate of not more than one hundred hours in any one period of thirty days, and is eligible accordingly for the issue of a special certificate; or

(d) that he is not fit for work as a miner at the time of examination but may present himself or be presented for further examination after the expiration of such period as the Bureau may specify; or

(e) that he is not fit for work as a miner in any circumstances.

(4) Notwithstanding the provisions of section *forty*, the re-examination for continued employment of a person who has been employed as a miner by virtue of his having been the holder of a special certificate shall be deemed to be an initial examination, and the provisions of this section shall apply accordingly.

(5) Where a person has been examined by the Bureau under this section and has been found to be entitled to or eligible for the issue of a certificate of fitness as provided in subsection (3), the Bureau shall forthwith issue the appropriate certificate in the prescribed form:

Provided that the Bureau shall not issue an initial (restricted) certificate or a special certificate unless it is satisfied that suitable employment is or will be available for the candidate.

(6) Where a person-

(a) is presented for examination by a prospective employer under this section; or

(b) applies for examination under this section and satisfies the secretary of the Bureau that he genuinely intends to take up employment as a miner;

the examination shall be free, but in any other case the examination shall not be performed until the prescribed fee has been paid. All fees payable under this subsection shall be received by the secretary of the Bureau and paid into the general revenues of the Republic.

(7) The decision of the Bureau under this section shall be final and shall not be subject to review or appeal, and the Bureau shall be under no obligation to reveal to any person the grounds upon which a candidate for mining employment was found to be unfit for a certificate, but may in its discretion do so in any particular case.

(As amended by No. 15 of 1955 and S.I. No. 124 of 1965)

Periodical Examinations

40. Subject to the provisions of section *forty-two*, every person, whether in employment as a miner or not, in respect of whom a certificate of fitness has been issued-

Periodical
examinations

(a) if he is in employment as a miner, may be presented to the Bureau by his employer; and

(b) if he is not in employment as a miner, may himself apply to the Bureau;

for examination for the purpose of ascertaining-

(i) whether he is suffering from tuberculosis or pneumoconiosis and, if he is suffering from pneumoconiosis, the stage in which that disease is; or

(ii) if he is such a person as is mentioned in the proviso to section *forty-two*, whether his fitness for work as a miner has been seriously impaired by any disease or by old age.

Such examination shall, subject to the provisions of subsection (4) of section *thirty-nine*, be known as a periodical examination and shall be so described on the prescribed form of application for examination.

(As amended by No. 15 of 1955)

41. An employer having the custody of a certificate of fitness shall, within fifteen days before or after the date of expiry of the validity of such certificate, arrange with the Bureau for the miner concerned to undergo a periodical examination or, in the case of a person to whom subsection (4) of section *thirty-nine* applies, the examination prescribed by that subsection.

Employer to arrange
examination on
expiry of certificate
of fitness

42. No person shall be eligible for a periodical examination-

(a) save as otherwise expressly provided in this Act or as may be required by the Bureau or the Board, prior to a date fifteen days before the date of the expiry of the validity of his certificate of fitness; and

(b) unless the application for a periodical examination is made within one year and six months from the date of expiry of the validity of the last certificate of fitness issued under this Act or under the

Persons eligible for
periodical
examination

repealed Act; and

(c) unless at the date of his last examination by the Bureau or former Bureau he was found to be free from tuberculosis and from pneumoconiosis in the third stage; and

(d) where his last issued certificate of fitness was an initial certificate, unless, during the period of validity of such certificate, he has been employed as a miner:

Provided that paragraph (b) shall not apply in the case of a person who has a definite offer of employment as a miner and who has worked as a miner at one or more of the scheduled mines for a total of five years or longer and who has, since he last so worked, not worked in any occupation which, in the opinion of the Bureau, would expose him to the risk of inhaling harmful dust.

(As amended by No. 25 of 1952, No. 6 of 1954 and No. 15 of 1955)

43. (1) At every periodical examination the candidate shall be clinically and radiologically examined, and if upon such examination the Bureau finds that the person examined is free from tuberculosis and from pneumoconiosis in the third stage, the Bureau shall either-

Issue of periodical
certificates of fitness

(a) issue a certificate of fitness, to be known as a periodical certificate; or

(b) if the previous certificate of fitness issued in respect of the person examined is either an initial (restricted) certificate, or a periodical (restricted) certificate, issue a certificate of fitness, to be known as a periodical (restricted) certificate, which shall contain restrictions of a like nature to those contained in the previous certificate; or

(c) in the case of a person admitted to a periodical examination under the proviso to section *forty-two*, refuse to issue a periodical certificate, unless, in addition to freedom from tuberculosis and pneumoconiosis in the third stage, the Bureau finds that fitness for work as a miner has not been seriously impaired by any disease or by old age.

(2) When, at the time of any periodical examination, the Bureau cannot forthwith determine with certainty the presence or absence of tuberculosis, the Bureau may-

(a) suspend the validity of an existing certificate of fitness for the remaining period of its validity or any portion thereof; and

(b) withhold the issue of a periodical certificate for any period not exceeding thirty days.

(As amended by No. 15 of 1955)

Discharge Examinations

44. (1) Every employer shall inform the Bureau-

Examination of
miners before leave
or discharge

(a) when any miner, whose existing certificate of fitness when issued was valid for one year and whose total service as a miner is five years or more, is about to proceed on leave for a period exceeding ninety days or to cease to be employed by such employer:

Provided that this paragraph shall not apply to any case in which such miner has been examined within one hundred and eighty days of the date of his proceeding on leave or ceasing to be employed, as the case may be; and

(b) when any miner, whose existing certificate of fitness when issued was valid for less than one year, is about to proceed on leave for a period exceeding thirty-one days or to cease to be employed by such employer.

(2) The employer shall, so far as is practicable, supply the information required by subsection (1) not more than fourteen days and not less than seven days before the date on which such miner is due to proceed on leave or to cease to be employed, as the case may be.

(3) The Bureau shall, after an examination of its records as to the health of such miner, inform the employer whether such miner is required to present himself for examination.

(4) If the Bureau, acting in accordance with subsection (3), requires the examination to be performed, the employer shall instruct and arrange for the miner concerned to present himself for examination by

the Bureau and such miner shall so present himself.

(No. 31 of 1951 as amended by No. 30 of 1962)

45. An examination under section *forty-four* shall be known as a discharge examination and shall be so described upon the prescribed form of application delivered to the Bureau.

Description of examination

(As amended by No. 30 of 1962)

46. Any employer or miner who contravenes or fails without reasonable excuse to comply with any provision of section *forty-four* shall be guilty of an offence.

Offence

(As amended by No. 31 of 1951 and No. 30 of 1962)

Suspect Examinations

47. When a medical practitioner employed by the owner of a scheduled mine has reason at any time to suspect that any person employed as a miner at such mine may be suffering from pneumoconiosis or tuberculosis, the medical practitioner shall so inform the employer who shall arrange for such miner to be examined by the Bureau. Such examination shall be known for the purposes of this Act as a suspect examination and shall be so described on the prescribed form of application delivered to the Bureau.

Miners suspected of compensable disease to be examined

(As amended by No. 15 of 1955)

Benefit Examinations

48. Any person who-

- (a)* was formerly but is no longer employed as a miner;
 - (b)* is not the holder of a valid certificate of fitness;
 - (c)* is not qualified for a periodical examination; and
 - (d)* has not, within the twelve months immediately preceding his application, been examined by the Bureau under this section or under arrangements operating under any provision of the repealed Act;
- may apply for and shall be entitled to receive a medical examination with a view to ascertaining whether he is suffering from a disease

Examination for benefits

which may make him eligible for a benefit under this Act. Such examination shall be known as a benefit examination and shall be so described upon the prescribed form of application for examination delivered to the Bureau.

Additional Examinations

49. (1) A person who is employed as a miner who-

Additional
examinations of
miners on request

(a) believes that he is or may be suffering from respiratory disease which might entitle him to benefit under this Act;

(b) submits to the Bureau a written request to be specially examined by the Bureau together with the prescribed form of application for examination;

(c) submits with such request a certificate signed by a registered medical practitioner to the effect that he considers the request and the belief which led to the request to be reasonable; and

(d) has informed his employer that he intends to submit a request as aforesaid;

shall be entitled to be examined by the Bureau once in any calendar year in addition to any other prescribed examination during that year. Such examination shall be known as an additional examination and shall be so described upon the prescribed form of application for examination delivered to the Bureau.

(2) The Bureau shall arrange and perform all additional examinations. Additional examinations shall be both clinical and radiological.

Certificates of Fitness

50. (1) Every certificate of fitness shall be in the prescribed form and shall show the nature of the certificate, the date of its expiry, and the name and Bureau number of the person in respect of whom it was issued, and such person shall place his signature or thumb-print upon the face of the certificate. No certificate shall be valid unless it bears upon its face the signature or stamped facsimile signature of the Director or Secretary of the Bureau.

Particulars to be
shown on certificates
of fitness

(2) In addition to the particulars required by subsection (1) to be given on every certificate, an initial (restricted) certificate and a periodical (restricted) certificate shall show the fact that the validity is restricted and the occupation or occupations in which and the scheduled mine or scheduled mines at which the certificate is valid.

(3) In addition to the particulars required by subsections (1) and (2), every periodical certificate whether restricted or unrestricted shall state-

(a) that the person in respect of whom it was issued is free from tuberculosis; and

(b) that he does not suffer from pneumoconiosis or that he suffers from pneumoconiosis in the first or second stage, as the case may be.

(4) In addition to the particulars required by subsection (1) to be given on every certificate, every special certificate shall show that it is not lawful for the person in respect of whom such certificate was issued to work as a miner for longer than one hundred hours in any period of thirty days.

(As amended by No. 25 of 1952, No. 15 of 1955 and No. 3 of 1957)

51. Subject to the provisions of subsection (2) of section *forty-three*,^{Period of validity of certificates of fitness} the period of validity of a certificate of fitness shall be one year:

Provided that-

(i) the Bureau may, in any case in which it is deemed desirable for medical reasons, make the validity of a periodical or periodical (restricted) or special certificate such lesser period as may to the Bureau seem appropriate; and

(ii) whenever a report issued by the Bureau certifies tuberculosis with or without pneumoconiosis or pneumoconiosis in the third stage to be present in a person examined, any certificate of fitness which may be extant in respect of such person shall forthwith become invalid, and the person in whose custody the certificate is shall forthwith return it to the Bureau for cancellation. Any person who fails to return such certificate shall be guilty of an offence.

(As amended by No. 15 of 1955)

52. (1) When the Bureau has issued a certificate of fitness and subsequently becomes satisfied that, at the date of issue, such certificate was incorrect in any respect, the Bureau shall recall and cancel the incorrect certificate.

Power to correct certificates of fitness

(2) If on the facts known to the Bureau at the date of recall of the incorrect certificate, the issue of a certificate is required by any provision of this Act, the Bureau shall, on receipt of the incorrect certificate for cancellation, issue the appropriate certificate, particulars whereon shall be such as they would have been had such facts been known to the Bureau at the date of issue of the incorrect certificate.

(3) If on the facts as aforesaid the issue of a certificate is not permissible under the provisions of this Act, the Bureau shall so inform every person who was informed of the issue of the incorrect certificate.

(4) Any person who refuses or neglects to return to the Bureau any certificate recalled under the provisions of this section shall be guilty of an offence.

53. (1) Where any person is entitled to the issue of a certificate of fitness under the provisions of this Act-

Issue and custody of certificates of fitness

(a) if the person examined is in employment as a miner or is presented to the Bureau by a prospective employer for examination with a view to his engagement as a miner, the certificate shall be sent by the Bureau to the employer or prospective employer, as the case may be;

(b) if the person examined is neither in employment as a miner nor presented for examination by a prospective employer, the certificate shall be sent by the Bureau to the person examined, who shall, when being engaged for work as a miner, deliver such certificate into the custody of his employer.

(2) Every employer shall keep in his custody each certificate received by him in accordance with the provisions of subsection (1) during the period of validity of such certificate and during the period of

employment as a miner by him of the person in respect of whom it was issued.

(3) When a miner ceases to be so employed the employer shall deliver to him the certificate of fitness which has been in the employer's custody:

Provided that in the case of any miner ceasing to be employed as such but continuing to work for the same employer in an occupation other than that of a miner, the employer shall continue to keep such person's certificate of fitness in his custody and shall instruct and arrange for such person to present himself for periodical examination by the Bureau in accordance with the provisions of section *forty-one*.

(4) Any employer who contravenes or fails without reasonable excuse to comply with any provision of subsection (2) or (3) shall be guilty of an offence.

(As amended by No. 31 of 1951 and No. 30 of 1962)

54. (1) The Bureau may in its discretion replace a certificate of fitness which has been lost or destroyed where-

Lost or destroyed
certificates of fitness

(a) application for replacement is made in person or in writing to the secretary of the Bureau by the person responsible under this Act for the custody of the missing certificate at the time its loss or destruction was discovered;

(b) at the time of application for replacement the certificate was still valid;

(c) the secretary of the Bureau is satisfied-

(i) that the certificate has in fact been lost or destroyed; and

(ii) that any applicant for replacement of a certificate issued in respect of himself is in fact the person in respect of whom the certificate lost or destroyed was issued; and

(d) a fee of eight fee units, which shall be paid into the general revenues of the Republic, has been paid to the secretary of the Bureau by the applicant.

(2) A new certificate issued in accordance with subsection (1) shall be identical in its particulars with the certificate lost or destroyed.

(As amended by S.I. No. 124 of 1965 and Act No. 13 of 1994)

Reports

55. (1) After every prescribed examination, the Bureau shall issue a report of its findings in the prescribed form. Bureau to issue reports

(2) The original of each report issued in accordance with subsection (1) shall-

(a) in the case of a person presented by an employer or prospective employer for examination, be sent by the Bureau to the employer or prospective employer and, where the Bureau certifies the presence of pneumoconiosis or tuberculosis in the person examined, a copy of such report shall be sent to such person;

(b) in the case of any other person-

(i) if he is a miner, be sent by the Bureau to such person and a copy of such report shall be sent to the mine secretary of the mine at which such person was last employed;

(ii) if he is not a miner, be sent by the Bureau to such person.

(3) Whenever a report issued under this section certifies pneumoconiosis or tuberculosis to be present in the person examined, a copy of such report shall be sent by the Bureau to the Board and to-

(a) the Pneumoconiosis Board and Pneumoconiosis Bureau of the Republic of South Africa; or

(b) the Pneumoconiosis Compensation Board and Pneumoconiosis Medical Bureau of Zimbabwe; or

(c) the Pneumoconiosis Board and Bureau of the Republic of South Africa and the Pneumoconiosis Compensation Board and Medical Bureau of Zimbabwe;

if the person reported on has worked in either or both of those countries, as the case may be, in an occupation deemed by the Bureau to involve exposure to risk of pneumoconiosis.

(4) Subject to the provisions of section *eighty*, when the Bureau has issued a report and subsequently becomes satisfied that at the date of issue such report was incorrect, the Bureau shall issue a correct report which shall supersede and cancel the incorrect report.

(As amended by No. 6 of 1954,
No. 15 of 1955, No. 3 of 1957
and No. 30 of 1962)

Post-mortem Examinations

56. (1) Every medical practitioner who carries out a *post-mortem* examination upon the body of a person shall-

Post-mortem
examinations

(a) if he finds tuberculosis to be present in the lungs of the deceased and if he has reason to believe that the deceased had at any time been employed as a miner; or

(b) if he finds pneumoconiosis to be present in the lungs of the deceased;

send the heart and lungs of the deceased to the Bureau accompanied by such report as he may be able to supply as to the health of the deceased during the thirty days prior to death.

(2) Any medical practitioner who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding seven hundred and fifty penalty units.

(As amended by No. 31 of 1951,
No. 15 of 1955
and Act No. 13 of 1994)

57. (1) Where a miner has died and the Bureau deems it necessary for the proper determination of the cause of death or of the presence or absence of tuberculosis or pneumoconiosis or the stage of the latter if present, the Bureau may direct that a *post-mortem* examination of the body of the deceased shall be carried out.

Bureau may direct
post-mortem
examination

(2) Where a miner who has worked as such at a scheduled mine for not less than five years has died within Zambia, and a dependant of such miner transmits to the Bureau a written request for a *post-mortem* examination, the Bureau may, in its discretion, direct that a *post-mortem* examination shall be carried out.

(3) A *post-mortem* examination may, for the purposes of this section, be made by any registered medical practitioner in accordance with arrangements made by the Bureau.

(As amended by No 15 of 1955)

PART IV

BENEFITS AND OTHER FORMS OF ASSISTANCE

58. (1) All former pensions shall cease to be payable on the date of commencement and thereafter every person entitled to a former pension immediately prior to the date of commencement shall, subject to the provisions of the amended Act, be paid a monthly pension which shall be assessed by the Board in every respect as if the amended Act had been in force when such former pension was assessed.

Cessation of former pensions and payment of pensions to dependants of a deceased miner who died before the date of commencement

(2) Notwithstanding the provisions of subsection (1), the total monthly amount of any pension or pensions payable in pursuance of subsection (1) to a miner or the dependants of a deceased miner shall not exceed the earnings of such miner and, where the pension or pensions, as so assessed, exceed such earnings, the pension or pensions shall be reduced in such manner as the Board may consider necessary to ensure that the provisions of this subsection are complied with:

Provided that the pension payable to a miner shall not be less than his former pension; and the pension payable to a dependant of a deceased miner shall not be less than the former pension received by such dependant.

(3) Where any person, in pursuance of subsection (1), receives a

pension which exceeds the amount of the former pension received by such person, the Board shall, in such manner and over such period as it may determine, pay to such person the difference between such pension and such former pension calculated on the period from the 1st January, 1961, or the date when such former pension first became payable, whichever is the later, to the date of commencement.

(4) Where, prior to the date of commencement, a payment under the provisions of section *seventy-one* was made or was due to the dependants of a deceased miner who died on or after the 1st January, 1961, the Board shall assess the pension, if any, which would have been payable under the provisions of the amended Act, if such miner had died on the date of commencement and thereafter the pension so assessed shall be paid in accordance with and subject to the provisions of the amended Act:

Provided that the amount of a pension so assessed in respect of a deceased miner shall not exceed the earnings of such miner.

(5) In assessing a pension in pursuance of subsection (4), the Board shall, for the purpose of determining who are the dependants of a deceased miner, have regard to the position pertaining at the date of commencement and determine who are the dependants accordingly.

(6) For the purpose of assessing a pension in pursuance of subsections (1) and (4), the earnings of a miner shall be treated as being the earnings which, in the opinion of the Board, he would have received if he had performed the duties which he was last employed as a miner to perform throughout the month of January, 1961, or if he was employed as a miner throughout the said month, the earnings which he received in such month:

Provided that where the earnings of a miner as so assessed are in excess of two hundred kwacha they shall be treated as being two hundred kwacha.

(7) For the purposes of this section-

"date of commencement" means the 1st December, 1962;

"former pension" means a pension payable under the Act immediately

prior to the date of commencement;

"the amended Act" means the Act as amended by Act No. 30 of 1962;

"the Act" means the Pneumoconiosis Act in force immediately prior to the date of commencement.

(No. 30 of 1962 as amended by
S.I. No. 124 of 1965)

59. (1) Notwithstanding any other provisions contained in this Act, the total monthly amount of any pension or pensions payable under section *sixty-one*, *sixty-two* or *sixty-eight* to a miner or the dependants of a deceased miner shall not exceed the earnings of such miner and, where the pension or pensions assessed under any of the said sections exceed such earnings, the pension or pensions shall be reduced in such manner as the Board may consider necessary to ensure that the provisions of this section are complied with.

Limitation on the amount of any pension or pensions to be paid

(2) For the purposes of this section, the earnings of a miner shall be assessed in the manner set out in subsection (1) of section *sixty-nine*:

Provided that where the earnings of any miner as so assessed are in excess of two hundred kwacha, the earnings of such miner shall be treated as being two hundred kwacha.

(3) The provisions of this section shall not apply to any pension assessed in pursuance of the provisions of section *fifty-eight*.

(No. 30 of 1962)

60. When the Bureau certifies for the first time that a miner who has not previously been entitled to any benefit is suffering from pneumoconiosis in the first stage but is not suffering from tuberculosis, the miner shall be entitled to such sum as bears the same proportion to one thousand two hundred kwacha as his earnings bear to one hundred and sixty kwacha.

Benefits for pneumoconiosis in the first stage

(No. 30 of 1962)

61. (1) When the Bureau certifies for the first time that a miner who has already become entitled to a benefit under section *sixty* and who has not previously become entitled to any other benefit is suffering

Benefits for pneumoconiosis in the second stage

from pneumoconiosis in the second stage but is not suffering from tuberculosis, the miner shall be entitled to a monthly pension of-

(a) in respect of himself, such sum as bears the same proportion to thirty-two kwacha as his earnings bear to one hundred and sixty kwacha; and

(b) where the miner has a wife, in respect of such wife such sum as bears the same proportion to ten kwacha as the miner's earnings bear to one hundred and sixty kwacha; and

(c) where the miner has a child or children, in respect of each child under the age of eighteen years such sum as bears the same proportion to five kwacha as the miner's earnings bear to one hundred and sixty kwacha.

(2) When the Bureau certifies for the first time that a miner who has not previously been entitled to any benefit is suffering from pneumoconiosis in the second stage but is not suffering from tuberculosis, the miner shall be entitled to a benefit in accordance with the provisions of section *sixty* and, in addition thereto, to a monthly pension in accordance with the provisions of subsection (1).

(As amended by No. 6 of 1954, No. 15 of 1955 and No. 30 of 1962)

62. (1) When the Bureau certifies for the first time that a miner who has already been entitled to a benefit under section *sixty* or *sixty-one* is suffering from pneumoconiosis in the third stage but is not suffering from tuberculosis, such miner shall be entitled to a monthly pension of-

Benefits for pneumoconiosis in the third stage

(a) in respect of himself, such sum as bears the same proportion to seventy-six kwacha as his earnings bear to one hundred and sixty kwacha; and

(b) where the miner has a wife, in respect of such wife such sum as bears the same proportion to twenty kwacha as the miner's earnings bear to one hundred and sixty kwacha; and

(c) where the miner has a child or children, in respect of each such child under the age of eighteen years such sum as bears the same proportion to nine kwacha as the miner's earnings bear to one hundred and sixty kwacha.

(2) When the Bureau certifies for the first time that a miner who has not previously been entitled to any benefit is suffering from pneumoconiosis in the third stage but is not suffering from tuberculosis, the miner shall be entitled to a benefit in accordance with the provisions of section *sixty* and, in addition thereto, to a monthly pension in accordance with the provisions of subsection (1).

(As amended by No. 6 of 1954, No. 15 of 1955 and No. 30 of 1962)

63. (1) When the Bureau certifies for the first time that a miner who, ^{Benefits in respect of tuberculosis} throughout a period of one year or longer or periods amounting in the aggregate to one year or longer, but less in either case than ten years, has worked as a miner at a scheduled mine, is suffering from tuberculosis with which he was, in the opinion of the Bureau, already affected within the twelve months immediately succeeding the date on which he last worked as aforesaid, but is not suffering from pneumoconiosis, the miner shall be entitled to a benefit in accordance with the provisions of section *sixty*.

(2) When the Bureau certifies for the first time that a miner who, throughout a period of ten years or longer or periods amounting in the aggregate to ten years or longer, has worked as a miner at a scheduled mine, is suffering from tuberculosis with which he was, in the opinion of the Bureau, already affected within the twelve months immediately succeeding the date on which he last worked as aforesaid, but is not suffering from pneumoconiosis, the miner shall be entitled to a benefit in accordance with the provisions of section *sixty* and, in addition thereto, to a monthly pension in accordance with the provisions of section *sixty-two*.

(3) For the purpose of subsections (1) and (2), no person shall be deemed to have worked as a "miner" throughout the period of one year or ten years unless he has, throughout the period of one year or ten years, as the case may be, performed work underground or in scheduled places amounting on the average, either-

(a) to such work on more than twenty days per calendar month irrespective of the number of hours worked per month; or

(b) to an aggregate of more than eighty hours per calendar month irrespective of the number of days in the month over which the work

was distributed.

(As amended by No. 31 of 1951 and No. 15 of 1955)

64. (1) When the Bureau certifies for the first time that a miner who has already been entitled to a benefit under section *sixty* or under subsection (1) of section *sixty-three* and who has not become entitled to a monthly pension under section *sixty-two* or subsection (2) of section *sixty-three* is suffering from both pneumoconiosis and tuberculosis, the miner shall be entitled to a monthly pension in accordance with the provisions of subsection (1) of section *sixty-two*.

Benefits in respect of tuberculosis combined with pneumoconiosis

(2) When the Bureau certifies for the first time that a miner who has not previously been entitled to any benefit is suffering from both pneumoconiosis and tuberculosis, the miner shall be entitled to the benefits provided for in subsection (2) of section *sixty-two*.

(As amended by No. 15 of 1955)

65. (1) When the physical condition of a miner to whom a pension has been awarded or who has become entitled to a benefit under the provisions of subsection (1) of section *sixty-three* is such that, in the opinion of the Board, special medical care or treatment is necessary for or in connection with that condition, the Board may, in its discretion, defray the costs of or incidental to such special care or treatment as the Board deems to be appropriate. The payments made by the Board under the authority of this section shall not in the aggregate exceed one thousand kwacha in respect of any beneficiary.

Discretionary payments in addition to pension

(2) Notwithstanding the provisions contained in section *twenty-three*, the Bureau may refund to a miner the whole or a part of the amount paid by him to a medical practitioner for medical examination performed upon him outside Zambia if the following conditions are satisfied:

(a) the medical examination outside Zambia was duly authorised by the Bureau; and

(b) the miner has already been entitled, or becomes entitled as a result of such medical examination, to the benefits laid down in section *sixty* or *sixty-one*.

(As amended by No. 52 of 1960)

and No. 25 of 1971)

66. When a miner who has been entitled to any benefit has died, or when the Bureau certifies, after the death of a miner who has not, during his life, been entitled to any benefit, that he was at the time of his death suffering from pneumoconiosis or tuberculosis which would, in the opinion of the Board, have entitled him to a benefit if the Bureau had so certified before his death, the Board may, in its discretion, contribute a sum, not exceeding fifty kwacha, towards his reasonable funeral expenses.

Contribution towards funeral expenses of a deceased miner

(As amended by No. 25 of 1952
and No. 15 of 1955)

67. When a miner who has not, during his life, been entitled to any benefit has died after the commencement of this Act, and the Bureau certifies after his death that at the time of his death the deceased miner was suffering from pneumoconiosis in any stage, or from tuberculosis with or without pneumoconiosis, the deceased miner shall be deemed to have become entitled before his death to a benefit in accordance with the provisions of section *sixty*:

Certain benefits to be deemed to have accrued before death to a deceased miner

Provided that such certification after death of tuberculosis without pneumoconiosis shall not confer a benefit under this section unless the Board is satisfied that a like certification by the Bureau would have conferred a benefit under section *sixty-three* if the miner had been alive at the date when such certification was made.

(As amended by No. 15 of 1955)

68. (1) The dependants of a deceased miner who died after the commencement of this Act and who-

Pensions for dependants of deceased miners

(a) was entitled to a monthly pension thereunder; or

(b) had not been entitled to any benefit by way of pension during his life but with regard to whom the Bureau certifies after his death that, at the time of death, he was suffering from-

(i) pneumoconiosis in the first stage, which caused or contributed to his death; or

(ii) pneumoconiosis in the second or third stage; or

(iii) pneumoconiosis combined with tuberculosis; or
(iv) tuberculosis with regard to which the Board is satisfied that the same certification, if made during the deceased's life, would have entitled him to a pension under subsection (2) of section *sixty-three*; shall, as from the day following the day upon which the miner died or, in the case of a posthumous dependant, as from the date of that dependant's birth, be entitled to or eligible for the award of the appropriate monthly pension in accordance with the provisions of subsection (2).

(2) The monthly pension to which a dependant of a deceased miner shall be entitled shall be-

(a) in the case of a widow of such miner, such sum as bears the same proportion to forty kwacha as the miner's earnings bear to one hundred and sixty kwacha;

(b) in the case of each child of such miner under the age of eighteen years and subject to the provisions of subsection (3), such sum as bears the same proportion to sixteen kwacha as the miner's earnings bear to one hundred and sixty kwacha;

(c) in the case of any person who may be deemed to be a dependant of such miner under the provisions of subsection (2) of section *three*, such sum, if any, as the Board may award:

Provided that pensions awarded by the Board under this paragraph shall not amount in the aggregate to more than fifty kwacha per month in respect of all the dependants of such miner.

(3) In the case of any child of a deceased miner who becomes entitled to a monthly pension under the provisions of this section and who has no natural or adoptive parent living, the Board may, in its discretion and notwithstanding the provision of paragraph (b) of subsection (2), pay to or for such child such increased pension, but not exceeding fifty kwacha per month, as the Board may deem appropriate.

(As amended by No. 1 of 1951, No. 6 of 1954, No. 15 of 1955, No. 30 of 1962, S.I. No. 124 of 1965 and No. 77 of 1965)

69. (1) For the purposes of sections *sixty*, *sixty-one*, *sixty-two* and

Assessment of earnings for the

sixty-eight, the earnings of a miner shall be assessed as follows:

purposes of sections
60, 61, 62 and 68

(a) in the case of a miner not employed as such when he is certified or dies, the earnings which, in the opinion of the Board, he would have received if he had performed the duties which he was last employed to perform as a miner throughout the month of January, 1961, or, if he was employed as a miner after the said date, the earnings which he received in respect of the last full month in which he worked as a miner; or

(b) in the case of a miner employed as such when he is certified or dies, the earnings which he received for the full month in which he is certified or dies, or, if he did not work as a miner for the full month in which he is certified or dies, the earnings which, in the opinion of the Board, he would have received had he so worked.

(2) Notwithstanding the provisions of subsection (1), where the earnings of a miner, as assessed in accordance with the provisions of subsection (1), are-

(i) less than thirty-five kwacha, the earnings of such miner shall be treated as being thirty-five kwacha;

(ii) in excess of two hundred kwacha, the earnings of such miner shall be treated as being two hundred kwacha.

(3) The provisions of this section shall not apply to any pension assessed in pursuance of the provisions of section *fifty-eight*.

(No. 30 of 1962)

70. Where a pension to a widow of a deceased miner ceases under the provisions of subsection (1) of section *seventy-seven* on account of her remarriage, she shall be entitled to a sum equal to twenty-four times the amount of her monthly pension. Gratuity to widow of deceased miner on remarriage

(As amended by No. 30 of 1962 and No. 77 of 1965)

71. (1) The pension payable to a miner or to the dependants of a miner married under a system permitting of polygamy shall be calculated as if there was only one wife or on his death one widow.

Pension payable to a miner married under a system permitting of polygamy

(2) In the case of a deceased miner who leaves two or more widows, such widows shall be entitled to share between themselves such pension as would be payable to a single widow of the deceased miner jointly or in such proportions as the Board in its discretion may decide.

(No. 30 of 1962 as amended by No. 77 of 1965)

PART V

PROVISIONS GOVERNING THE PAYMENT AND RECEIPT OF BENEFITS

72. (1) Where any miner or any dependant of a miner who, at the time of becoming entitled to any benefit or after he has become entitled to any benefit, is or becomes resident in any country outside the Commonwealth, his right to receive such benefit shall be in abeyance for the whole of the period of residence outside the Commonwealth unless the Board decides in any particular case that it is reasonably practicable and convenient to pay such benefit.

Exclusion from certain rights of persons resident outside the Commonwealth

(2) If any question arises in connection with the application of subsection (1) as to whether a person was, on any date or for any period, resident outside the Commonwealth, such person shall be deemed to have been resident outside the Commonwealth on that date or for that period unless the contrary is proved to the satisfaction of the Board.

(As amended by No. 77 of 1965)

73. (1) A right to any benefit under this Act shall not become effective until the benefit has been awarded by the Board on an application made by the person concerned or by any other person acting on his behalf on the prescribed form and accompanied by the prescribed information:

Application for benefits and date at which awards become effective

Provided that the Board may award any benefit even though no application has been made therefor.

(2) When the Board has awarded a pension, the award shall have retrospective effect-

(a) as from the date upon which the beneficiary concerned became entitled to the pension if the application therefor reached the Board within a period of one year from such date; or

(b) as from the date upon which the application reached the Board if such date is more than a year later than the date upon which the beneficiary became entitled to the pension:

Provided that if an application reached the Board on a date which is more than a year after the date upon which the beneficiary concerned became entitled to the pension, the Board may, in its discretion, award the pension from a date not earlier than one year before the date on which the application reached the Board.

(As amended by No. 30 of 1962)

74. (1) If a miner is suffering or if a deceased miner was suffering from pneumoconiosis in any stage which, in the opinion of the Board, is not or was not wholly or partially attributable to mineral dust inhaled while working as a miner at a scheduled mine, he shall be deemed for the purposes of this Part not to be or to have been suffering from pneumoconiosis: Pneumoconiosis contracted outside scheduled mines

Provided that the provisions of this subsection shall not apply to a miner who or whose dependants became entitled to any benefit under the repealed Act.

(2) If a miner is suffering or if a deceased miner was suffering from pneumoconiosis in any stage, without tuberculosis, which, in the opinion of the Board, is or was only partly attributable to mineral dust inhaled as aforesaid, the Board, in consultation with the Bureau, shall determine to what extent, expressed as a fraction or percentage, the pneumoconiosis is or was so attributable, and thereupon the miner or his dependants, as the case may be, shall be entitled to a corresponding fraction or percentage of the benefit for which provision is made in Part IV in relation to the stage of pneumoconiosis from which the miner is or was suffering.

(3) If a miner is suffering or if a deceased miner was suffering-

(a) from pneumoconiosis in any stage which, in the opinion of the Board, is or was only partly attributable to mineral dust inhaled as aforesaid; and

(b) from tuberculosis in respect whereof he did not become entitled to a benefit under subsection (2) of section *sixty-three*;

the provisions of subsection (2) shall apply in relation to him as if he were or had been suffering from pneumoconiosis in the third stage and as if he were not and had not been suffering from tuberculosis.

(4) In the case of a miner who or whose dependants would, under the provisions of this section, be entitled to a fraction or percentage of the benefits provided by Part IV and who-

(a) has worked as a miner at a scheduled mine before it was established that pneumoconiosis could be acquired at such mine in that occupation, that is to say, before the 15th December, 1943; and

(b) has worked as a miner at a scheduled mine for an aggregate of not less than ten years; and

(c) at the date of the earliest certification of pneumoconiosis by the Bureau was either working as a miner at a scheduled mine or had not, since he last so worked, been employed in any other occupation likely, in the Board's opinion, to cause pneumoconiosis;

the Board may, in its discretion, award to the beneficiary or beneficiaries concerned a larger proportion of the benefits provided by Part IV than the fraction or percentage assessed in accordance with subsection (2), and the Board shall, in assessing such larger proportion, take into account any compensation in respect of pneumoconiosis which the miner or dependants concerned may have received or may be entitled to receive from any source other than the Board.

(As amended by No. 15 of 1955 and No. 30 of 1962)

75. (1) When a miner who is entitled to pension under any provision of this Act becomes entitled to a greater pension under any other provision of this Act, such first-mentioned pension shall lapse. Pensions not to be duplicated

(2) No person shall be entitled simultaneously to two separate pensions under the provisions of this Act.

(3) Where the Bureau has certified the presence in any miner of pneumoconiosis in any stage or of tuberculosis without pneumoconiosis, or of both pneumoconiosis and tuberculosis, and such miner has received or is entitled to receive under the law of another country the full benefit which under the law of such country is payable in respect of a like certification made there to a person who has worked only in such country as a miner, labourer or worker, no benefit shall be payable under this Act.

*(As amended by No. 31 of 1951, No. 15 of 1955 and * No. 42 of 1956)*

* These amendments shall be deemed to have come into force on 1st January, 1953.

76. A miner shall not be entitled to a pension-

Restriction of entitlement to a pension

(a) in respect of a wife-

(i) who is living apart from him and whom he is under no obligation by agreement or by order of a court to maintain; or

(ii) whom he married on or after the date upon which he first became entitled to a pension in respect of himself;

* These amendments shall be deemed to have come into force on 1st January, 1953.

(b) in respect of a legitimate child-

(i) who was born of a marriage contracted on or after the date upon which he first became entitled to pension in respect of himself; or

(ii) who has been adopted by another person;

(c) in respect of a child whom he adopted on or after he became entitled to his first benefit;

(d) in respect of a step-child-

(i) who became his step-child on or after the date mentioned in sub-paragraph (ii) of paragraph (a); or

(ii) whose mother has ceased to be the miner's wife or whose mother the miner is not obliged by agreement or court order to

maintain, unless in either case the step-child is living with and is wholly or partly supported by the miner;

(e) in respect of an illegitimate child who was born more than ten months after the date upon which he first became entitled to a pension in respect of himself;

(f) in respect of any person, other than the miner's wife, who is or has been married or has been adopted by a person other than the miner.

(As amended by No. 25 of 1952)

77. (1) A pension awarded to a dependant of a deceased miner shall cease- Cessation of pensions awarded to dependants

(a) when the person concerned marries; or

(b) if the person concerned, not being the widow of such miner, was under the age of eighteen years at the time of the death of the miner in question, when such person attains such age:

Provided that such pension shall continue so long as the Board is satisfied that the person concerned is either-

(i) incapable by reason of ill health or physical or mental infirmity of earning his own living; or

(ii) attending a full-time educational course and is under the age of twenty-five years.

(2) If any benefit has been awarded in respect of the death of a deceased miner, to a person specified in subsection (2) of section *three*, and thereafter any dependant of such deceased miner under subsection (1) of that section establishes a right to any benefit as such dependant, the award to such first-mentioned person shall be cancelled, but any payment made under the award prior to such cancellation shall be valid, and be deemed to have been made to such last-mentioned dependant.

(3) When a dependant of a deceased miner who is entitled to a pension thereafter becomes entitled to a pension in respect of another deceased miner and the Board has, on an application made by or on behalf of such dependant, awarded such last-mentioned pension to him, his right to the first-mentioned pension shall lapse as from the date upon which the later pension award takes effect, and the Board shall set

off against the new pension any amount which has been paid as an instalment of the lapsed pension in respect of any period after such date.

78. (1) When the whereabouts is unknown of any person who is entitled to receive any benefit under this Act, the Board may withhold any payment due to such person.

Withholding of payments in certain circumstances

(2) When the Board has reason to believe that any person may have ceased to be entitled to a benefit, the Board may withhold the payment of such benefit.

(3) Where the Board, in the exercise of the powers conferred upon it by subsection (1) or (2), has withheld payment of any benefit for a period of three years or where the right to receive a benefit has been in abeyance for a period of three years under the provisions of section *seventy-two*, the right of the person concerned to receive any benefit or the unpaid balance of any benefit to which he was formerly entitled shall lapse:

Provided that the right to receive or to continue to receive a benefit shall be revived by the Board within three years of such lapse on its being satisfied that the reason for the lapse of the right no longer exists.

(4) No interest shall be payable by the Board on any moneys the payment of which is withheld, or the right to which lapses and is revived in accordance with the provisions of this section.

(No. 31 of 1951 as amended by No. 15 of 1955 and No 77 of 1965)

79. (1) Any work as a miner at a scheduled mine which any person has performed in contravention of the provisions of this Act shall, for the purpose of determining whether such person or any dependant of his is entitled to a benefit and for the purpose of determining the amount of any benefit, be deemed not to be work as a miner.

Disqualifications and penalties resulting from prohibited work

(2) When a person who is suffering from pneumoconiosis or tuberculosis and who has been so informed works as a miner in contravention of this Act and such person thereafter becomes entitled to

a pension or to a greater pension than formerly, the Board may reduce the amount of such pension or greater pension to an extent which, in the opinion of the Board, is proportionate to the extent to which, the work in question is likely to have caused or contributed to the aggravation of the condition as a result of which he becomes entitled to such pension or greater pension.

(3) If a miner who has become entitled to a pension under this Act works in contravention of the provisions of this Act on any day in any calendar month, he shall not be entitled to payment of his pension in respect of the month in question.

(4) If it becomes known to the Board that a person who is in receipt of or has become entitled to a pension under the provisions of this Act is working as a miner in contravention of the provisions of this Act, or has so worked since he became entitled to a pension, the Board shall not make to him any further monthly payment of such pension until satisfied that the person in question has ceased to work as a miner in contravention of the provisions of this Act.

(5) Any part of a benefit to which a person has become entitled and of which he has been deprived under the provisions of this section shall lapse irrevocably to the Board.

(As amended by No. 15 of 1955)

80. (1) When the Bureau, acting under subsection (4) of section *fifty-five*, or the Board of Appeal, acting under subsection (2) of section *thirty-two*, has issued a correct report which is more advantageous to a beneficiary under this Act than was the incorrect report, or which makes eligible for an award under this Act a person who was not made eligible therefor by the incorrect report, the correct report shall be deemed to have been issued on the date on which the incorrect report was issued and an award of benefits shall be made in accordance with or shall be adjusted to conform to the correct report.

Adjustment of
benefits on
correction of
incorrect medical
report

(2) When the Bureau, or the Board of Appeal, acting as aforesaid, has issued a correct report which is less advantageous to any individual in respect of the payment of benefits to him than was the incorrect report-

(a) no part of any benefit which, at the date of the correct report,

has already been paid out by the Board by reason of the incorrect report shall be recoverable by the Board or repayable by the beneficiary; and

(a) as from the date of issue of the correct report, such correct report shall supersede the incorrect one.

(3) No provision of this section shall be applied to the advantage of any person in relation to any report which was obtained by any improper means.

(As amended by No. 30 of 1962)

81. (1) The Board may pay any benefit which has been awarded to a miner- Board's power to deal with benefits awarded to miners

(a) to the miner himself; or

(b) to any person who would be his dependant if he had died immediately before the payment was made, or to his wife, if the preceding provisions of this paragraph do not apply to her and if she has not deserted him; or

(c) to any other person for the benefit of the miner and of all or any such persons as are mentioned in paragraph (b); or

(d) partly to the miner and partly to any person mentioned in paragraph (b) or (c);

as the Board may, in its discretion, deem desirable in the interests of the miner or of any such person as is mentioned in paragraph (b).

(2) In addition to the discretionary powers which the Board may exercise under the provisions of subsection (1) and under subsection (1) or (2) of section *eighty-two* in respect of the persons to whom payments may be made, the Board may pay any benefit in such instalments and at such intervals as it may deem desirable in the interests of the beneficiary concerned or may retain at interest the whole of any benefit until such time as the Board may deem it to be in the interests of the beneficiary concerned to pay such benefit in full or by instalments.

(As amended by No. 31 of 1951 and No. 30 of 1962)

82. (1) Where, after the death of a miner, a benefit is deemed under the provisions of section *sixty-seven* to have accrued to such miner before his death, the Board shall have, in respect of payment of such benefit in the interests of the dependants, all the discretionary powers conferred upon the Board by section *eighty-one* in respect of the payment of benefits awarded to a living miner.

Board's powers in relation to payments after the death of a miner

(2) The Board may pay any pension which has been awarded to a dependant of a deceased miner to the dependant himself or to any other person for the benefit of the dependant, or partly to the dependant and partly to such other person, as the Board may deem desirable in the interests of the dependant.

(As amended by No. 30 of 1962)

83. (1) Any right to a benefit, other than a benefit or part of a benefit left in the custody of the Board under the provisions of section *eighty-five* or subsection (1) or (2) of section *eighty-seven*, to which a miner or a dependant of a deceased miner is entitled, shall lapse on the death of the beneficiary concerned except in so far as any part of the benefit was paid out by the former Board or by the Board to or for the benefit of the beneficiary before his death.

Disposal by Board of rights lapsing on death of beneficiary

(2) When a right to a benefit other than a pension has lapsed as provided for in subsection (1), the Board shall award the benefit in question or the balance thereof-

(a) if the right lapsed on the death of a miner, to his dependants; or

(b) if the right lapsed on the death of a dependant of a miner, to the other dependants or to any one or more of them as the Board may deem desirable, and the provisions of subsections (1) and (2) of section *eighty-one* shall apply *mutatis mutandis* in connection with any money awarded under the provisions of this paragraph.

(3) Where a miner, or the dependant of a deceased miner to whom a pension has been awarded, has died, he shall, for the purposes of this section, be deemed to have become entitled before his death to payment of the pension or periodical payment in respect of the period from the date on which the last payment of the pension or periodical payment became due to him to the date of his death, and the Board shall deal in accordance with the provisions of subsection (2) with the pension or

periodical payment in respect of such period and with any money which is due to the deceased as an instalment or part of an instalment of the pension or periodical payment in respect of a period prior to the first-mentioned period, but which for any reason remained in the custody of the Board.

(4) If the Board, because of non-existence of a dependant, is unable to deal, under subsection (2), with any benefit the right whereof has lapsed, no person shall have any right to such lapsed benefit, but the Board may, in its discretion, award that benefit or any part thereof to any relative by consanguinity or affinity or adoption of the person to whom the right to the benefit accrued or was deemed to have accrued before it lapsed, or to any creditor in payment or part payment of any claim which he has against the estate of such person.

(As amended by No. 31 of 1951 and No. 30 of 1962)

84. When a miner or a dependant of a deceased miner to whom the Board has awarded a pension has become an inmate of a prescribed institution, the Board may, in its discretion, retain so much of such pension as is not needed to defray the cost of maintaining the person concerned or any person for whose maintenance he is responsible.

Board's powers to retain part of pension when beneficiary is in institution

85. When the Board has awarded to a miner or to a dependant of a deceased miner any benefit other than a pension, the beneficiary concerned or a person acting on his behalf may leave the benefit or any part thereof amounting to not less than ten kwacha in the custody of the Board, which shall keep it at the disposal of the beneficiary or, after his death, at the disposal of his personal representative.

Certain benefits may be left in custody of Board

86. The Board shall credit the person concerned with interest calculated at a rate determined for each financial year by the Board after consultation with the actuary, and compounded half-yearly as at the last day of June and as at the last day of December, on any money-

Interest on benefits other than pension left in custody of or retained by Board

(a) which has been left in the custody of the Board under section *eighty-five*; or

(b) which constitutes the unexpended part of a benefit other than a pension which the Board has retained under subsection (2) of section *eighty-one*:

Provided that the Board shall not credit any such person with such

interest in respect of-

- (i) a period preceding the commencement of this Act;
- (ii) any money which has remained in the custody of the Board during a period of less than thirty days;
- (iii) any part of a benefit other than a pension retained by the Board and from which payments by the Board to the beneficiary are being made by instalments; or
- (iv) any part of any award which remains in the custody of the Board in accordance with the provisions of section *seventy-eight*.

(As amended by No. 31 of 1951)

87. (1) When the Board has awarded a pension to any person in accordance with the provisions of section *sixty-one*, such person, if he was working as a miner when the pension was awarded to him and continues so to work, may leave the whole or any part, not being less than ten kwacha, of each monthly pension payment to which he is entitled in the custody of the Board while he continues to work as a miner.

Pensions left in custody of or retained by Board and interest on the same

(2) If a person to whom a pension has been awarded under section *sixty-one* resumes working as a miner after having ceased to work in that capacity he may, on such resumption of work as a miner and for the period of the duration of such work, leave in the custody of the Board the whole or any part, not being less than ten kwacha, of each monthly pension payment to which he is entitled.

(3) When on the 30th June or the 31st December in any year, on account of the exercise by a miner of his right under subsection (1) or (2) to leave his pension or part of it in the custody of the Board, or on account of the exercise by the Board in respect of a miner's pension of its powers under subsection (2) of section *eighty-one* or under section *eighty-four*, there is in the custody of the Board to the credit of a miner or a dependant of a miner any sum of money, the Board shall, on that date, credit the miner or dependant concerned with interest calculated at the rate referred to in section *eighty-six* on any sum which has been in the custody of the Board on his behalf since the preceding 1st January or 1st July respectively.

(4) Any money which is left in the custody of the Board in accordance with the provisions of subsection (1) or (2) shall be kept by the Board at the disposal of the beneficiary concerned or, after his death, at the disposal of his personal representative.

(As amended by No. 31 of 1951)

88. In respect of any money which is, on behalf of any person, in the custody of the Board in accordance with the provisions of subsection (2) of section *eighty-one* or of section *eighty-four*, the Board shall have all the discretionary powers as to payment of such money as are provided by section *eighty-one* in respect of the payment of benefits.

Discretionary powers of Board in connection with moneys in custody of Board

(As amended by No. 77 of 1965)

PART VI

COMPENSATION FUND, LEVIES AND OUTSTANDING LIABILITIES

89. The Board shall establish a fund to be known as the Pneumoconiosis Compensation Fund which the Board shall credit with all assets and debit with all liabilities which devolve upon it under subsection (1) of section *twelve* and into which it shall pay all moneys received in connection with scheduled mines and from which it shall make all payments required by this Act to be made by the Board.

Establishment of Compensation Fund

(As amended by No. 15 of 1955)

90. The Board shall from time to time, at such intervals as it deems desirable, levy from all owners of scheduled mines such sums of money as the Board, in its opinion, is likely to need to meet the liabilities payable under this Act and shall pay the amounts so levied into the Fund.

Levies from mine owners

(2) Before estimating the amount of any sum referred to in subsection (1), the Board shall consult the actuary.

(3) The Board shall, in consultation with the actuary, and subject to any regulations prescribing the basis upon which the Board shall make an apportionment or the factors which it shall take into consideration in making an apportionment, apportion to, and recover from, every owner of a scheduled mine such a share of the total amount of a levy imposed under subsection (1) as the Board deems equitable and, in making such an apportionment, the Board may differentiate between individual owners of scheduled mines if, in the opinion of the Board, after consultation with the actuary, there are factors which make such a differentiation desirable:

Provided that the Board shall, at the request of any such owner against whom any such differentiation has been made, inform him of the grounds therefor.

(4) If the period in respect of which the Board has imposed such a levy as aforesaid is longer than three months, the share of the levy apportioned to each owner of a scheduled mine shall be payable in such instalments and on such dates as the Board may determine.

(5) Whenever the Board has imposed a levy in respect of any period, it shall send notice in writing to every owner of a scheduled mine affected by the levy-

(a) of the fact that the levy has been imposed;

(b) of the amount of the levy and of the period in respect of which it has been imposed;

(c) of the share of the levy which has been apportioned to him; and

(d) of the instalments in which he shall pay that share and of the due date of each instalment, if the levy is payable by instalments.

(6) Every owner of a scheduled mine who has received such a written notice shall pay to the Board his share of the levy or every instalment of such share not later than the date upon which the same is due.

91. (1) The actuary shall estimate as soon as may be-

Assessment and

(a) after the commencement of this Act as on the day prior to the commencement of this Act; and

(b) in any financial year thereafter in which the Board shall call upon him to do so as on the last day of the last preceding month of December;

the sum of money which the Board would need if every scheduled mine had, on that day, ceased to be a scheduled mine, in order to enable the Board to pay from time to time all amounts which it will be obliged, or entitled and likely, to pay under this Act out of the Fund at any time after the day on which the estimate is made.

(2) From the sum estimated under the provisions of subsection (1) the actuary shall deduct the amount of the value of all assets which appertained to the former Board or to the Fund, as the case may be, on the day prior to the commencement of this Act or the last day of December to which the estimate in question relates, and the balance of the sum so estimated after such deduction shall be the aggregate of the outstanding liabilities of all owners of scheduled mines as from the day succeeding the day as on which the estimate is based up to the day on which the next succeeding estimate is based, inclusive.

(3) When the actuary has so determined the aggregate of the outstanding liabilities for the financial period ending on the prescribed day, or for any financial year thereafter, he shall, subject to the provisions of subsection (5), apportion to the owner of each scheduled mine on the day of the commencement of this Act or on the first day of the financial year, as the case may be, such a share of such aggregate in respect of each such mine of which he is the owner on such day as is, in the opinion of the actuary, reasonable in view of all known factors which will or are likely to affect the amount of all future payments out of the Fund in connection with the particular mine in question. The actuary in making such apportionment may make adjustments as between the owners of scheduled mines concerned in respect of all sums paid to the Government or to the former Board by such owners under Part VI of the repealed Act up to and including the day prior to the commencement of this Act.

(4) The amount of the share of the aggregate of the outstanding

liabilities which the actuary has so apportioned to the owner of a scheduled mine in respect of a particular mine shall, for the purposes of this Act, be his outstanding liability in respect of that mine for the financial period ending on the prescribed day, or for the financial year in which the apportionment was made, as the case may be:

Provided that when a person who has been, at any time after the commencement of this Act, the owner of a scheduled mine, has ceased to be such an owner, the outstanding liability in respect of that mine and every obligation of an owner of that mine in connection with the outstanding liability shall attach to such person and, if any other person becomes the owner of such mine, the outstanding liability in respect thereof and any such obligation as aforesaid shall attach to such owner and to the former owner jointly and severally unless the Minister by notice in writing releases the former owner from such liability.

(5) The Board shall, at the request of the owner of any scheduled mine, inform him of the name and address of the actuary, and when such an owner has, within a month from the date of the commencement of this Act or in the month of December in any year, requested the actuary in writing to consult with an actuary named in the request for the purposes of this subsection, the actuary shall not apportion to the owner concerned his share of the aggregate of outstanding liabilities for the financial period ending on the prescribed day, when the request was made within a month from the day of the commencement of this Act, or for the financial year immediately following upon the month of December in which the request was made, as the case may be, unless he has afforded the actuary named in the request a reasonable opportunity to consult with him in regard to the share of such aggregate which is to be so apportioned to the mine owner concerned.

(6) When the actuary has, in the financial period ending on the prescribed day or in any financial year thereafter, completed his duties under the preceding provisions of this section, he shall inform the Board in writing of his determination of the aggregate of the outstanding liabilities under subsections (1) and (2) and of his apportionment under subsection (3) in respect of every owner of a scheduled mine, and the Board shall thereupon inform every such owner in writing of the aggregate of the outstanding liabilities as so determined and of his outstanding liability as so apportioned in respect of every scheduled mine of which he is the owner.

(As amended by No. 31 of 1951, No. 3 of 1959)

and G.N. No. 233 of 1964)

92. (1) When the Minister has, under the provisions of section *ninety-six*, caused the name or description of a mine to be removed from the First Schedule, the person who was the owner of that mine on the day of such removal shall be obliged to pay to the Board the whole of the outstanding liability in respect of such mine for the financial period ending on the prescribed day, if the removal took place within such period, or for the financial year in which the removal took place, with, in each case, interest on the amount of that liability as from the date of the removal to the date on which the liability is paid, at the rate of interest which the actuary adopted in determining that liability:

Payment of
outstanding liability

Provided that-

- (i) if the name or description of the mine was removed from such Schedule before the actuary apportioned the outstanding liability in respect of that mine for the financial period or year in question, as the case may be, the mine owner shall, pending such apportionment, be obliged to pay the outstanding liability in respect of that mine for the financial period ending on the prescribed day, where such financial period immediately preceded the financial year in which the removal took place, or the last financial year for which the actuary has apportioned the outstanding liability, as the case may be;
- (ii) if the amount of the outstanding liability as thereafter apportioned by the actuary for the current financial year is greater than the amount of the outstanding liability for the financial period ending on the prescribed day, or the last financial year for which the actuary has apportioned the outstanding liability, as the case may be, the owner of such mine shall be obliged to pay to the Board a sum equal to the difference between the two such amounts, in addition to the smaller amount; and if, conversely, the amount of the outstanding liability for the current financial year is less than the amount of the outstanding liability for the financial period ending on the prescribed day, or for the last financial year for which the actuary has apportioned the outstanding liability, as the case may be, and the owner of such mine has paid the greater of the two amounts, the Board shall refund to him a sum equal to the difference between the two amounts with interest thereon since the date of payment at the rate which the actuary adopted in estimating the aggregate of the outstanding liabilities for the current financial year.

(2) If, in such a case as is mentioned in proviso (i) to subsection (1),

the actuary is of the opinion that the amount of the outstanding liability in respect of the mine in question for the current financial year may, when apportioned, exceed the amount of the outstanding liability in respect of such mine for the financial period ending on the prescribed day, where such financial period immediately precedes the current financial year, or for the last financial year for which the actuary has apportioned the outstanding liability, as the case may be, he shall, at the request of the Board, provisionally estimate the possible difference between the two amounts, and the Board may thereupon demand from the owner of such mine that, in addition to paying that liability in accordance with the provisions of such proviso, he shall furnish security, to the satisfaction of the Board, for the payment of a sum equal to the difference as estimated by the actuary, should he become liable for the payment of an additional sum under the provisions of proviso (ii) to subsection (1); and if the Board's demand is not met forthwith the Board may recover from such owner a sum equal to the amount of such estimated excess, in addition to the outstanding liability for the financial period ending on the prescribed day, or the last financial year for which the actuary has apportioned the outstanding liability, as the case may be, but subject to the subsequent application, *mutatis mutandis*, of proviso (ii) to subsection (1).

(As amended by No. 3 of 1959 and G.N. No. 233 of 1964)

93. If the Board is of opinion that it might find it impossible or difficult to recover from the owner of a scheduled mine the whole of his outstanding liability in respect of that mine in the event of the removal of its name or description from the First Schedule, the Board may call upon such owner to furnish the Board with security, to the Board's satisfaction, for the payment of the outstanding liability when it becomes due, and if such owner fails to furnish such security or to make any other arrangement satisfactory to the Board with a view to meeting his outstanding liability when it becomes due, the Board may demand from such owner immediate payment of the outstanding liability in respect of the mine in question, and thereupon the provisions of section *ninety-two* shall apply, *mutatis mutandis*, as if the Board's demand were the removal under paragraph (e) of subsection (2) of section *ninety-six* of the name or description of the mine in question from the First Schedule:

Board may demand security for outstanding liability or recover payment

Provided that the payment of the sum demanded by the Board shall not exempt the mine owner concerned from the provisions of subsection (3) of section *ninety-one* in respect of the mine in question while its name or description remains on the First Schedule.

(As amended by No. 77 of 1965)

94. Whenever the owner of a scheduled mine owes the Board any sum of money under any provision of this Part, the Board may recover that sum from him with interest thereon at the rate of seven per centum per annum as from the date when such sum of money became due:

Interest on debts due to Board

Provided that the Board may from time to time waive or reduce any such interest in respect of any period.

95. In the event of the winding up or insolvency of the owner or former owner of a scheduled mine who owes the Board any money under any provision of this Part, the Board's claim for the payment of that money and of any interest due thereon shall, notwithstanding any conflicting provision in any other law contained, have priority over every other claim (whether secured or unsecured) against the debtor or estate in question except over a claim which is secured by a lien or over that part of a claim which has priority by virtue of the provisions of the Preferential Claims in Bankruptcy Act.

Priority of Board's claims
Cap. 83

PART VII

GENERAL

96. (1) The Minister may, by statutory instrument, make regulations for carrying this Act into effect.

Regulations

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may-

(a) prescribe the time, place, nature of and procedure in connection with medical examinations to be made under the provisions of this Act, and the conditions subject to which appeals may be made to the Board of Appeal, and provide for the administration of the Bureau;

(b) prescribe the forms to be used for certificates and reports to be issued under this Act, the forms to be used in keeping records required by this Act to be kept, and the form of any other document necessary

for carrying out the provisions of this Act;

(c) provide for the provision of transport by the Bureau or the payment by the Bureau of transport expenses necessarily incurred by a miner employed in that capacity when presented by his employer for a prescribed examination or when summoned by the Chairman of the Board to attend at his office for interview in connection with the payment of benefit under this Act;

(d) provide for the payment by the employer of basic wages which would normally be earned in respect of the time during which a miner is necessarily absent from work on account of having to undergo a prescribed examination or when summoned by the Chairman of the Board to attend at his office for interview in connection with the payment of benefit under this Act;

(e) delete any item from, vary or add any item to, any Schedule;

(f) subject to any specific provision of this Act, prescribe the fees for any act, matter or thing under this Act to be done or observed;

(g) prescribe any other matter which is required to be prescribed under the provisions of this Act.

(As amended by No. 31 of 1951, No. 15 of 1955, No. 30 of 1962 and G.N. No. 233 of 1964)

97. No benefit paid or payable under the provisions of this Act shall be capable of being assigned or charged nor shall such benefit be attached by the order of any court, and the right to a periodical payment to a beneficiary shall not pass by operation of law to any other person, and no claim shall be set off against an order for such a payment.

Benefits not to be assigned, charged or attached

98. Except where otherwise specially provided in this Act, all expenditure incurred in giving effect to any provision of this Act shall be defrayed from the general revenues of the Republic.

Republic to bear cost of administering this Act

(As amended by S.I. No. 124 of 1965)

99. Any notice for which provision is made in this Act shall be deemed to have been properly given if it was sent by post in a properly addressed registered letter, and, unless the contrary is proved, to have

Notices by registered letter

been effected at the time at which the letter would be delivered in the ordinary course of post.

100. Any person who commits an offence against this Act for which Penalties no special penalty is provided shall be liable to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a term not exceeding six months, or to both.

(As amended by Act No. 13 of 1994)

101. Subject to the provisions of section *twenty-four*, the Silicosis Repeal and saving (Temporary Arrangements) Act, Chapter 189 of the 1948 Edition of the Laws, is hereby repealed.

FIRST SCHEDULE

(Section 2 and 96)

SCHEDULED MINES

For purposes of this act the following are the Scheduled Mines;

- (1) The Roan Antelope Copper Mine, operated at the commencement of this Act by Roan Antelope Copper Mines Limited, from the 1st March, 1962, by the Roan Division of Rhodesia Selection Trust Limited; from the 1st April, 1968, by Luanshya Mines Limited, from the 15th August, 1970, by the Luanshya Division of Roan Consolidated Mines Limited, from the 1st April, 1981, by the Luanshya Division of Zambia Consolidated Copper Mines Limited.
- (2) The Mufulira Copper Mine, operated at the commencement of this Act by Mufulira Copper Mines Limited; from the 15th December, 1967, by the Mufulira Division of Mufulira Copper Mines Limited, from the 15th August, 1970, by the Mufulira Division of Roan Consolidated Mines Limited; from the 1st April, 1981, by the Mufulira Division of Zambia Consolidated Copper Mines Limited.
- (3) The Nkana Copper Mine, including the Mindolo section thereof, operated at the commencement of this Act of Rhokana Corporation Limited; from the 26th June, 1970, by the Rhokana Division of Ndranga Consolidated Copper Mines Limited; from the 1st April, 1981, by the Rhokana Division of Zambia Consolidated Copper Mines Limited and also any open-pit operated by the Rhokana Division of the last-named company.
- (4) The Nchanga Copper Mine, operated at the commencement of this Act by Nchanga Consolidated Copper Mines Limited; from the 26th June, 1970, by the Chingola Division of Nchanga Consolidated Copper Mines Limited; from 1st April, 1981, by the Chingola Division of Zambia Consolidated Copper Mines Limited; also any open (illigible words) from the 21st January, 1956, by Nchanga Consolidated Copper Mines Limited; from the 26th June, 1970, by the Chingola Division of the last-named company; from 1st April, 1981, by the Chingola Division of Zambia Consolidated Copper Mines Limited.
- (5) The Chibuluma Mine, operated from the 16th October, 1951, by Mufulira Copper Mines Limited; from the 1st May, 1952, by Chibuluma Mines Limited; from the 15th August, 1970, by the Chibuluma Division of Roan Consolidated Copper Mines Limited; from the 1st April, 1981, by Chibuluma Division of Zambia Consolidated Copper Mines Limited.
- (6) The Bancroft Mine, operated from the 19th January, 1954, by Bancroft Mines Limited; from the 26th June, 1970, by the Konkola Division of Nchanga Consolidated Copper Mines Limited; from the 1st April, 1981, by the Konkola Division of Zambia Consolidated Copper Mines Limited.
- (7) The Broken Hill Mine, operated from the 9th September, 1957, by Rhodesia Broken Hill Development Company Limited; from the 3rd April, 1965, by Zambia Broken Hill Development Company Limited; from the 26th March, 1971, by the Broken Hill Division of

Nchanga Consolidated Copper Mines Limited; from the 1st April, 1981, by the Broken Hill Division of Zambia Consolidated Copper Mines Limited.

(8) The Chambishi Mine, and any open-pit operated, from the 21st January, 1963, by Chambishi Mines Limited; from the 1st December, 1957, by the Chambishi Division of Mufulira Copper Mines Limited; from the 15th August, 1970, by the Chibuluma Division of Roan Consolidated Mines Limited; from the 1st April, 1981, by the Chibuluma Division of Zambia Consolidated Copper Mines Limited.

(9) The Bwaua Mukubua Mine and any open-pit operated from March, 1968, by the Rokana Division of Nchanga Consolidated Copper Mines Limited; from 1st April, 1981, by the Rokana Division of Zambia Consolidated Copper Mines Limited.

(10) The Kalengwa Mines and any open-pit operated from 1978 by the Chibuluma Division of Roan Consolidated Copper Mines Limited; from 1st April, 1981, by Zambia Consolidated Copper Mines Limited.

(11) The Maamba Coal Mine and any open-pit operated by Maamba Collieries Limited.

(12) The Nampanawe Mine operated from 1970 by the Broken Hill Division of Nchanga Consolidated Copper Mines Limited; from the 1st April, 1981, by the Broken Hill Division of Zambia Consolidated Copper Mines Limited.

(13) The Kansanshi Mine, and any open-pit operated from August, 1977, by the Kankola Division of Nchanga Consolidated Copper Mines Limited; from 1st April, 1981, by Kankola Division of Zambia Consolidated Copper Mines Limited;

(14) The Kansanshi Mine and any open cast working operated, at the date of its addition to this Schedule, by the Copper Mining Enterprises Trust Limited (COMET).

(15) Ndola Lime Quarry and Plant operated at the date of its addition to this Schedule by Ndola Lime Company.

Note: In this Schedule "open-pit" means the surface beneath the original surface of the ground which earlier mentioned surface of this ground which (illegible words) to exist due to the mining of metalliferous (illegible words) but does not match any trench or other description of pit.

(As amended by G.N. Nos. 257 of 1951, 22 of 1954, 57 of 1956, 228 of 1957, 40 of 1958, 72 of 1962, 18 of 1963, S.I. Nos. 246 of 1965, 165 of 1983, No. 142 of 1993 and No. 63 of 1996)

SECOND SCHEDULE

(Sections 2 and 96)

SCHEDULED PLACES

(1) The following are the working places at any scheduled mine which are situated above the surface of the ground, wherein work for the purpose of the definition of "miner" in section *two* ranks in the same fashion as work below the natural surface of the ground:

(a) any silica-bearing rock crushing plant, silica-bearing rock screening plant, silica-bearing rock loading and tipping point or bell conveyor plant within and forming an integral part of such rock-crushing or rock-screening plant or rock-loading or tipping point including the immediate surroundings of any such plant or point;

(b) any plant for the treatment of refractory copper ores (also known as the "TORCO" plant) and the immediate surroundings of such plant;

(c) any roasting, sintering or other similar plant used for the conservation of sulphide ores to oxides and the immediate surroundings of any such plant; and

(d) any weightbridge;

(e) any rock drill sharpening shop used by miners

(2) The following are the coal crushing plant and coal pulverising plants are scheduled places:

(a) the main coal crushing plant and coal pulverizing plant, at the Roan Antelope Copper Mine operated at the commencement of this Act by the Roan Antelope Copper Mines Limited; from the 1st March, 1962, by the Roan Antelope Division of Rhodesian Selection Trust Limited; from the 1st April, 1968, by Luanshya Mines Limited; from the 15th August, 1970, by the Luanshya Division of Roan Consolidated Mines Limited; from the 1st April, 1981, by the Luanshya Division of the Zambia Consolidated Copper Mines Limited;

(b) the receiving bins, crushers and all conveyor belts forming part of the coal preparation system, up to and including the belt above the power station bunkers serving the smelter and the receiving bins, and all conveyor belts or the refinery, but excluding the coal pulverizing plant of the refinery, at the Mufulira Copper Mines, operated at the commencement of this Act by Mufulira Copper Mines Limited; from the 15th December, 1967, by the Mufulira Division of Mufulira Copper Mines Limited; from the 15th August, 1970, by the Mufulira Division of Roan Consolidated Mines Limited; from the

(3) The following, situated above the surface of the ground at the Maamba Coal Mine and involved in the crushing of coal or any other minerals, are scheduled places:

(a) any plant, together with the immediate surroundings thereof;

(b) any station on the aerial rope-way, together with the immediate surroundings thereof; and

Note: In this Schedule "immediate surroundings", in relation to any building, installation, plant or other specified place, means an area bounded by a line five metres from the perimeter of any such building, installation, plant or place or, as the case may be, such greater or lesser area as the Director of the Bureau may, after consultation with the Chief Health Inspector of Mines, determine.

*(As amended by G.N. Nos. 38 of 1953,
352 of 1959, 72 of 1962,
S.I. Nos. 246 of 1965 and 165 of 1983)*

SUBSIDIARY LEGISLATION

PNEUMOCONIOSIS

SECTION 96-THE PNEUMOCONIOSIS (CHARGES AND FEES) REGULATIONS Regulations by the Minister

Government Notices
152 of 1951
36 of 1956
209 of 1957
330 of 1962
285 of 1963
Statutory Instrument
124 of 1965
Act
13 of 1994
CAP. 217

1. These Regulations may be cited as the Pneumoconiosis (Charges Title and Fees) Regulations.

(As amended by No. 209 of 1957)

2. In these Regulations, unless the context otherwise requires- Interpretation

"employed miner" means a person actually in lawful employment as a miner.

3. Where an employer is required by the Act to present an employed miner to the Bureau for a prescribed examination and where the Chairman of the Board requires any miner to attend at his office for interview in connection with compensation, the Bureau shall provide transport from the place of employment to the Bureau and return for every such examination or interview. Transport of employed miners for prescribed examinations

(As amended by No. 36 of 1956)

4. (1) An employer shall pay to the Bureau the charges set out below, in respect of every person, other than an employed miner, who is presented by such employer to the Bureau for a prescribed examination and who travels to and from, or to or from, the Bureau for such purpose in transport provided and paid for by the Bureau. Charges for transport of persons other than employed miners

CHARGES

					Fee units
(a)	Mufulira Copper Mine	..	..	..	20
(b)	Roan Antelope Copper Mine	..	..	..	20
(c)	Nchanga Copper Mine	..	..	..	20
(d)	Bancroft Copper Mine	..	..	..	25
(e)	Chibuluma Copper Mine	..	..	..	10
(f)	Chambishi Copper Mine	..	..	..	10

(2) All moneys received by the Bureau by virtue of the provisions of this regulation shall be paid into the general revenues of the Republic.

(As amended by No. 36 of 1956, No. 330 of 1962, No. 285 of 1963, No. 124 of 1965 and Act No. 13 of 1994)

5. Where an employer is required by the Act to present an employed miner to the Bureau for a prescribed examination and so presents such miner and where the Chairman of the Board has required any miner to attend at his office for interview in connection with compensation and such miner has so attended, the employer shall pay to such miner the basic wages he would normally have earned during the period he is necessarily absent from work for the purpose of undergoing such examination or attending for such interview.

Employed miner to be paid basic wages when absent for prescribed examination

(As amended by No. 36 of 1956)

6. The prescribed fee payable under subsection (6) of section *thirty-nine* of the Act shall be sixty-three fee units.

Prescribed fee

(As amended by No. 330 of 1962 and Act No. 13 of 1994)

SECTION 96-THE PNEUMOCONIOSIS (FORMS) REGULATIONS
Regulations by the Minister

Government Notices
 208 of 1957
 331 of 1962
 284 of 1963
 497 of 1964
Statutory
 Instruments 124 of

1. These Regulations may be cited as the Pneumoconiosis (Forms) Title Regulations.
2. The forms set out in the Schedule are hereby prescribed for use in^{Prescribed forms} the cases to which they respectively refer.

PRESCRIBED FORMS

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

APPLICATION FOR MEDICAL EXAMINATION OF THE NATURE INDICATED BELOW

1. INITIAL (Section 39).	2. INITIAL failing which SPECIAL (Section 39 (3) (c) and 39 (4) and proviso to 39 (5)).	3. INITIAL failing which INITIAL (RESTRICTED) to employment as (Section 39 (3) and proviso 39 (5)).
--------------------------	---	---

Date of examination

Mine *Mine No *National Register No

*Place of birth

*Child of

*District

* Complete as required

Have you been examined and given a number by any of the Bureaux named?
If so, state the number.



R.Z. Bureau Number

S.A. Bureau Number

S.R. Bureau Number

MINING SERVICE

Fill up the table below as accurately as possible, stating the years (e.g. 1926-32 or 1943-44 and 1946) during which you worked and stating the number of months worked in each of the occupations named.

NOTE.-When this form is used for the re-examination of any man who has been previously examined by the Bureau of Mines, the mining service "Service since last examined" followed by the particulars of that service only.

<i>Country to be shown as R.Z., Zim., S.A. or "Elsewhere". Nature of mine to be shown as "Gold", "Asbestos", "Coal" or "Other". Country and nature may be omitted for R.Z. Copper Mines. Put a line after the record of service for any mine.</i>	Country, Name and Nature of Mine	Dates of Service	Surface Scheduled Service in Months	Underground Service in Months
	<i>Concentrator</i> Including Crushers, Screening and Belt Conveyors	<i>Other</i> Including Sample Crushing, Change House, Tailing Dump, Rock Drill Sharpening, Coal Plant	<i>Production</i> Including Drilling, Blasting, Lashing Rock Removal, Ore Transport	<i>Other</i> Including Pumps, Sanitation, Pipe Fitting, Survey, etc.
			Grand Total	.. .. .

I declare that the above statements are true to the best of my knowledge and belief.

Signature or thumb-print of person examined:

.....

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

APPLICATION FOR MEDICAL EXAMINATION OF THE NATURE INDICATED BELOW

1. PERIODICAL (SECTIONS 40, 41, 42).	2. PERIODICAL Re-restricted (SECTION 43 (1) (b)).	3. Discharge (SECTION 44).	4. Suspect (SECTION 47).	5. Additi (SECTION Applicable employment as
Engagement Employee	Engagement Employee			

Age Date of exam
..... Min

*National Registrat
*Place of birth

*Complete as required.

Have you been given a number by either of the Bureaux named
since last examined by or for the R.Z. Bureau?
If so, state number.



S.A. Bureau No.
S.A. Bureau No.

What occupation other than mining have you been

MINING SERVICE SINCE LAST BUREAU EXAMINATION

Country, Name and Nature of Mine	Dates of Service	Surface Scheduled Service in Months		U
<i>Concentrator</i> Including Crushers, Screening and Belt Conveyors	<i>Other</i> Including Sample Crushing, Change House, Tailing Dump, Rock Drill Sharpening, Coal Plant	<i>Production</i> Including Drilling, Blasting, Lashing Rock Removal, Ore Transport	Including Pumps, Sanitation, Pipe Fitti	

Right thumb-print	<p style="text-align: right;">Cumulative Absence 1</p> <p>I declare the above statement to be true to the best of my knowledge and belief.</p> <p style="text-align: right;">Signature or thumb-print of person examined:</p> <p style="text-align: right;">Signature of Witness</p> <p>Place of examination if not Republic of Zambia</p>	<p>(This entry</p>

FORM 3

(FACE)

BUREAU NO.

M.B.

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

INITIAL CERTIFICATE

Full name

Address

This is to certify that the person named above underwent on an initial examination as prescribed by section 39 of the Pneumoconiosis Act and was found to satisfy the requirements for the issue to him of this certificate.

The validity of this certificate expires on

after which date the certificate will be of no effect.

Secretary of the Bureau

Kitwe,

Signature or right thumb-
print of
person named above

INITIAL (RESTRICTED) CERTIFICATE

(BACK)

If the word "Restricted" is stamped upon the face of this certificate, then this certificate is valid only for the occupations and only at the mine named below.

OCCUPATIONS:

MINE:

FORM 4

(FACE)

BUREAU NO.

M.B.

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

PERIODICAL CERTIFICATE

Full name

Address

This is to certify that the person named above underwent on a periodical examination as prescribed by section 40 of the Pneumoconiosis Act and was found to satisfy the requirements for the issue to him of this certificate.

The validity of this certificate expires on

after which date the certificate will be of no effect.

Tuberculosis is absent. Pneumoconiosis is absent/pneumoconiosis is present in the first/second stage.

*Secretary of the
Bureau
Kitwe,*

Signature or right thumb-
print of
person named above

PERIODICAL (RESTRICTED) CERTIFICATE

(BACK)

If the word "Restricted" is stamped upon the face of this certificate, then this certificate is valid only for the occupations and only at the mine named below.

OCCUPATIONS:

MINE:

FORM 5

(FACE)

BUREAU NO.

M.B.

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

SPECIAL CERTIFICATE

(See important note on back)

Full name

Address

This is to certify that the person named above underwent on an initial examination as prescribed by section 39 of the Pneumoconiosis Act and was found to satisfy the requirements for the issue to him of this certificate.

The validity of this certificate expires on

after which date the certificate will be of no effect.

*Secretary of the
Bureau
Kitwe,*

Signature or right thumb-print
of
person named above

IMPORTANT NOTE

(BACK)

This certificate is issued under the authority of section 39 (3) (c) and (5) of the Pneumoconiosis Act. It is not lawful for the person in respect of whom it is issued to work as a "miner" or for an employer to employ him as a "miner" for an aggregate of more than 100 hours in any period of thirty days.

FORM 6 B.1

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. Box 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Initial: Section 39 (3) (a))

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) A Republic of Zambia INITIAL CERTIFICATE valid to
has been sent to the Mine Secretary of

Mine.

is enclosed herewith.

* (2) The original of this report has been sent to the Mine Secretary of
Mine.

Secretary of the Bureau

*To examine if not presented for examination by employer or prospective employer with copy to Mine Secretary if previously employed as a miner in scheduled mines.

FORM 7 B.2

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. Box 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Initial: Section 39 (3) (b))

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) A Republic of Zambia INITIAL (RESTRICTED) CERTIFICATE valid to

has been sent to the Mine
Secretary of

Mine.

(2) The validity of the above-mentioned certificate is restricted to the occupations
of

at

Mine.

(3) Tuberculosis is absent.
Pneumoconiosis is absent/present in the first/second stage.

- (4) The date of this certification is
(5) Previous certifications if any:
Pneumoconiosis in the first stage

Pneumoconiosis in the second stage

- (6) A copy of this report has been sent to:
*Examinee.

*The Secretary, Zambia Pneumoconiosis Compensation Board.

- (7) The original of this report has been sent to the Mine Secretary of

Mine.

*Secretary of the
Bureau*

*These lines are for use only when the presence of pneumoconiosis is certified: delete in
other cases.

FORM 8 B.3

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. Box 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Initial: Section 39 (3) (c))

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) A Republic of Zambia SPECIAL CERTIFICATE valid to

has been sent to the Mine Secretary of

Mine.

(2) Pneumoconiosis is absent.

Pneumoconiosis is present in the first/second stage.

Tuberculosis is absent.

(3)

The certificate

named constitutes an authority for the person in respect of whom it is issued to work or to be employed as a "miner" provided that his work in that capacity does not exceed in aggregate 100 hours in any month. (Section 39 (3) (c) and (4) of the Pneumoconiosis Act.)

(4) Previous certifications if any:

Pneumoconiosis in the first stage

Pneumoconiosis in the second stage

(5) A copy of this report has been sent to:

*The Examinee.

*The Secretary, Zambia Pneumoconiosis Compensation Board.

(6) The original of this report has been sent to the Mine Secretary of
Mine.

*Secretary of the
Bureau*

*These lines are for use only when the presence of pneumoconiosis is certified: delete in
other cases.

FORM 9 B.4

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. Box 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Initial: Section 39 (3) (d))

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1)

NO

CERTIFICATE can be issued since the person named above is not up to the physical standard required by law. He is at liberty, however, to apply for re-examination after months from the date of this report.

(2) Pneumoconiosis is absent; tuberculosis is absent.

* (3) The original of this report has been sent to the Mine Secretary of

Mine.

*Secretary of the
Bureau*

*To examine if not presented for examination by employer or prospective employer with

copy to Mine Secretary if previously employed as a miner in scheduled mines.

FORM 10 B.5

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONOSIS MEDICAL AND RESEARCH BUREAU

P.O. Box 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Initial: Section 39 (3) (e))

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) NO

CERTIFICATE can be issued since the person named above is found by the Bureau to be not fit for work as a miner in any circumstances. He is therefore not eligible to be examined again by this Bureau for a certificate of fitness.

(2) Pneumoconiosis is absent/present in the
stage.
Tuberculosis is absent/present.

(3) A copy of this report has been sent to:

*The Secretary, Zambia Pneumoconiosis Compensation Board.

*The Examinee

** (4) The original of this report has been sent to the Mine Secretary of

Mine.

*Secretary of the
Bureau*

*These lines are for use only when the presence of pneumoconiosis and/or tuberculosis is certified; delete in other cases.

**To examine if not presented for examination by employer or prospective employer with copy to Mine Secretary if previously employed as a miner in scheduled mines.

FORM 11 B.6

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. Box 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Periodical: Section 43)

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) A Republic of Zambia PERIODICAL CERTIFICATE, valid to

has been sent to the Mine Secretary of

Mine. is
enclosed herewith.

(2) Pneumoconiosis and tuberculosis are both absent.

* (3) The original of this report has been sent to the Mine Secretary of

Mine.

*Secretary of the
Bureau*

NOTE-If the word "Restricted" is stamped on the face of this report, it implies that the certificate referred to above was issued under special provisions of the pneumoconiosis law

and that such certificate is valid only for the occupations of:

at the following mine:

*To examine if not presented for examination by employer or prospective employer with
copy to Mine Secretary.

FORM 12 B.7

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU
P.O. Box 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Periodical: Section 43)

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) A Republic of Zambia PERIODICAL CERTIFICATE valid to
has been sent to the Mine Secretary of

Mine.
is enclosed herewith.

(2) Pneumoconiosis is present in the first stage. Tuberculosis is absent.

(3) The date of this certification is

(4) Previous certifications if any:
Pneumoconiosis in the first stage

(5) A copy of this report has been sent to:
The Secretary, Zambia Pneumoconiosis Compensation Board.

*(6) The original of this report has been sent to the Mine Secretary of

Mine.

*Secretary of the
Bureau*

NOTE.-If the word "Restricted" is stamped on the face of this report, it implies that the certificate referred to above was issued under section 43 (1) (b) of the Pneumoconiosis Act and that such certificate is valid only for the occupation of:

at the following mine:

*To examinee if not presented for examination by employer or prospective employer with copy to Mine Secretary.

FORM 13 B.8

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU
P.O. Box 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Periodical: Section 43)

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

- (1) A Republic of Zambia PERIODICAL CERTIFICATE valid to

has been sent to the Mine Secretary of

Mine.
is enclosed herewith.
- (2) Pneumoconiosis is present in the second stage. Tuberculosis is absent.
- (3) The date of this certification is

- (4) Previous certifications if any:
Pneumoconiosis in the first stage

Pneumoconiosis in the second stage
- (5) A copy of this report has been sent to:

The Examinee.

The Secretary, Zambia Pneumoconiosis Compensation Board.

*(6) The original of this report has been sent to the Mine Secretary of

Mine.

*Secretary of the
Bureau*

NOTE.-If the word "Restricted" is stamped on the face of this report, it implies that the certificate referred to above was issued under section 43 (1) (b) of the Pneumoconiosis Act and that such certificate is valid only for the occupations of:

at the following mine:

*To examinee if not presented for examination by employer or prospective employer with copy to Mine Secretary.

FORM 14 B.9

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU
P.O. Box 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Periodical: Section 43)

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) For the reason stated in paragraph (2) NO CERTIFICATE can be issued.

(2) Pneumoconiosis is present in the third stage without tuberculosis.

Tuberculosis is present without pneumoconiosis.

Tuberculosis and pneumoconiosis are both present.

(3) The date of this certification is

(4) This certification immediately and finally cancels any existing certificate in respect of the person named above authorising him to work or to be employed as a "miner" in Zambia and the law requires that he forthwith cease to be so employed.

(5) Previous certifications if any:

Pneumoconiosis in the first stage

Pneumoconiosis in the second stage

(6) A copy of this report has been sent to:

The Secretary, Zambia Pneumoconiosis Compensation Board.
The Examinee.

*(7) The original of this report has been sent to the Mine Secretary of
Mine.

Secretary of the Bureau

*To examine if not presented for examination by employer or prospective employer with
copy to Mine Secretary.

FORM 15 B.9a

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. BOX 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Periodical: Section 43 (1) (c))

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) Pneumoconiosis is absent.

Pneumoconiosis is present in the first/second stage.

Tuberculosis is absent.

(2) Despite the

absence of tuberculosis and of pneumoconiosis in the third stage NO CERTIFICATE can be issued for the reason stated in paragraph (3).

(3)

The Bureau is of the opinion that the fitness for work as a miner of the person reported on has been seriously impaired by old age/disease. (Section 43 (1) (c) of the Pneumoconiosis Act.)

(4) Previous certifications if any:

Pneumoconiosis in the first stage

Pneumoconiosis in the second stage

(5) A copy of this report has been sent to:

*The Secretary, Zambia Pneumoconiosis Compensation Board.

*The Examinee.

** (6) The original of this report has been sent to the Mine Secretary of

Mine.

Secretary of the Bureau

*These lines are for use only when pneumoconiosis is certified to be present.

**To examinee if not presented for examination by employer or prospective employer with copy to Mine Secretary.

FORM 16 B.10

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. BOX 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Benefits: Section 48)

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) Pneumoconiosis is absent.

Tuberculosis is absent.

(2) Unless

specially directed by the Director of the Bureau to present himself at the Bureau for re-examination at some earlier date, the person named above is *not* eligible to be re-examined by the Bureau sooner than one year from the date of the examination now reported on.

(Section 48 (*d*) of the Pneumoconiosis Act.)

* (3) The original of this report has been sent to the Mine Secretary of

Mine.

*Secretary of the
Bureau*

*To examinee if not presented for examination by employer or prospective employer with copy to Mine Secretary.

FORM 17 B.11

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. BOX 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Benefits: Section 48)

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) Pneumoconiosis is present in the
stage.

Tuberculosis is absent.

(2) The date of this certification is

(3) Previous certifications if any:
Pneumoconiosis in the first stage

Pneumoconiosis in the second stage

Pneumoconiosis in the third stage

(4) Unless directed

by the Director of the Medical Bureau to present himself for re-examination at some earlier date, the person named above is *not* eligible to be re-examined at the Bureau sooner than one year from the date of the examination now reported on. (Section 48 (*d*) of the Pneumoconiosis Act.)

(5) A copy of this report has been sent to:
The Secretary, Zambia Pneumoconiosis Compensation Board.
The Examinee.

*(6) The original of this report has been sent to the Mine Secretary of Mine.

*Secretary of the
Bureau*

*To examinee if not presented for examination by employer or prospective employer with copy to Mine Secretary.

FORM 18 B.12

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. BOX 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Benefits: Section 48)

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) Tuberculosis is present.
Pneumoconiosis is absent.

(2) The date of this certification is

(3) Previous certification if any:
Tuberculosis without pneumoconiosis

(4) Unless directed by the Director of the Medical Bureau to present himself for re-examination at some earlier date, the person named above is *not* eligible to be re-examined at the Bureau sooner than one year from the date of the examination now reported on. (Section 48 (d) of the Pneumoconiosis Act.)

(5) A copy of this report has been sent to:
The Secretary, Zambia Pneumoconiosis Compensation Board.
The Examinee.

*(6) The original of this report has been sent to the Mine Secretary of

Mine.

*Secretary of the
Bureau*

*To examinee if not presented for examination by employer or prospective employer with
copy to Mine Secretary.

FORM 19 B.13
CONFIDENTIAL

BUREAU NO.
M.B.
MINE REGISTRATION NO.

Date

FORM 19 B.13

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. BOX 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Benefits: Section 48)

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) Pneumoconiosis is present.

Tuberculosis is present.

(2) The date of this certification is

(3) Previous certifications if any:

Pneumoconiosis in the first stage

Pneumoconiosis in the second stage

Pneumoconiosis in the third stage

Pneumoconiosis with tuberculosis

Tuberculosis without pneumoconiosis

(4) Unless directed by the Director of the Medical Bureau to present himself for re-examination at some earlier date, the person named above is *not* eligible to be re-examined at the Bureau sooner than one year from the date of the examination now reported on. (Section 48 (d) of the Pneumoconiosis Act.)

(5) A copy of this report has been sent to:
The Secretary, Zambia Pneumoconiosis Compensation Board.
The Examinee.

*(6) The original of this report has been sent to the Mine Secretary of Mine.

*Secretary of the
Bureau*

*To examinee if not presented for examination by employer or prospective employer with copy to Mine Secretary.

FORM 20 B.14

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. BOX 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Discharge: Section 44; Suspect: Section 47; or Additional: Section 49)

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

- (1) Pneumoconiosis is absent.
Tuberculosis is absent.
- * (2) The original of this report has been sent to the Mine Secretary of Mine.

*Secretary of the
Bureau*

*To examinee if not presented for examination by employer or prospective employer with copy to Mine Secretary.

FORM 21 B.15

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. BOX 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Discharge: Section 44; Suspect: Section 47; or Additional: Section 49)

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) Pneumoconiosis is present in the first/second stage.

Tuberculosis is absent.

(2) The date of this certification is

(3) Previous certifications if any:

Pneumoconiosis in the first stage

Pneumoconiosis in the second stage

(4) A copy of this report has been sent to:

The Secretary, Zambia Pneumoconiosis Compensation Board.

The Examinee.

*(5) The original of this report has been sent to the Mine Secretary of

Mine.

*Secretary of the
Bureau*

*To examinee if not presented for examination by employer or prospective employer with
copy to Mine Secretary.

FORM 22 B.16
CONFIDENTIAL

BUREAU NO.
M.B.
MINE REGISTRATION NO.

Date

FORM 22 B.16

CONFIDENTIAL

BUREAU NO.
M.B.

MINE
REGISTRATION
NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. BOX 205, KITWE

REPORT ON MEDICAL EXAMINATION

(Discharge: Section 44; Suspect: Section 47; or Additional: Section 49)

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

- (1) Pneumoconiosis is present in the third stage without tuberculosis.
Tuberculosis is present without pneumoconiosis.
Tuberculosis and pneumoconiosis are both present.

(2) The date of this certification is

(3)

This certification immediately and finally cancels the validity of any certificate of fitness in respect of the person named above authorising him to work or to be employed as a "miner" in Zambia and the law requires that he forthwith cease to be so employed.

(4) Previous certifications if any:

Pneumoconiosis in the first stage

Pneumoconiosis in the second stage

(5) A copy of this report has been sent to:

The Secretary, Zambia Pneumoconiosis Compensation Board.

The Examinee.

*(6) The original of this report has been sent to the Mine Secretary of

Mine.

*Secretary of
the Bureau*

*To examinee if not presented for examination by employer or prospective employer with copy to Mine Secretary.

FORM 23 B.17

CONFIDENTIAL

BUREAU NO.
M.B.

**MINE
REGISTRATION
NO.**

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. BOX 205, KITWE

REPORT ON A POST-MORTEM EXAMINATION

(Sections 56 and 57)

Name of deceased person

Date of examination

With reference to the *post-mortem* examination performed on the above date, I am directed to report as follows:

(1) Pneumoconiosis was found to be absent/present in the.....
stage.

Tuberculosis was found to be absent/present.

Death was due to pneumoconiosis.

Death was not
due to pneumoconiosis but pneumoconiosis was a contributory or predisposing factor.

Death was not
due to pneumoconiosis and pneumoconiosis was neither a contributory nor a predisposing
factor.

The date of this certification is

i.e., the date of the
post-mortem examination.

(2) In the case
of the deceased person now reported on, certification of the presence of compensable
disease during life was made as follows:

Pneumoconiosis in the first stage on

Pneumoconiosis in the second stage on

Pneumoconiosis in the third stage on

Pneumoconiosis with tuberculosis on

Tuberculosis without pneumoconiosis on

(3) A copy of this report has been sent to:
*The Secretary, Zambia Pneumoconiosis Compensation Board.
The next of kin.

**⁽⁴⁾
The original of this report has been sent to the Mine Secretary of

Mine.

*Secretary of
the Bureau*

*Delete this line if no compensable disease was found.

**To next of kin if examination not arranged by employer with copy to Mine Secretary.

FORM 24 B.B

CONFIDENTIAL

BUREAU NO. M.B.
MINE REGISTRATION NO.

Date

REPUBLIC OF ZAMBIA

PNEUMOCONIOSIS MEDICAL AND RESEARCH BUREAU

P.O. BOX 205, KITWE

REPORT ON INCONCLUSIVE MEDICAL EXAMINATION

Name of person reported on

Date of examination

With reference to the examination on the above date, I am directed to report as follows:

(1) The examination referred to above was inconclusive.

(2) Further examination is required as follows:

Clinical examination by the Bureau on date to be arranged.

X-ray examination by the Bureau on date to be arranged.

Examination of

specimens of sputum expectorated on successive days.

Observation in hospital for days.

(3) (For use when the person examined is employed at a mine***) The Mine Secretary,

Mine has been asked, by copy of this notice, to make the necessary arrangements which he will communicate to the person concerned.

(3a) (For use when the person examined is not employed at a mine***) Arrangements for the required further examination will be as follows:

** (4) A Periodical Certificate valid for fourteen days has been sent to the Mine Secretary, Mine.

This will cover the continuation of work as a miner until a final decision is intimated.

** (4a)

Under the authority given by section 43 (2) of the Pneumoconiosis Act, any certificate of fitness extant in the name of the person named above is hereby suspended and no fresh certificate will be issued until a final decision is reached and intimated.

(5) A copy of this report has been sent to the Mine Secretary, Mine.

*Secretary of the
Bureau*

NOTE FOR BUREAU GENERAL OFFICE

*If the person concerned is not employed at a mine, paragraphs (3) and (4) and the reference to the Mine Secretary in paragraph (5) must be deleted and paragraph (3a) should be completed, as the Secretary may direct, so as to show what are the arrangements for examination by the Bureau, by a Government Medical Officer, etc.

**Paragraphs (4) and (4a) should be deleted unless the official decision of the Bureau signified on the A.P. form makes the use of one or other of those paragraphs necessary.

