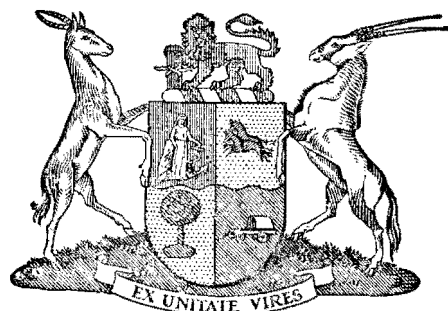


BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

THE UNION OF SOUTH AFRICA

Government Gazette

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

GOEWERMENTSKENNISGEWING.

GOVERNMENT NOTICE.

Nr. 1441.] [3 Oktober 1958.

No. 1441.] [3rd October, 1958.

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Acts, which are hereby published for general information:—

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No. 41, 1958.]

WET**Tot wysiging van die Naturelletrust en -grond Wet, 1936.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 26 September 1958.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van artikel 6bis van Wet 18 van 1936, soos ingevoeg deur artikel 26 van Wet 17 van 1938 en gewysig deur artikel 20 van Wet 46 van 1945.

1. Artikel ses bis van die Naturelletrust en -grond Wet, 1936, word hierby gewysig deur die volgende paragraaf by sub-artikel (3) te voeg, terwyl die bestaande sub-artikel paragraaf (a) word:

„(b) Ondanks die bepalings van paragraaf (a), kan die Trustee te eniger tyd iemand op 'n tydelike basis aanstel teen die vergoeding en op die voorwaardes wat hy goedvind, om die spesiale werksaamhede te verrig wat hy nodig ag, en die vergoeding en toelae van iemand aldus aangestel word uit die fonds gedek. 'n Lys van persone wat gedurende die voorafgaande kalenderjaar aldus in diens was, waarin die aard van hulle diens en hulle vergoeding vermeld word, word deur die Minister in beide Huise van die Parlement ter Tafel gelê binne veertien dae na die aanvang van die eersvolgende gewone sessie van die Parlement.”

Wysiging van artikel 9 van Wet 18 van 1936, soos gewysig deur artikel 27 van Wet 17 van 1938, artikel 4 van Wet 17 van 1939, artikel 21 van Wet 46 van 1945 en artikel 30 van Wet 56 van 1949.

2. Artikel nege van die Naturelletrust en -grond Wet, 1936, word hierby gewysig deur na paragraaf (e) van sub-artikel (1) die volgende paragraaf in te voeg:

„(f) om die belange van naturelle op handels- en nywerheidsgebied in afgesonderde naturellegebiede of oopgestelde gebiede of op grond deur die Trust in die Unie of die gebied van Suidwes-Afrika besit, te bevorder en, onderhewig aan die voorwaardes wat die Trustee bepaal, om fondse te voorsien om deur 'n liggaam kragtens 'n Wet van die Parlement ingestel, vir daardie doel gebruik te word; en”.

Wysiging van artikel 13 van Wet 18 van 1936, soos gewysig deur artikel 7 van Wet 17 van 1939, artikel 2 van Wet 18 van 1954 en artikel 5 van Wet 73 van 1956.

3. Artikel dertien van die Naturelletrust en -grond Wet, 1936, word hierby gewysig deur die volgende paragrafe by sub-artikel (3) te voeg, terwyl die bestaande sub-artikel paragraaf (a) word:„(b) (i) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant*—

(aa) die prosedure voorskryf waarby kennis gegee moet word aan enige persoon wie se verblyfplek nie vasgestel kan word nie en aan wie kennis kragtens paragraaf (a) gegee moet word; en

(bb) die wyse voorskryf waarop met enige vergoeding betaalbaar ten opsigte van grond wat ingevolge die bepalings van hierdie artikel onteien word, gehandel moet word as dit nie opgeëis word deur die persoon wat regtens geregtig is om dit op te eis nie.

(ii) Verskillende prosedures kan ten opsigte van verskillende gebiede voorgeskryf word in 'n proklamasie kragtens paragraaf (aa) van sub-paragraaf (i) uitgereik.

(c) Indien enige vergoeding wat ingevolge hierdie artikel aan 'n naturel betaalbaar word, nie opgeëis word nie voor die verstryking van 'n tydperk van dertig jaar vanaf die datum waarop die vergoeding betaalbaar geword het, verloor die persoon wat regtens daardie vergoeding kan opeis, by verstryking van daardie tydperk al sy regte ten opsigte daarvan, en word die bedrag van bedoelde vergoeding aan die fonds oorbetaal.

(d) 'n Kennisgewing gegee ooreenkomstig die prosedure in 'n in paragraaf (aa) van sub-paragraaf (i) van paragraaf (b) bedoelde proklamasie voorgeskryf, word vir doeleindes van hierdie artikel geag genoegsame kennis te wees as daardie kennisgewing voldoen aan

No. 41, 1958.]

ACT

To amend the Native Trust and Land Act, 1936.

(Afrikaans text signed by the Governor-general.)
(Assented to 26th September, 1958.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *six bis* of the Native Trust and Land Act, 1936, is hereby amended by the addition to sub-section (3) of the following paragraph, the existing sub-section becoming paragraph (a):

Amendment of section 6bis of Act 18 of 1936, as inserted by section 26 of Act 17 of 1938 and amended by section 20 of Act 46 of 1945.

“(b) Notwithstanding the provisions of paragraph (a) the Trustee may at any time appoint any person on a temporary basis at such remuneration and on such conditions as he may deem fit, to perform such special functions as he may consider necessary, and the remuneration and allowances of any person so appointed shall be met from the fund. A list of persons so employed during the preceding calendar year, specifying the nature of their employment and their remuneration, shall be laid upon the Tables of both Houses of Parliament by the Minister within fourteen days after the commencement of its next ensuing ordinary session.”.
2. Section *nine* of the Native Trust and Land Act, 1936, is hereby amended by the insertion after paragraph (e) of sub-section (1) of the following paragraph:

Amendment of section 9 of Act 18 of 1936, as amended by section 27 of Act 17 of 1938, section 4 of Act 17 of 1939, section 21 of Act 46 of 1945 and section 30 of Act 56 of 1949.

“(f) to advance the interests of natives in commerce and industry in scheduled native areas or released areas or on land held by the Trust in the Union or the territory of South-West Africa and, subject to such conditions as the Trustee may determine, to provide moneys to be used for that purpose by any body established by Act of Parliament; and”.
3. Section *thirteen* of the Native Trust and Land Act, 1936, is hereby amended by the addition to sub-section (3) of the following paragraphs, the existing sub-section becoming paragraph (a):

Amendment of section 13 of Act 18 of 1936, as amended by section 7 of Act 17 of 1939, section 2 of Act 18 of 1954 and section 5 of Act 73 of 1956.

“(b) (i) The Governor-General may by proclamation in the *Gazette* prescribe—

 - (aa) the procedure whereby notice shall be given to any person whose whereabouts cannot be ascertained and to whom notice is required to be given under paragraph (a); and
 - (bb) the manner in which any compensation payable in respect of any land expropriated under the provisions of this section is to be dealt with if it is not claimed by the person who in law is entitled to claim it.

(ii) In any proclamation issued under paragraph (aa) of sub-paragraph (i) different procedures may be prescribed in respect of different areas.

(c) If any compensation which becomes payable under this section to any native is not claimed before the expiration of a period of thirty years from the date on which the compensation became payable, the person who in law may claim that compensation shall, at the expiration of that period, lose all his rights in respect thereof, and the amount of such compensation shall be paid over to the fund.

(d) Any notice given in accordance with the procedure prescribed in a proclamation referred to in paragraph (aa) of sub-paragraph (i) of paragraph (b) shall be deemed to be sufficient notice for the purposes of this section if such notice complies with the provisions of

die bepalings van paragraaf (a) van hierdie sub-artikel met betrekking tot die tydperk wat moet verloop voordat die betrokke grond onteien word en die inhoud van die kennisgewing.

- (e) Iemand aan wie 'n in paragraaf (d) bedoelde kennisgewing gegee word, word vir doeleindes van hierdie artikel geag met die vergoeding in daardie kennisgewing aangebied, in te gestem het indien hy nie voor die datum waarop die betrokke grond onteien word teen die aangebode vergoeding beswaar maak nie."

Wysiging van artikel 26 van Wet 18 van 1936 soos gewysig deur artikel 5 van Wet 18 van 1954.

4. Artikel *ses-en-twintig* van die Naturelletrust en -grond Wet, 1936, word hierby gewysig deur in sub-artikel (1) die woord „hom” te skrap en die woorde „metterwoon vestig” deur die woord „woon” te vervang.

Wysiging van artikel 40 van Wet 18 van 1936.

5. Artikel *veertig* van die Naturelletrust en -grond Wet, 1936, word hierby gewysig deur die volgende sub-artikel by te voeg:

„(3) Waar in 'n aanklag ten opsigte van 'n misdryf ingevolge hierdie Wet of die Hoofwet, beweer word dat die persoon wat weens daardie misdryf aangekla is of die persoon ten opsigte van wie daardie misdryf na bewering gepleeg is, 'n naturel of 'n ander persoon as 'n naturel is, word die betrokke persoon geag 'n naturel of 'n ander persoon as 'n naturel, na gelang van die geval, te wees tensy die teendeel bewys word.”

Wysiging van artikel 41 van Wet 18 van 1936.

6. Artikel *een-en-veertig* van die Naturelletrust en -grond Wet, 1936, word hierby gewysig—

(a) deur die woorde „as 'n naturel” te skrap; en
(b) deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Waar in 'n aanklag ten opsigte van 'n misdryf ingevolge hierdie Wet of die Hoofwet met betrekking tot die bewoning van grond deur enige persoon, beweer word dat die persoon wat weens daardie misdryf aangekla is of die persoon ten opsigte van wie daardie misdryf na bewering gepleeg is, daardie grond bewoon of bewoon het, word die betrokke persoon geag daardie grond te bewoon of te bewoon het, na gelang van die geval, tensy die teendeel bewys word.”

Kort titel.

7. Hierdie Wet heet die Wysigingswet op Naturelletrust en -grond, 1958.

No. 42, 1958.]

WET

Om sekere grond van die Nasionale Kruger-wildtuin uit te sluit.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 26 September 1958.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika soos volg:—

Uitsluiting van sekere grond van Nasionale Kruger-wildtuin.

1. Die grond wat bestaan uit Gedeelte 1 van die plaas Vereniging No. 3 en die plase Zeekoegat No. 4 en Knaboomkop No. 5 in die distrik Pelgrimsrus, word hierby uitgesluit van die Nasionale Kruger-wildtuin gestig kragtens artikel *een* van die Wet op Nasionale Parke, 1926 (Wet No. 56 van 1926).

Kort titel.

2. Hierdie Wet heet die Wysigingswet op Nasionale Parke, 1958.

paragraph (a) of this sub-section in regard to the period which is to elapse before the land in question is expropriated and the contents of the notice.

- (e) Any person to whom a notice referred to in paragraph (d) is given shall, for the purposes of this section, be deemed to have agreed to the compensation offered in that notice if such person does not, prior to the date on which the land in question is expropriated, object to the compensation offered."

4. Section *twenty-six* of the Native Trust and Land Act, 1936, is hereby amended by the deletion in the Afrikaans version of sub-section (1) of the word "hom" and the substitution therein for the words "metterwoon vestig" of the word "woon".

Amendment of section 26 of Act 18 of 1936, as amended by section 5 of Act 18 of 1954.

5. Section *forty* of the Native Trust and Land Act, 1936, is hereby amended by the addition of the following sub-section:

Amendment of section 40 of Act 18 of 1936.

"(3) Where in a charge in respect of an offence under this Act or the principal Act, it is alleged that the person charged with that offence or the person in respect of whom that offence is alleged to have been committed is a native or a person other than a native, the person concerned shall be deemed to be a native or a person other than a native, as the case may be, unless the contrary is proved."

6. Section *forty-one* of the Native Trust and Land Act, 1936, is hereby amended—

Amendment of section 41 of Act 18 of 1936.

(a) by the substitution for the words "a person other than a native" of the words "any other person"; and

(b) by the addition of the following sub-section, the existing section becoming sub-section (1):

"(2) Where in a charge in respect of an offence under this Act or the principal Act relating to the residence of any person on land, it is alleged that the person charged with that offence or the person in respect of whom that offence is alleged to have been committed, is or was resident on that land, the person concerned shall be deemed to be resident or to have been resident on that land, as the case may be, unless the contrary is proved."

7. This Act shall be called the Native Trust and Land Amendment Act, 1958. Short title.

No. 42, 1958.]

ACT

To exclude certain land from the Kruger National Park.

(English text signed by the Governor-General.)
(Assented to 26th September, 1958.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. The land comprising Portion 1 of the farm Vereeniging No. 3 and the farms Zeekoegat No. 4 and Knaboomkop No. 5 in the district of Pilgrimsrest, is hereby excluded from the Kruger National Park constituted by section *one* of the National Parks Act, 1926 (Act No. 56 of 1926).

Exclusion of certain land from the Kruger National Park.

2. This Act shall be called the National Parks Amendment Act, 1958. Short title.

No. 43, 1958.]

WET**Tot wysiging van die Polisiewet, 1958.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 26 September 1958.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—Wysiging van
artikel 9 van
Wet 7 van 1958.**1.** Artikel *nege* van die Polisiewet, 1958 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (9) na die woord „artikel” die woorde „deur ’n offisier” in te voeg.Wysiging van
artikel 15 van
Wet 7 van 1958.**2.** Artikel *vyftien* van die Hoofwet word hierby gewysig—
(a) deur in sub-artikel (1) na die woorde „so ’n lid” waar dit die tweede maal voorkom die woorde „behalwe ’n tydperk gedurende welke hy gevangenisstraf uitdien” in te voeg; en
(b) deur in sub-artikel (2) na die woord „skorsing” die woorde „behalwe ’n tydperk van skorsing gedurende welke hy gevangenisstraf uitgedien het” in te voeg.Wysiging van
artikel 31 van
Wet 7 van 1958.**3.** Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) ’n Lid van die Mag wat te goeder trou ’n handeling verrig ooreenkomstig of in die tenuitvoerlegging van ’n bepaling wat ’n verordening van ’n bevoegde wetgewende gesag heet te wees, is, ondanks enige onreëlmatigheid in verband met die verordening van of gebrek in so ’n bepaling of afwesigheid van regsbevoegdheid van daardie wetgewende gesag, vry van aanspreeklikheid ten opsigte van die verrigting van daardie handeling in dieselfde mate en onderworpe aan dieselfde voorwaardes asof daardie onreëlmatigheid nie plaasgevind het of daardie gebrek of afwesigheid van regsbevoegdheid nie bestaan het nie.”

Wysiging van
artikel 35 van
Wet 7 van 1958.**4.** Artikel *vyf-en-dertig* van die Hoofwet word hierby gewysig deur aan die end daarvan die woorde „en ook daardie gedeelte van bedoelde gebied bekend as die Oostelike Caprivi Zipfel waarna in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word” by te voeg.Toepassing van
Wet op Suidwes-
Afrika.**5.** Hierdie Wet is ook van toepassing op die gebied Suidwes-Afrika, met inbegrip van daardie gedeelte van bedoelde gebied bekend as die „Rehoboth Gebied” soos in die Eerste Bylae by Proklamasie No. 28 van 1923 van daardie gebied omskryf, en ook daardie gedeelte van bedoelde gebied bekend as die Oostelike Caprivi Zipfel waarna in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word.

Kort titel.

6. Hierdie Wet heet die Wysigingswet op Polisie, 1958.

No. [43, 1958.]

ACT

To amend the Police Act, 1958.

(Afrikaans text signed by the Governor-General.)
(Assented to 26th September, 1958.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *nine* of the Police Act, 1958 (hereinafter referred to as the principal Act), is hereby amended by the insertion in sub-section (9) after the word "sentenced" of the words "by a commissioned officer". Amendment of section 9 of Act 7 of 1958.
2. Section *fifteen* of the principal Act is hereby amended— Amendment of section 15 of Act 7 of 1958.
 - (a) by the insertion in sub-section (1) after the word "member" where it occurs for the third time of the words "not being a period during which he is serving a term of imprisonment"; and
 - (b) by the insertion in sub-section (2) after the word "suspension" where it occurs for the first time of the words "not being a period of suspension during which he was serving a term of imprisonment".
3. Section *thirty-one* of the principal Act is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1): Amendment of section 31 of Act 7 of 1958.

"(2) A member of the Force who in good faith performs any act in accordance with or in the enforcement of any provision purporting to be an enactment of a competent legislative authority, shall, notwithstanding any irregularity in the enactment of or defect in such provision or want of jurisdiction on the part of such legislative authority, be exempt from liability in respect of the performance of that act to the same extent and subject to the same conditions as if such irregularity had not occurred or such defect or want of jurisdiction had not existed."
4. Section *thirty-five* of the principal Act is hereby amended by the addition at the end thereof of the words "and also that portion of the said territory known as the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)". Amendment of section 35 of Act 7 of 1958.
5. This Act shall apply also in the territory of South-West Africa, including that portion of the said territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923 of the said territory, and also that portion of the said territory known as the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951). Application of Act to South-West Africa.
6. This Act shall be called the Police Amendment Act, 1958. Short title.

No. 44, 1958.]

WET**Tot samevatting van die wetsbepalings op die Poskantoor en daarmee in verband staande aangeleentheid.***(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 26 September 1958.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—**INLEIDING.**Woord-
omskrywing.**1.** In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „aanlê” oprig, opstel, neerlê of plaas; (ii)
- (ii) „afsender”, met betrekking tot ’n posstuk of telegram, die persoon van wie daardie posstuk of telegram heet te kom, tensy daardie persoon bewys dat hy nie die afsender daarvan is nie; (xxviii)
- (iii) „beampte” ook ’n persoon in die diens of werksaam in verband met besigheid van die departement; (xiv)
- (iv) „betrokkene”, met betrekking tot ’n posaanskrywing of ander stuk in artikel *agt-en-veertig* bedoel, die persoon van wie die bedrag van sodanige posaanskrywing of ander stuk ingevorder moet word; (iv)
- (v) „departement” die Departement van Pos- en Telegraafwese; (iii)
- (vi) „gevangenisstraf” gevangenisstraf met of sonder dwangarbeid na gelang die hof wat die vonnis oplê, mag gelas; (vii)
- (vii) „hawe” ook ’n hawe, rivier, meer of rede en enige ander bevaarbare water; (xv)
- (viii) „hierdie Wet” ook regulasies uit hoofde daarvan uitgevaardig; (xxxii)
- (ix) „kaptein van ’n vaartuig” ook iemand (behalwe ’n loods) wat bevel voer of beheer uitoefen oor ’n vaartuig, hetsy ’n oorlogskip of ’n ander vaartuig; (xi)
- (x) „klub of fonds” ’n ongeregisteerde vereniging of genootskap wat vir die onderlinge voordeel van sy lede opgerig is, met inbegrip van ’n fonds opgerig vir ’n bepaalde doel wat deur die Posmeester-generaal vir die doeleindes van die wetsbepalings op die Posspaarbank goedgekeur is; (i)
- (xi) „Meester” ’n Meester van die Hooggeregshof handelende binne die bevoegdheid volgens wet aan hom verleen; (x)
- (xii) „Minister” die Minister van Pos- en Telegraafwese; (xii)
- (xiii) „onderlinge hulpvereniging” ’n onderlinge hulpvereniging wat ingevolge ’n wet as so ’n vereniging geregistreer is, en ook ’n geaffilieerde tak van so ’n vereniging; (vi)
- (xiv) „pos” elke artikel wat vir vervoer deur die pos ingeneem word, en ook los en afsonderlike artikels, en elke possak, vaartuig of voertuig van watter aard ook al waarmee posstukke vervoer word, hetsy dit sodanige artikels bevat al dan nie, en elke persoon of dier wat vir die vervoer of bestelling van pos of posstukke gebruik word; (viii)
- (xv) „posbestuur” ook die Posmeester-generaal van die Verenigde Koninkryk of van enige ander behoorlik ingestelde posbestuur van ’n Britse besitting of van ’n vreemde land of plek; (xix)
- (xvi) „posgeld” die betaalbare bedrag vir die versending van artikels per pos; (xvi)
- (xvii) „poskantoor” ook ’n huis, gebou, kamer, voertuig, plek of struktuur waar posstukke ontvang, gesorteer, bestel, opgemaak of versend word, of wat vir enige ander doel van ’n poskantoor of om ’n telegraafdiens te dryf of vir die ontvangs, versending of bestelling van telegramme gebruik word, en enige briewebus of ander houer deur of met goedkeuring van die departement vir die ontvangs van posstukke vir versending voorsien; (xxii)

No. 44, 1958.]

ACT

To consolidate the laws relating to the Post Office and matters incidental thereto.

(English text signed by the Governor-General.)
(Assented to 26th September, 1958.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

PRELIMINARY.

1. In this Act, unless the context otherwise indicates— Definitions.
- (i) "club or fund" means any unregistered society or association established for the mutual benefit of its members, and includes a fund established for any specific object which has been approved by the Postmaster-General for the purposes of the law relating to the Post Office Savings Bank; (x)
 - (ii) "construct" means erect, set up, lay down or place; (i)
 - (iii) "department" means the Department of Posts and Telegraphs; (v)
 - (iv) "drawee," in relation to any postal draft or other instrument referred to in section *forty-eight*, means the person from whom the amount of such postal draft or other instrument is to be collected; (iv)
 - (v) "drawer," in relation to any postal draft or other instrument referred to in section *forty-eight*, means the person in whose favour or on whose behalf such postal draft or other instrument is issued; (xxxii)
 - (vi) "friendly society" means a friendly society registered as such under any law, and includes an affiliated branch of such a society; (xiii)
 - (vii) "imprisonment" means imprisonment with or without compulsory labour as the court which passes sentence may direct; (vi)
 - (viii) "mail" means every article collected for conveyance by post, and includes loose and individual articles and every mail bag, vessel or conveyance of any kind by which postal articles are carried, whether or not it contains any such articles, and any person or animal employed in conveying or delivering mails or postal articles; (xiv)
 - (ix) "mail-bag" includes every bag, box, parcel, basket or hamper and any other envelope or covering in which postal articles in course of transmission by post are conveyed, whether or not it contains such articles; (xx)
 - (x) "Master" means a Master of the Supreme Court acting within the jurisdiction conferred upon him by law; (xi)
 - (xi) "master of any vessel" includes any person (not being a pilot) having command or charge of a vessel, whether a ship of war or any other vessel; (ix)
 - (xii) "Minister" means the Minister of Posts and Telegraphs; (xii)
 - (xiii) "money order" means a money order issued under this Act or by any postal authority for payment under this Act; (xxiii)
 - (xiv) "officer" includes any person in the service or employed in connection with any business of the department; (iii)
 - (xv) "port" includes any harbour, river, lake or roadstead and any other navigable water; (vii)
 - (xvi) "postage" means the amount chargeable for the transmission of articles by post; (xvi)
 - (xvii) "postage stamp" or "stamp" means any piece of paper or other substance or material having thereon the stamp, mark or impression of any die, plate or other instrument made or used under this Act or by any postal authority for the purpose of denoting any postage or other postal fee; (xxi)

- (xviii) „posmeester” die beamppte in beheer van 'n poskantoor; (xxi)
- (xix) „posorder” 'n posorder wat ingevolge hierdie Wet of deur 'n posbestuur vir betaling ingevolge hierdie Wet uitgereik is; (xx)
- (xx) „possak” ook enige sak, bus, pakket of mandjie en enige ander koevert of omhulsel waarin posstukke tydens versending per pos vervoer word, hetsy dit sodanige artikels bevat of nie; (ix)
- (xxi) „posseël” of „seël” 'n stukkie papier of ander stof of materiaal met die stempel, merk of afdruk daarop van 'n stempelblok, plaat of ander instrument wat ingevolge hierdie Wet of deur 'n posbestuur gemaak of gebruik word om posgeld of ander poskoste aan te dui; (xvii)
- (xxii) „posstuk” 'n brief, poskaart, antwoordkaart, briefkaart, koerant, boek, pakket, patroon- of monsterpakket of enige pakket of ander artikel terwyl dit deur die pos onderweg is, en ook 'n telegram wanneer per pos vervoer; (xviii)
- (xxiii) „poswissel” 'n poswissel ingevolge hierdie Wet of deur 'n posbestuur vir betaling ingevolge hierdie Wet uitgereik; (xiii)
- (xxiv) „regulasie” 'n regulasie wat ingevolge hierdie Wet uitgevaardig is; (xxvi)
- (xxv) „Spaarbankjaar” 'n tydperk van twaalf maande wat eindig op die een-en-dertigste dag van Maart of op 'n ander dag wat die Minister met goedkeuring van die Goewerneur-generaal as die laaste dag van 'n Spaarbankjaar mag bepaal; (xxvii)
- (xxvi) „spoorweg” ook 'n tremweg, hetsy van trekkere of stoomkrag, elektrisiteit of ander dryfkrag gebruik gemaak word, maar nie ook die spoorlyne van die Suid-Afrikaanse Spoorweg- en Hawensadministrasie nie; (xxiv)
- (xxvii) „spoorwegbestuur” 'n maatskappy, vereniging, persoon of openbare liggaam, behalwe die Suid-Afrikaanse Spoorweg- en Hawensadministrasie, wat 'n spoorweg of tremweg vir die openbare vervoer van passasiers of goedere besit, eksploiteer of bestuur; (xxv)
- (xxviii) „telegraaf” enige stelsel of metode waardeur tekens, seine, klanke of berigte deur middel van elektrisiteit, magnetisme of elektromagnetisme of 'n middel van soortgelyke aard, hetsy met of sonder die gebruik van drade, oorgebring word, en ook die stelsel algemeen bekend as radio-telegrafie of eterseining en enige verbetering op of ontwikkeling van daardie stelsel, en ook telefoon; (xxx)
- (xxix) „telegraaflyn” ook 'n toestel, instrument, paal, mas, ysterpaal, draad, pyp, lugdrukpospyp of ander buis, voorwerp of middel wat vir of in verband met die versending, oorbring, oordrag of ontvangs van telegrafiese tekens, seine, klanke of berigte gebruik word of kan word; (xxxi)
- (xxx) „telegram” 'n berig per telegraaf oorgesein of bestem om aldus oorgesein te word, of vanuit 'n poskantoor bestel of bestem om aldus bestel te word as 'n berig wat geheel of gedeeltelik per telegraaf oorgesein is; (xxix)
- (xxxi) „trekker”, met betrekking tot 'n posaanskrywing of ander stuk in artikel *agt-en-veertig* bedoel, die persoon ten gunste of ten behoewe van wie so 'n posaanskrywing of ander stuk uitgereik word; (v)
- (xxxii) „vaartuig” ook enige soort vaartuig wat op die ope see, in hawens, op riviere of langs die kus of op bevaarbare water gebruik word; (xxxiii)
- (xxxiii) „voorgeskryf” deur of ingevolge hierdie Wet voorgeskryf. (xxiii)

HOOFSTUK I.

BEVOEGDHEDE EN REGTE VAN DIE POSMEESTER-GENERAAL.

Administrasie
en beheer van
die departement.

2. (1) Die administrasie en beheer van die departement berus, onder toesig van die Minister, by 'n beamppte genoem die Posmeester-generaal wat deur die Goewerneur-generaal aangestel word.

(2) Die Posmeester-generaal het die toesig en beheer oor alle persone in die diens van die departement en alle poskantore en pos- en telegraafdienste, en kan die opdragte uitreik wat hy vir die leiding en voorligting van beamptes by die uitvoering van

- (xviii) "postal article" means any letter, post-card, reply post-card, letter-card, newspaper, book, packet, pattern or sample packet or any parcel or other article when in course of transmission by post, and includes a telegram when conveyed by post; (xxii)
- (xix) "postal authority" includes the Postmaster-General of the United Kingdom or of any other duly constituted postal authority of any British possession or of any foreign country or place; (xv)
- (xx) "postal order" means a postal order issued under this Act or by any postal authority for payment under this Act; (xix)
- (xxi) "postmaster" means the officer in charge of a post office; (xviii)
- (xxii) "post office" includes any house, building, room, carriage, place or structure where postal articles are received, sorted, delivered, made up or dispatched or which is used for any other post office purpose or for the purpose of working a telegraph or for the receipt, transmission or delivery of telegrams, and any pillar box or other receptacle provided by or with the approval of the department for the reception of postal articles for transmission; (xvii)
- (xxiii) "prescribed" means prescribed by or under this Act; (xxxiii)
- (xxiv) "railway" includes any tramway, whether the means of traction be animal or steam power, electricity or other motive force, but does not include the railway lines of the South African Railways and Harbours Administration; (xxvi)
- (xxv) "railway authority" means any company, association, person or public body, other than the South African Railways and Harbours Administration, which owns, works or manages any railway or tramway for the public conveyance of passengers or goods; (xxvii)
- (xxvi) "regulation" means a regulation made under this Act; (xxiv)
- (xxvii) "Savings Bank year" means any period of twelve months ending on the thirty-first day of March or on any other day which the Minister may with the approval of the Governor-General appoint as the last day of a Savings Bank year; (xxv)
- (xxviii) "sender," in relation to any postal article or telegram, means the person from whom that postal article or telegram purports to have come, unless such person proves that he is not the sender thereof; (ii)
- (xxix) "telegram" means any communication transmitted or intended to be transmitted by telegraph or delivered or intended to be delivered from any post office as a communication transmitted either wholly or partially by telegraph; (xxx)
- (xxx) "telegraph" means any system or means of conveying signs, signals, sounds or communications by the agency of electricity, magnetism or electro-magnetism or any agency of a like nature, whether with or without the aid of wires, and includes the system commonly known as wireless telegraphy or aetheric signalling and any improvements or developments of that system, and also includes telephone; (xxviii)
- (xxxi) "telegraph line" includes any apparatus, instrument, pole, mast, standard, wire, pipe, tunnel, pneumatic or other tube, thing or means which is or may be used in connection with or for the purpose of sending, transmitting, conveying or receiving telegraphic signs, signals, sounds or communications; (xxix)
- (xxxii) "this Act" includes any regulations made thereunder; (viii)
- (xxxiii) "vessel" includes every description of vessel employed on the high seas, in harbour, on rivers or on the coast or on any navigable water. (xxxii)

CHAPTER I.

POWERS AND RIGHTS OF THE POSTMASTER-GENERAL.

2. (1) The administration and control of the department shall, subject to the authority of the Minister, be vested in an officer styled the Postmaster-General who shall be appointed by the Governor-General. Administration and control of the department.

(2) The Postmaster-General shall have the supervision and control of all persons in the service of the department and all post offices and post and telegraph services, and may issue such instructions as he may deem necessary for the conduct and

die bepalings van hierdie Wet nodig ag, en kan, onderworpe aan die goedkeuring van die Minister, vir oortredings daarvan strawwe bepaal wat tien pond vir elke oortreding nie te bowe gaan nie.

(3) Die Posmeester-generaal kan van sy bevoegdhede ingevolge hierdie Wet, behalwe die by hierdie sub-artikel verleende bevoegdheid van delegasie, delegeer, en kan so 'n delegasie na goeddunke intrek.

(4) Die Posmeester-generaal kan, met instemming van die Minister, posdienste, poskantore en spaarbankkantore na goeddunke instel, in stand hou en afskaf, pos- en telegraafreëlings tref en wysig en verdrae en ooreenkomste met ander pos- en telegraafadministrasies aangaan, en kan van tyd tot tyd regulasies uitvaardig vir die bestuur van enige besigheid aan hom toevertrou of betreffende die wyse waarop die bevoegdhede en pligte deur hierdie Wet aan hom opgedra, uitgeoefen moet word, en sodanige verdrae, ooreenkomste of regulasies wat deur die Goewerneur-generaal goedgekeur en in die *Staatskoerant* afgekondig is, het dieselfde krag en uitwerking asof dit in hierdie Wet vervat was.

(5) 'n Afskrif van elke sodanige verdrag of ooreenkoms en van elke wysiging daarvan word in beide Huise van die Parlement ter Tafel gelê binne dertig dae na die verlyding daarvan, indien die Parlement dan byeen is, of, indien die Parlement dan nie byeen is nie, binne dertig dae na die aanvang van sy eersvolgende sessie.

Posmeester-generaal moet gelde vir gelewerde dienste voorskryf, ens.

3. (1) Die Posmeester-generaal moet, onderworpe aan die bepalings van sub-artikels (2) en (3), die gelde, tariewe of koste voorskryf wat vir die vervoer van posstukke en vir die versending, vervoer of bestelling van telegramme en vir ander deur die departement gelewerde dienste geëis of ontvang moet word, en kan dit van tyd tot tyd verander, en kan posseëls en koeverte, kaarte, omslae en ander artikels laat vervaardig en verkoop waarop die bedrae aan posgeld wat hy goetvind geëmbosseer of afgedruk is.

(2) Enige gelde, tariewe of koste ingevolge sub-artikel (1) voorgeskryf, en enige verandering daarvan, is onderhewig aan die goedkeuring van die Goewerneur-generaal en moet in die *Staatskoerant* bekend gemaak word.

(3) Die postarief voorgeskryf vir briewe in die Unie vir bestelling daarin gepos, moet minstens een pennie vier elke brief wees.

Posmeester-generaal kan posooreenkomste aangaan.

4. Die Posmeester-generaal kan met instemming van die Minister, 'n skriftelike ooreenkoms aangaan of reëlings tref vir die vervoer van posstukke in, uit of na die Unie oor land of langs die kus per see of vir enige ander openbare diens wat vir of deur die departement verrig word.

See-posooreenkomste en ontmoediging van skeepvaart-kombinasies.

5. (1) Die Goewerneur-generaal kan 'n skriftelike ooreenkoms met enige persoon aangaan vir die vervoer per see van posstukke na en van die Unie buite die grense van Suid-Afrika.

(2) So 'n ooreenkoms word nie aangegaan met iemand wat—

(a) regstreeks of onregstreeks verbonde is aan 'n skeepvaart- of ander kombinasie wat volgens die oordeel van die Goewerneur-generaal waarskynlik 'n nadelige of ongunstige invloed op die Suid-Afrikaanse handel of nywerheid sal hê nie; of

(b) aan iemand 'n korting, terugbetaling, afslag of beloning gee, aanbied of beloof op voorwaarde dat so iemand goedere met vaartuie van bepaalde rederye tot uitsluiting van ander moet verskeep of as vergoeding omdat hy goedere aldus verskeep het nie.

(3) Die Goewerneur-generaal kan regulasies uitvaardig—

(a) wat onderskeid maak met betrekking tot dok-, kaai-, oorskepings- of ander soortgelyke gelde by 'n hawe van die Unie op goedere wat geland, verskeep of oorgeskeep is van vaartuie in besit van of gehuur deur persone met betrekking tot wie die bepalings van sub-artikel (2) geld;

(b) wat onderskeid maak met betrekking tot vraggeld vir die vervoer, op spoorweë wat aan die Regering van die Unie behoort, van goedere wat geland of oorgeskeep is van of verskeep moet word in vaartuie wat deur sodanige persone besit of gehuur word; en

(c) wat die opgawes en ander besonderhede voorskryf wat verstrekkend moet word deur persone wat goedere van of in 'n vaartuig land, oorskeep of verskeep of goedere per spoor vervoer, en die wyse waarop sodanige opgawes en besonderhede verstrekkend moet word,

en oor die algemeen vir die beter uitvoering van die oogmerke en doeleindes van hierdie artikel.

guidance of officers in carrying out the provisions of this Act, and may, subject to the approval of the Minister, fix penalties for breaches thereof not exceeding ten pounds for each breach.

(3) The Postmaster-General may delegate any of his powers under this Act, except the power of delegation conferred by this sub-section, and may at his discretion revoke any such delegation.

(4) The Postmaster-General may with the concurrence of the Minister establish, maintain and abolish mail services, post offices and savings bank offices as he may deem fit, make and alter postal and telegraph arrangements and enter into conventions and agreements with other postal and telegraph administrations, and may from time to time make regulations for the conduct of any business entrusted to him or as to the manner of exercising the powers and duties assigned to him by this Act, and any such conventions, agreements or regulations which have been approved by the Governor-General and published in the *Gazette*, shall have the same force and effect as if they were contained in this Act.

(5) A copy of every such convention or agreement and of any alteration thereof shall be laid upon the Tables of both Houses of Parliament within thirty days after execution thereof, if Parliament is then in session, or, if Parliament is not then in session, within thirty days after the commencement of its next ensuing session.

3. (1) Subject to the provisions of sub-sections (2) and (3) the Postmaster-General shall prescribe and may from time to time alter the fees, rates or charges to be demanded or received for the conveyance of postal articles and for the transmission, conveyance or delivery of telegrams and for any other service rendered by the department, and may cause to be made and sold postage stamps and envelopes, cards, wrappers and other articles embossed or impressed with such amounts of postage as he may deem fit.

Postmaster-General to prescribe fees, etc., for services rendered.

(2) Any fees, rates or charges prescribed under sub-section (1), and any alteration thereof, shall be subject to the approval of the Governor-General and shall be notified in the *Gazette*.

(3) The rate of postage prescribed for letters posted within the Union for delivery therein shall not be less than one penny for each letter.

4. The Postmaster-General may, with the concurrence of the Minister, enter into any contract in writing or make any arrangements for the conveyance of postal articles within, from or to the Union by land or coastwise by sea, or for any other public service performed for or by the department.

Postmaster-General may enter into mail contracts.

5. (1) The Governor-General may enter into any contract in writing with any person for the conveyance by sea of postal articles to and from the Union beyond the limits of South Africa.

Ocean mail contracts and discouragement of shipping combinations.

(2) No such contract shall be entered into with any person who—

- (a) is connected directly or indirectly with any shipping or other combination which in the opinion of the Governor-General is likely to be detrimental to, or to have an adverse effect on South African trade or industries; or
- (b) gives, offers or promises to any person any rebate, refund, discount or reward upon condition that such person shall ship or in consideration of such person having shipped goods by vessels of particular lines to the exclusion of any others.

(3) The Governor-General may make regulations—

- (a) differentiating as regards dock, wharfage, transhipping or any other like dues at any port or harbour of the Union on goods landed from, shipped in or transhipped from vessels owned or chartered by persons with reference to whom the provisions of sub-section (2) apply;
- (b) differentiating as regards freight for the transport, over any railway belonging to the Government of the Union, of goods which have been landed or transhipped from or are to be shipped in vessels owned or chartered by such persons; and
- (c) prescribing the returns and other particulars to be furnished by persons landing, transhipping or shipping goods from or in any vessel or transporting goods upon any railway, and the manner in which such returns and particulars shall be furnished,

and generally for the better carrying out of the objects and purposes of this section.

(4) Geen bepaling van hierdie artikel word so uitgelê dat dit die reg van die Posmeester-generaal aantas om die kaptein van enige vaartuig aan te sê om die by artikel *sewe-en-dertig* aan so 'n kaptein opgelegde pligte uit te voer nie, of om so 'n kaptein van enige strawwe waarvoor ten opsigte van 'n versuim om so 'n plig uit te voer in hierdie Wet voorsiening gemaak word, te onthef nie, al word bedoelde vaartuig besit of gehuur deur iemand met betrekking tot wie die bepalings van sub-artikel (2) van toepassing is.

See-oooreenkoms moet deur Parlement bekragtig word.

6. Elke ooreenkoms deur die Goewerneur-generaal aangegaan vir die vervoer van posstukke per see na en van die Unie buite die grense van Suid-Afrika, is aan bekragtiging deur beide Huise van die Parlement onderhewig.

Uitsluitlike voorreg van Posmeester-generaal.

7. (1) Die Posmeester-generaal het die uitsluitlike voorreg om briewe te ontvang, af te haal, te versend, te vervoer en te bestel en om alle dienste te verrig wat daarmee in verband staan.

(2) Enige persoon wat 'n handeling binne die uitsluitlike voorreg deur hierdie artikel aan die Posmeester-generaal verleen, verrig, of 'n brief versend of aanbied of aflewer om in stryd met hierdie artikel mee gehandel te word, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tien pond ten opsigte van elke brief aangebied, ontvang, afgehaal, versend, vervoer of afgelewer.

(3) Die bepalings van hierdie artikel is nie van toepassing op 'n brief—

- (a) wat van of na 'n poskantoor versend of vervoer word nie;
- (b) van groter afmetings as wat vir briewe voorgeskryf is nie;
- (c) wat prosesstukke van of verrigtinge of pleitstukke in 'n geregshof of beëdigde verklarings of deposisies bevat nie;
- (d) wat uitsluitlik betrekking het op goedere wat daarmee versend en afgelewer moet word nie; of
- (e) wat deur iemand versend word uitsluitlik met betrekking tot sy private aangeleenthede of die private aangeleenthede van die draer of ontvanger nie:

Met dien verstande dat niemand so 'n brief mag afhaal met die doel om dit òf deur die pos òf op 'n ander wyse te versend nie.

Ooreenkomste met plaaslike besture, ens., vir spesiale posfasiliteite.

8. Die Posmeester-generaal kan met 'n plaaslike bestuur of enige persoon 'n ooreenkoms aangaan vir die instelling of voorsiening, op die voorwaardes wat hy goedvind, van nuwe, spesiale of bykomende pos- of ander fasiliteite, en so 'n plaaslike bestuur kan regtens bedoelde voorwaardes aanvaar en ten opsigte van sodanige nuwe, spesiale of bykomende fasiliteite aan die Posmeester-generaal 'n bedrag betaal waarop die Posmeester-generaal en daardie plaaslike bestuur ooreenkom en grond wat aan daardie bestuur behoort vir die doel afsonder of grond daarvoor koop.

Vervoer van pos per spoor of trem.

9. (1) Die Posmeester-generaal het die reg om pos wat hy van tyd tot tyd wil laat vervoer, na en van enige stasie, spoorweghalte of halte te laat vervoer deur enige van die gewone of spesiale treine of rytuie wat aan 'n spoorwegbestuur behoort, en so 'n spoorwegbestuur is verantwoordelik vir die veilige bewaring van daardie pos en moet met betrekking tot die ontvangs en aflewering daarvan alle redelike voorskrifte van die Posmeester-generaal in ag neem.

(2) So 'n spoorwegbestuur moet alle redelike fasiliteite vir die ontvangs en aflewering van pos sonder versuim by al sy stasies, spoorweghaltes en haltes verskaf en voorsien, en die beamptes van die Posmeester-generaal het vir dieselfde doel vrye toegang tot al sodanige stasies, spoorweghaltes en haltes.

(3) By ontstentenis van 'n kontrak tussen die Posmeester-generaal en 'n spoorwegbestuur ten opsigte van die vervoer van pos, word deur die Posmeester-generaal aan so 'n spoorwegbestuur vir die vervoer van pos en die aflewering daarvan by 'n stasie, spoorweghalte of halte, die jaarlikse bedrag betaal waarop onderling ooreengekom of wat by gebrek aan ooreenkoms deur arbitrasie vasgestel word, maar hoogstens sewe pond tien sjielings per jaar vir elke myl van spoorweg wat vir openbare verkeer oopgestel is, bereken vanaf die dag waarop die pos vir die eerste keer vervoer word: Met dien verstande dat indien die diens vir posdoeleindes minder as twee keer per week in elke rigting plaasvind, die betaalbare bedrag hoogstens vyf pond per jaar is vir elke myl van spoorweg vir openbare verkeer oopgestel: Met dien verstande voorts dat betaling vir die vervoer van pos oor 'n gedeelte van 'n spoorweg wat nie gereeld vir daardie doel

(4) Nothing in this section contained shall be construed as affecting the right of the Postmaster-General to call upon the master of any vessel to carry out the duties imposed upon such master by section *thirty-seven*, or as relieving such master from any penalties provided for in this Act in respect of a failure to carry out any such duty, notwithstanding that such vessel be owned or chartered by a person with reference to whom the provisions of sub-section (2) apply.

6. Every contract entered into by the Governor-General for the conveyance by sea of postal articles to and from the Union beyond the limits of South Africa shall be subject to ratification by both Houses of Parliament. Ocean mail contract to be ratified by Parliament.

7. (1) The Postmaster-General shall have the exclusive privilege of receiving, collecting, dispatching, conveying and delivering letters and of performing all incidental services relating thereto. Exclusive privilege of Postmaster-General.

(2) Any person who performs any act within the exclusive privilege conferred upon the Postmaster-General by this section, or who sends or tenders or delivers any letter to be dealt with contrary to this section, shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds in respect of every letter tendered, received, collected, dispatched, conveyed or delivered.

(3) Nothing in this section contained shall extend to any letter—

- (a) sent or conveyed to or from any post office;
- (b) exceeding the dimensions prescribed for letters;
- (c) containing process of or proceedings or pleadings in any court of justice or affidavits or depositions;
- (d) exclusively concerning goods sent and to be delivered therewith; or
- (e) sent by any person exclusively concerning his private affairs or the private affairs of the bearer or the receiver:

Provided that no person shall collect any such letter for the purpose of sending it either by post or otherwise.

8. The Postmaster-General may enter into an agreement with any local governing body or any person for the establishment or provision, on such conditions as he may deem fit, of any new, special or additional postal or other facilities, and it shall be lawful for any such local governing body to agree to such conditions and to pay to the Postmaster-General such sum in respect of such new, special or additional facilities as may be agreed upon between the Postmaster-General and such local governing body and to appropriate land belonging to such governing body or to purchase land for the purpose. Agreements with local governing bodies, etc., for special postal facilities.

9. (1) The Postmaster-General shall have the right of conveyance to and from any station, siding or stopping place, by any of the ordinary or special trains or carriages belonging to any railway authority, of such mails as the Postmaster-General may from time to time require to be conveyed, and such railway authority shall be responsible for the safe custody of those mails and shall observe all reasonable requirements of the Postmaster-General respecting the taking up and delivery of the same. Conveyance of mails by railway or tramway.

(2) Any such railway authority shall provide and afford all reasonable facilities for the purpose of receiving and delivering mails without delay at all its stations, sidings and stopping places, and the officers of the Postmaster-General shall have free access to all such stations, sidings and stopping places for the same purpose.

(3) In the absence of any contract between the Postmaster-General and any railway authority in respect of the conveyance of mails, there shall be paid by the Postmaster-General to such railway authority for the conveyance of mails and the delivery thereof at any station, siding or stopping place, such annual sum as may be mutually agreed upon or failing agreement determined by arbitration, but not exceeding seven pounds ten shillings per annum for each mile of railway open for public traffic dating from the day upon which the mails are first conveyed: Provided that when the service for mail purposes is less frequent than twice a week in each direction, the payment to be made shall not exceed five pounds per annum for each mile of railway opened for public traffic: Provided further that the conveyance of mails over any section of railway which

gebruik word nie, geskied teen 'n tarief wat die tarief gewoonlik aan die publiek bereken vir die vervoer van pakkette oor daardie gedeelte nie te bowe gaan nie.

(4) Waar die diens van 'n spoorwegbestuur nie dikwels genoeg beskikbaar is om aan die vereistes van die poskantoor te voldoen nie, kan die Posmeester-generaal daardie spoorwegbestuur aansê om die dienste te voorsien wat hy nodig het, en in so 'n geval word deur die Posmeester-generaal in plaas van die tariewe in sub-artikel (3) voorgeskryf, 'n bedrag betaal waarop onderling ooreengekom of wat by gebrek aan ooreenkoms deur arbitrasie bepaal word.

Vervoer van
posbeamptes.

10. Die Posmeester-generaal kan 'n spoorwegbestuur te eniger tyd aansê om gratis, en op so 'n wyse dat met die bewaring van posstukke nie ingemeng word nie, 'n beampte of dienaar van die departement wat vir sodanige bewaring tydens die vervoer van posstukke deur die spoorweg aangestel is, te vervoer.

Posbeamptes,
voertuie, pos
ens., vrygestel
van tolgeld.

11. Geen belasting, tol- of pontgeld word geëis of geneem nie van of ten opsigte van die deurgang of oorgang van—

- (a) 'n persoon, perd of voertuig wat in diens van die departement is; of
- (b) enige pos; of
- (c) materiaal of werktuie gebruik by die konstruksie of herstel van 'n telegraaflyn, behalwe wanneer dit ingevolge 'n kontrak of deur 'n karweier vervoer word.

Posbeamptes,
voertuie, ens.,
het voorrang
in openbare
strate, ens.

12. Elke persoon, perd of voertuig wat in verband met die vervoer van pos of telegramme dien, het voorrang bo alle ander persone, perde of voertuie in 'n openbare straat, pad, deurgang of plek.

HOOFSTUK II.

VERSENDING VAN POSSTUKKE.

Postariewe.

13. (1) Behoudens die bepalings van hierdie Wet, word daar op elke artikel vir versending per pos, die posgeld en ander bedrae betaal wat voorgeskryf mag word.

(2) Behalwe vir sover in hierdie artikel anders bepaal, moet die posgeld en enige gelde wat betaalbaar mag wees ten opsigte van 'n artikel wat in die Unie ge-pos word, vooruitbetaal word deur middel van posseëls deur die Posmeester-generaal uitgereik wat nog nie voorheen gebruik, uitgewis of onleesbaar gemaak is nie, by gebreke waarvan daar op elke sodanige artikel, ten tyde van die aflewering daarvan 'n bedrag in geld gelyk aan dubbel die tekort betaalbaar is, en enige bedrag aldus ten opsigte van 'n artikel betaalbaar, moet op 'n behoorlik gemagtigde wyse daarop aangedui word.

(3) 'n Nuisblad waarop daar, toe dit in die pos geplaas is, geen posgeld betaal is nie, kan onmiddellik vernietig of op 'n ander wyse oor beskik word, soos die Posmeester-generaal mag gelas.

(4) In die geval van los posstukke wat van kapteins van vaartuie ontvang word, is die enkel postariewe wat van toepassing is op artikels in die Unie vir aflewering binne die Unie ge-pos, betaalbaar en by bestelling in geld vorderbaar.

(5) Onderworpe aan die regulasies—

- (a) kan die posgeld op groot hoeveelhede posstukke tegelyk op die pos besorg, in kontant ontvang word wanneer of voordat dit ge-pos word;
- (b) kan die posgeld op posstukke geadresseer aan persone wat gelisensieer is om posstukke waarop geen posgeld betaal is nie, te ontvang, te eniger tyd in kontant ontvang word; en
- (c) kan 'n enkele eksemplaar van enige uitgawe van 'n geregistreerde nuusblad wat in die Unie gedruk en uitgegee word, sonder betaling van posgeld van die redakteur van daardie nuusblad vir versending aan die redakteur van 'n ander sodanige nuusblad aange- neem word.

(6) Die gebruik van posseëls met geperforeerde voorletters kan toegelaat word.

Versending
sonder
betaling.

14. Die versending van posstukke en telegramme sonder betaling in diens van die Staat van of aan behoorlik daartoe gemagtigde persone word toegelaat, maar slegs by spesiale opdrag van die Minister en onderworpe aan die regulasies.

may not be regularly used for that purpose shall be paid for at a rate not exceeding the rate ordinarily charged to the public for the conveyance of parcels over that section.

(4) Where the service of any railway authority is not sufficiently frequent to meet the requirements of the post office, the Postmaster-General shall have the right to call upon such railway authority to provide such service as he may require, and in such case there shall be paid by the Postmaster-General in lieu of the tariffs prescribed in sub-section (3), such sum as may be mutually agreed upon or failing agreement determined by arbitration.

10. The Postmaster-General shall have the right at any time to call upon any railway authority to convey, free of charge, and in such a manner as not to interfere with the custody of the mails, any officer or servant of the department appointed to such custody during the conveyance of mails by the railway.

Conveyance of postal officers.

11. No duty, toll or ferry charge shall be demanded or taken from or in respect of the passing of—

Postal officers, vehicles, mails etc., exempt from tolls.

- (a) any person, horse or vehicle engaged in any service of the department; or
- (b) any mail; or
- (c) any material or tools used in the construction or repair of any telegraph line, except when carried under contract or by common carrier.

12. Every person, horse or vehicle engaged in connection with the conveyance of mails or telegrams shall have precedence over all other persons, horses or vehicles in any public street, road, thoroughfare or place.

Postal officers vehicles, etc., to have precedence in public streets, etc.

CHAPTER II.

TRANSMISSION OF POSTAL ARTICLES.

13. (1) Subject to the provisions of this Act, there shall be paid on every article for transmission by post, such postage and other sums as may be prescribed.

Rates of postage.

(2) Save as is otherwise provided in this section, the postage and any fees which may be payable in respect of any article posted within the Union shall be prepaid by means of postage stamps issued by the Postmaster-General not previously used, obliterated or defaced, and in default thereof there shall be payable in money upon every such article, at the time of delivery thereof, an amount equal to double the deficiency due thereon, and any amount so to be paid in respect of any article shall be indicated thereon in such manner as may be duly authorized.

(3) Any newspaper upon which the postage is wholly unpaid at the time of posting may be forthwith destroyed or otherwise disposed of as the Postmaster-General may direct.

(4) In the case of loose postal articles received from masters of vessels, the single rates of postage applicable to articles posted in the Union for delivery therein shall be chargeable and may be collected in money on delivery.

(5) Subject to the regulations—

- (a) the postage upon large quantities of postal articles posted at one time may be received in cash at or before the time of posting;
- (b) the postage upon postal articles addressed to persons licensed to receive unpaid postal articles may be received in cash at any time; and
- (c) a single copy of any issue of any registered newspaper printed and published within the Union may be accepted for transmission from the editor of any such newspaper to the editor of any other such newspaper without payment of postage.

(6) The use of postage stamps perforated with initials may be permitted.

14. The transmission without payment of postal articles and telegrams upon the public service shall be allowed from or to persons duly authorized for the purpose, but only upon the special instruction of the Minister and subject to the regulations.

Transmission without payment.

Petisies aan Goewerneur-generaal en Parlement van posgeld vrygestel.

15. (1) Geen posgeld is betaalbaar nie—
- op 'n petisie of adres wat aan die Goewerneur-generaal versend word; en
 - op 'n petisie aan die Parlement wat aan 'n lid van een van die Huise daarvan gerig is, indien dit in 'n omslag is wat aan beide kante of sye oop is, op die buitekant met die woorde „petisie aan die Parlement” gemerk is en hoogstens twee-en-dertig onse weeg.
- (2) 'n Petisie in paragraaf (b) van sub-artikel (1) bedoel, kan vergesel gaan van 'n daarby ingeslote brief wat uitsluitlik op die onderwerp daarvan betrekking het.

Omskrywing van nuusblad en byvoegsel daarvan.

16. (1) By die toepassing van hierdie Wet word enige publikasie wat geheel of vir die grootste gedeelte bestaan uit politieke of ander nuus of uit artikels wat daarop betrekking het of op ander sake van die dag, met of sonder advertensies en met of sonder gravures, afdrukke of litografieë of enige ander soort prente by wyse van illustrasie van artikels in sodanige publikasie, geag 'n nuusblad te wees, indien—

- dit geheel en al in die Unie gedruk en uitgegee word en met tussenposes van hoogstens een maand uitgegee word;
- die volle titel en datum van publikasie bo-aan die eerste bladsy daarvan, en die titel of 'n deel daarvan en die datum van publikasie bo-aan elke daaropvolgende bladsy gedruk is; en
- dit by die Posmeester-generaal as 'n nuusblad geregistreer is.

(2) 'n Publikasie wat geheel of vir die grootste gedeelte uit soortgelyke leesstof as 'n nuusblad bestaan, of uit advertensies wat op 'n vel of velle of 'n stuk of stukke papier gedruk is, of wat geheel of gedeeltelik bestaan uit gravures, afdrukke of litografieë of enige ander soort prente by wyse van illustrasie van artikels in die nuusblad of in sodanige publikasie, word by die toepassing van hierdie Wet geag 'n byvoegsel tot 'n nuusblad te wees, indien—

- die publikasie wat so 'n byvoegsel heet te wees, saam met die nuusblad uitgegee en gepos word;
- die titel of 'n deel daarvan en die datum van die nuusblad bo-aan elke bladsy daarvan, of bo-aan elke vel of kant waarop 'n gravure, afdruk, litografie of portret verskyn, gedruk is; en
- alle velle wat die byvoegsel uitmaak in een gedeelte van die nuusblad saamgevoeg is, hetsy dit aan die nuusblad gegom of vasgewerk is al dan nie.

(3) Die regulasies kan die bepalinge van hierdie artikel wysig vir sover dit van toepassing is op 'n byvoegsel wat geheel en al uit gravures, afdrukke, litografieë of ander prente by wyse van illustrasies van artikels in die nuusblad bestaan.

Registrasie van nuusblaaië by Posmeester-generaal.

17. (1) Die Posmeester-generaal moet 'n register laat hou van publikasies wat aan die vereistes van artikel *sestien* voldoen, en die eienaar, drukker of uitgewer van so 'n publikasie kan by betaling van die voorgeskrewe gelde sodanige publikasie as 'n nuusblad laat registreer op so 'n tyd elke jaar en op so 'n wyse en met sodanige besonderhede as wat die Posmeester-generaal mag gelas.

(2) Die Posmeester-generaal kan die register van tyd tot tyd hersien en enige publikasie daarin skrap wat na sy oordeel nie 'n nuusblad soos deur hierdie Wet omskrywe, is nie, of waarvan 'n eksemplaar wat op die pos besorg is, onbetaamlike of aanstootlike stof bevat, en die Posmeester-generaal kan weier om so 'n eksemplaar wat onbetaamlike of aanstootlike stof bevat, te versend of te bestel, en kan dit vernietig, al is sodanige publikasie as 'n nuusblad geregistreer.

(3) Die beslissing van die Posmeester-generaal met betrekking tot die toelating tot of skraping van die register van 'n publikasie, is afdoende, behalwe dat die Goewerneur-generaal op aansoek van enigiemand so 'n beslissing kan ter syde stel of wysig.

Nuusblaaië buite die Unie uitgegee.

18. Nuusblaaië wat buite die Unie gedruk of uitgegee word, kan by die toepassing van hierdie Wet as nuusblaaië beskou word, mits dit by tussenposes van hoogstens sewe dae uitgegee word en in ander opsigte voldoen aan die vereistes van artikel *sestien* en aan die verdere voorwaardes wat van tyd tot tyd voorgeskryf mag word.

Briewe geniet voorrang bo ander artikels onder bepaalde omstandighede.

19. Wanneer die versending of bestelling van briewe vanaf 'n poskantoor volgens die oordeel van die Posmeester-generaal verdrag sal word deur die gelyktydige versending of bestelling van ander klasse posstukke, kan laasgenoemde of enige daarvan, behoudens die regulasies, vir latere versending of bestelling in daardie poskantoor gehou word.

15. (1) There shall be exempt from postage—
- (a) any petition or address transmitted to the Governor-General; and
 - (b) any petition to Parliament which is addressed to a member of either House thereof, if it is enclosed in a cover open at both ends or sides, is marked on the outside with the words "petition to Parliament", and weighs not more than thirty-two ounces.
- (2) Any petition referred to in paragraph (b) of sub-section (1) may be accompanied by a letter enclosed therewith and referring exclusively to the subject matter thereof.
16. (1) For the purposes of this Act any publication consisting wholly or in great part of political or other news or of articles relating thereto or to other current topics, with or without advertisements and with or without engravings, prints or lithographs or any other sort of picture illustrative of articles in such publication, shall be deemed to be a newspaper, if—
- (a) it is printed and published wholly within the Union and is published at intervals of not more than one month;
 - (b) the full title and date of publication is printed at the top of the first page thereof, and the whole or part of the title and the date of publication at the top of every subsequent page; and
 - (c) it is registered as a newspaper with the Postmaster-General.
- (2) Any publication consisting wholly or in great part of matter similar to that of a newspaper or of advertisements printed on a sheet or sheets or a piece or pieces of paper or consisting wholly or in part of engravings, prints or lithographs or any other sort of picture illustrative of articles in the newspaper or in such publication, shall for the purposes of this Act be deemed to be a supplement to a newspaper, if—
- (a) the publication purporting to be such a supplement is published and posted with the newspaper;
 - (b) the whole or part of the title and the date of the newspaper are printed at the top of every page thereof or at the top of every sheet or side on which any engraving, print, lithograph or picture appears; and
 - (c) all sheets constituting the supplement are put together in some one part of the newspaper whether gummed or stitched up with the newspaper or not.
- (3) The regulations may modify the provisions of this section so far as they apply to a supplement which consists wholly of engravings, prints, lithographs or other pictures illustrative of articles in the newspaper.
17. (1) The Postmaster-General shall cause a register to be kept of publications coming within the requirements of section *sixteen*, and the proprietor, printer or publisher of any such publication may upon payment of the prescribed fee, register the same as a newspaper at such time in each year and in such manner and with such particulars as the Postmaster-General may direct.
- (2) The Postmaster-General may from time to time revise the register and remove therefrom any publication which in his opinion is not a newspaper as defined by this Act or a posted copy of which contains indecent or obscene matter, and the Postmaster-General may refuse to transmit or deliver and may destroy any such copy which contains indecent or obscene matter even though such publication may be registered as a newspaper.
- (3) The decision of the Postmaster-General in regard to the admission to or removal from the register of any publication shall be final, save that the Governor-General may on the application of any person reverse or modify that decision.
18. Newspapers printed or published outside the Union may be regarded as newspapers for the purposes of this Act, provided they are published at intervals of not more than seven days and that in other respects they conform to the requirements of section *sixteen* and to such further conditions as may from time to time be prescribed.
19. Whenever in the opinion of the Postmaster-General the dispatch or delivery of letters from a post office would be delayed by the dispatch or delivery at the same time of other classes of postal articles, the latter or any of them may subject to the regulations be detained in such post office for subsequent dispatch or delivery.

Petitions to Governor-General and Parliament exempt from postage.

Definition of newspaper and supplement thereto.

Registration of newspapers with Postmaster-General.

Newspapers published outside Union.

Letters to have precedence over other articles in certain circumstances.

Registrasie van posstukke.

20. (1) Die afsender van 'n posstuk kan, behoudens die regulasies, by betaling van die voorgeskrewe gelde bo en behalwe die gewone posgeld, daardie posstuk laat registreer en 'n kwitansie daarvoor van die Posmeester-generaal verkry, maar so 'n registrasie of kwitansie verleen nie aan iemand 'n reg op vergoeding of andersins en lê nie aan 'n beampte aanspreeklikheid vir die verlies van so 'n artikel of die inhoud daarvan op nie: Met dien verstande dat die Posmeester-generaal na goeddunke, en onderworpe aan vereistes en beperkings by regulasie voorgeskryf, vir die verlies van enige geregistreerde posstuk of die inhoud daarvan, vergoeding kan betaal.

(2) Elke posstuk wat muntstukke, banknote, posseëls, edelmetale, edelgesteentes of ander artikels van 'n soortgelyke aard bevat wat intrinsieke of markwaarde het, en wat ongeregistreer ge-pos word, is onderhewig aan verpligte registrasie en gevolglike betaling by aflewering van dubbel die bedrag wat daarop as 'n geregistreerde artikel te min vooruit betaal is, soos daarop aangedui, maar geen vergoeding word ingeval van die verlies van 'n posstuk ten opsigte waarvan registrasie afgedwing is, betaal nie.

Versekering van posstukke.

21. Die Posmeester-generaal kan voorsiening maak vir die versekering van posstukke onderworpe aan die bedinge en voorwaardes wat voorgeskryf mag word, en kan met enige posbestuur 'n ooreenkoms vir die wederkerige uitwisseling van versekerde posstukke aangaan.

Wanneer posstukke geag word onderweg te wees, of ge-pos of bestel te wees.

22. By die toepassing van hierdie Wet—

- (a) word 'n posstuk geag per pos onderweg te wees vanaf die tydstop waarop dit by 'n poskantoor afgelewer is tot die tydstop waarop dit bestel word aan die persoon aan wie dit geadresseer is;
- (b) word die plaas van 'n posstuk van watter aard ook al in 'n briewe-bus of ander houër wat deur of met goedkeuring van die departement vir die doel voorsien is, of die afgifte van 'n posstuk aan 'n posbode of ander persoon wat gemagtig is om posstukke van daardie aard vir die pos te ontvang, geag aflewering aan 'n poskantoor te wees;
- (c) word die bestelling van 'n posstuk by die huis of kantoor van die persoon aan wie die artikel geadresseer is, of aan sy dienaar of agent of ander persoon wat gemagtig geag word om die artikel in ontvangs te neem, ooreenkomstig die gewone wyse waarop daardie persoon se posstukke afgelewer word of by die adres wat op bedoelde artikel vermeld word, geag bestelling aan die geadresseerde persoon te wees;
- (d) word bestelling in 'n private posbus of privaatsak geag in alle opsigte aan persoonlike bestelling aan die geadresseerde gelyk te staan.

Natuur en onderskepping van posstukke.

23. (1) Die natuur van 'n ongeopende posstuk (behalwe 'n pakket) van een plek na 'n ander kan gratis geskied, mits die posgeld van die plek waar die posstuk oorspronklik ge-pos is na die nuwe adres ten volle vooruit betaal is, maar geregistreerde artikels wat deur die publiek nagestuur word, is in elke geval aan verdere registrasiegeld onderhewig.

(2) 'n Nagestuurde artikel wat volgens die oordeel van die Posmeester-generaal oopgemaak of mee gepeuter is, word geag vir die eerste keer ge-pos te wees en gelde is dienooreenkomstig daarop betaalbaar.

(3) 'n Artikel wat onderwyl dit per pos onderweg is, op versoek van òf die afsender òf die geadresseerde daarvan in beslag geneem of onderskep word, is onderhewig aan addisionele koste gelyk aan die gewone postarief van die plek van die oorspronklike adres na die plek van die nuwe adres, en 'n artikel wat ingevolge die bepalings van hierdie Wet aan die afsender daarvan teruggestuur kan word, is, indien dit weer ge-pos word, weer onderhewig aan posgeld: Met dien verstande dat geen bepaling van hierdie artikel dit vir die Posmeester-generaal verpligtend maak om 'n posstuk in beslag te neem of dit te onderskep nie, en dat op 'n pakket wat, terwyl dit per pos onderweg is, in beslag geneem of onderskep word vir bestelling aan die afsender of geadresseerde by die kantoor waar aanhouding geskied, die spesiale gelde betaalbaar is wat voorgeskryf mag word.

Artikels geag in stryd met hierdie Wet ge-pos te wees.

24. 'n Posstuk wat in 'n poskantoor ontvang word, word geag in stryd met hierdie Wet ge-pos te wees—

- (a) indien die posseëls daarop voorheen gebruik, uitgewis of onleesbaar gemaak is;
- (b) indien profane, godslasterlike, onbetaamlike, liederlike, aanstootlike of lasterlike stof op die buitekant

20. (1) Subject to regulations, the sender of any postal article may, upon payment of the prescribed fee in addition to the ordinary postage, have that article registered and obtain a receipt for the same from the Postmaster-General, but no such registration or receipt shall confer on any person any right to compensation or otherwise or impose upon any officer any liability for the loss of any such article or of the contents thereof: Provided that the Postmaster-General may, in his discretion and subject to requirements and limitations prescribed by regulation, pay compensation for the loss of any registered postal article or of the contents thereof.

Registration
of postal
articles.

(2) Every postal article containing coin, bank notes, stamps, precious metals, precious stones or other articles of a like nature which have an intrinsic or marketable value shall, if posted unregistered, be liable to compulsory registration and to a consequent charge on delivery equal to double the amount of any deficiency in prepayment as a registered article which may be shown thereon, but no compensation shall be paid in case of loss of any postal article compulsorily registered.

21. The Postmaster-General may provide for the insurance of postal articles subject to such terms and conditions as may be prescribed, and may enter into an agreement with any postal authority for the reciprocal exchange of insured postal articles.

Insurance of
postal
articles.

22. For the purposes of this Act—

- (a) a postal article shall be deemed to be in course of transmission by post from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed;
- (b) the placing of a postal article of any description in a pillar box or other receptacle provided for the purpose by or with the approval of the department or the delivery of a postal article to a postman or other person authorized to receive postal articles of that description for the post, shall be deemed to be delivery to a post office;
- (c) the delivery of a postal article at the house or office of the person to whom the article is addressed or to his servant or agent or other person considered to be authorized to receive the article according to the usual manner of delivering that person's postal articles or at the address specified on such article, shall be deemed to be delivery to the person addressed;
- (d) delivery into a private box or private bag shall be deemed to be in all respects equivalent to personal delivery to the addressee.

When postal
articles deemed
to be in
course of
transmission,
or to be
posted or
delivered.

23. (1) The redirection of any unopened postal article (other than a parcel) from one place to another may be effected free of charge, provided the postage from the original place of posting to the new address has been fully prepaid, but registered articles redirected by the public shall be subject in every case to a further fee for registration.

Redirection
and inter-
ception of
postal
articles.

(2) Any redirected article which appears to the Postmaster-General to have been opened or tampered with, shall be treated as if it were posted for the first time and shall be chargeable accordingly.

(3) Any article arrested or intercepted in transit through the post at the request of either the sender or the addressee thereof, shall be liable to an additional charge equal to the ordinary rate of postage from the place of original address to the place of new address, and any article which under the provisions of this Act may be returned to the sender thereof shall if re-posted again be liable to postage: Provided that nothing in this section contained shall render it obligatory for the Postmaster-General to arrest or intercept any postal article and that any parcel arrested or intercepted in transit through the post for delivery to the sender or addressee at the office at which stoppage is effected shall be liable to such special fee as may be prescribed.

24. A postal article received in a post office shall be deemed to have been posted in contravention of this Act—

- (a) if the postage stamps thereon have been previously used, obliterated or defaced;
- (b) if any profane, blasphemous, indecent, obscene, offensive or libellous matter appears on the outside

Articles
deemed to be
posted in
contravention
of Act.

daarvan voorkom of onbetaamlike of aanstootlike stof daarin bevat is; of

- (c) indien die ter pos besorging daarvan of iets wat daarin bevat is 'n ontduiking van die bepalings van hierdie Wet of ander wetsbepalings uitmaak of daarmee in stryd is.

Artikels wat deur posmeesters aan die kantoor van onbestelde briewe gestuur moet word vir beskikking.

25. 'n Posstuk—

- (a) wat sonder adres is of waarop die adres onleesbaar is of wat om ander redes nie bestel kan word nie; of
(b) wat deur die persoon aan wie dit geadresseer is, geweier word; of
(c) wat ge-pos is, of na redelike vermoede ge-pos is, in stryd met hierdie Wet of ander wetsbepalings,

word na die kantoor bekend as die kantoor van onbestelde briewe gestuur en mee gehandel soos voorgeskryf: Met dien verstande dat 'n in paragraaf (a) of (b) bedoelde artikel op die buitekant waarvan die naam en adres van die afsender voorkom, op sy aansoek aan hom teruggestuur of regstreeks aan hom bestel kan word.

Artikels wat aan doeanereg onderhewig is.

26. Oor 'n posstuk wat iets bevat of vermoedelik bevat waarop doeaneregte betaalbaar is, word, behoudens die wetsbepalings op doeane, beskik soos voorgeskryf.

Artikels behalwe briewe kan vir ondersoek ooggemaak word.

27. (1) 'n Posstuk, behalwe 'n brief, kan in die pos vir ondersoek ooggemaak word ten einde te bepaal of daardie artikel teen die postarief wat daarop vooruitbetaal is, versend kan word, of in stryd met hierdie Wet ge-pos is.

(2) Die beslissing van die Posmeester-generaal oor die vraag of 'n posstuk 'n brief of ander posstuk binne die bedoeling van hierdie Wet is, is afdoende.

Behandeling van onopgeëiste briewe in die kantoor van onbestelde briewe.

28. 'n Posstuk wat oorspronklik binne die Unie ge-pos is en wat ingevolge artikel vyf-en-twintig aan die kantoor van onbestelde briewe gestuur word, of wat nie bestel is nie, word ooggemaak deur 'n beampte wat die Posmeester-generaal vir die doel aanwys, en word, tensy dit iets bevat wat waardevol of verkoopbaar is of volgens die oordeel van die Posmeester-generaal in stryd met hierdie Wet ge-pos is, of met die bedoeling om betaling van die gepaste posgeld daarop te ontduik, aan die afsender daarvan teruggestuur indien sy naam en adres bekend is, en kan, indien die afsender weier om dit te ontvang, of indien sy naam en adres nie bekend is nie, verkoop of vernietig word.

Onopgeëiste artikels van waarde en artikels in stryd met Wet ge-pos.

29. (1) Elke posstuk wat ingevolge die bepalings van hierdie Wet ooggemaak word en iets bevat wat waardevol of verkoopbaar is, moet veilig bewaar word en 'n aantekening daarvan en van die inhoud daarvan moet gemaak en bewaar word, en die Posmeester-generaal moet, tensy so 'n posstuk of die inhoud daarvan volgens sy oordeel in stryd met hierdie Wet ge-pos is, of met die bedoeling om betaling van die gepaste posgeld daarop te ontduik, die persoon aan wie daardie artikel geadresseer is, of, indien hy nie gevind kan word nie, die afsender daarvan indien hy gevind kan word, in kennis laat stel dat hy die artikel in sy besit het, en van die inhoud daarvan, en moet, op aansoek deur die persoon aan wie die kennisgewing gestuur is, bedoelde posstuk en die inhoud daarvan aan daardie persoon laat bestel teen betaling van alle koste daarop verskuldig.

(2) Indien geen aansoek ingevolge sub-artikel (1) gedoen word binne drie maande nadat 'n kennisgewing ingevolge daardie sub-artikel gestuur is nie, of indien die betrokke posstuk of die inhoud daarvan volgens die oordeel van die Posmeester-generaal in stryd met hierdie Wet ge-pos is, of met die bedoeling om betaling van daarop verskuldigde gelde te ontduik, word daardie artikel en die inhoud daarvan (sonder afbreuk aan die aanspreeklikheid vir boete of straf waaraan die afsender onderhewig mag wees) vernietig, verkoop of op 'n ander wyse oor beskik soos die Posmeester-generaal mag gelas.

(3) Die opbrengs van die verkoop van 'n posstuk of die inhoud daarvan soos voormeld, asook geld of enige order of sekuriteit vir geld waaruit die inhoud bestaan, word aan posinkomste inbetaal en maak deel daarvan uit.

(4) So 'n order of sekuriteit vir geld word, ten einde uitbetaling te verkry, geag die eiendom van die Posmeester-generaal te wees.

Afsender van onbestelde artikel aanspreeklik vir alle koste daarop betaalbaar.

30. Die afsender van 'n onbestelde posstuk moet op aanvraag alle daarop verskuldigde koste betaal, en is, indien hy weier om dit te betaal, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig sjelings: Met dien verstande dat die bepalings van hierdie artikel nie so

thereof or any indecent or obscene matter is enclosed therein; or

- (c) if it is posted or contains anything in fraud of or contrary to the provisions of this Act or any other law.

25. Any postal article—

- (a) which is without address or bears an illegible address or is otherwise undeliverable; or
- (b) which is refused by the person to whom it is addressed; or
- (c) which is posted or is reasonably suspected to have been posted in contravention of this Act or any other law,

Articles to be sent by postmasters to returned letter office for disposal.

shall be sent to the office known as the returned letter office and dealt with as may be prescribed: Provided that any article referred to in paragraph (a) or (b) which bears on the outside thereof the name and address of the sender, may on his application be returned to him or delivered to him direct.

26. Any postal article containing or suspected of containing an enclosure upon which customs duty is payable shall be dealt with as prescribed, subject to any law relating to customs.

Articles subject to customs duty.

27. (1) Any postal article, other than a letter, may be opened in the post for examination in order to ascertain whether that article is entitled to transmission at the rate of postage prepaid thereon or has been posted in contravention of this Act.

Articles other than letters may be opened for examination.

(2) The decision of the Postmaster-General as to whether any postal article is a letter or any other description of postal article within the meaning of this Act shall be final.

28. Any postal article originally posted within the Union, which is sent to the returned letter office in terms of section *twenty-five*, or which is undelivered, shall be opened by an officer nominated by the Postmaster-General for that purpose, and shall, unless it contains any valuable or saleable enclosure or has in the opinion of the Postmaster-General been posted in contravention of this Act or with intent to evade payment of the postage properly chargeable thereon, be returned to the sender thereof if his name and address are known, and may, if the sender refuses to receive it or if his name and address are not known, be sold or destroyed.

Treatment of unclaimed letters in returned letter office

29. (1) Every postal article opened under the provisions of this Act which contains any valuable or saleable enclosure, shall be safely kept and a record thereof and of its contents shall be made and preserved, and the Postmaster-General shall, unless any such postal article or the contents thereof have in his opinion been posted in contravention of this Act or with intent to evade payment of the postage properly chargeable thereon, cause notice of his possession of that article and of the contents thereof to be sent to the person to whom the same is addressed or, if he cannot be found, to the sender thereof if he can be found, and shall, upon application by the person to whom the notice has been sent, cause such postal article and its contents to be delivered to any such person upon payment of all charges due thereon.

Unclaimed articles of value and articles posted in contravention of Act.

(2) If no application under sub-section (1) is made within three months after the sending of any notice under that sub-section, or if the postal article in question or the contents thereof have in the opinion of the Postmaster-General been posted in contravention of this Act or with intent to evade payment of any charge properly payable thereon, such article and its contents shall (without affecting the liability to any penalty or punishment to which the sender may be subject) be destroyed, sold or otherwise disposed of as the Postmaster-General may direct.

(3) The proceeds of the sale of any postal article or the contents thereof as aforesaid, as well as any such contents consisting of money or any order or security for money, shall be paid into and form part of the postal revenue.

(4) Any such order or security for money shall for the purpose of procuring payment be deemed to be the property of the Postmaster-General.

30. The sender of any undelivered postal article shall on demand pay all charges due thereon and shall, in the event of his refusal to pay such charges, be guilty of an offence and liable on conviction to a fine not exceeding twenty shillings: Provided that nothing in this section contained shall be con-

Sender of undelivered article liable for all charges due thereon.

uitgelê word dat dit die persoon aan wie 'n posstuk oorspronklik geadresseer is, vrystel van aanspreeklikheid om die daarop verskuldigde koste te betaal indien so 'n posstuk aan hom bestel word nie.

Verbod op vertraging van artikels by versending of terugsending na afsender of bestelling aan iemand anders as geadresseerde.

31. Behalwe soos uitdruklik in hierdie Wet bepaal, mag geen posstuk tydens versending vertraag of aan die afsender teruggestuur of aan iemand wat nie in die adres daarop vermeld word, bestel word nie, behalwe met skriftelike toestemming van die geadresseerde of met spesiale magtiging van die Posmeester-generaal.

Onbestelde artikels van geen waarde en nuusblaaië kan vernietig word.

32. Ondanks andersluidende bepalings van artikel *agt-en-twintig* of *een-en-dertig* kan 'n onbestelde posstuk (behalwe 'n brief of pakket) wat blykbaar van weinig waarde of belang is, en enige onbestelde nuusblad, nadat dit vir die voorgeskrewe tydperk gehou is, onverwyld verkoop, vernietig of op ander wyse oor beskik word soos die Posmeester-generaal mag gelas.

Artikels aan insolvente persone geadresseer.

33. Wanneer iemand deur 'n bevoegde hof in die Unie insolvent bevind is, laat die Posmeester-generaal, indien die hof aldus beveel, en vir solank in die bevel bepaal, alle aan so iemand geadresseerde posstukke bestel aan die persoon in die bevel vermeld.

Artikels aan oorledenes geadresseer.

34. Posartikels wat aan 'n oorledene geadresseer is, kan, by oorlegging van briewe van administrasie, aan die eksekuteurs of boedelberedderaars van die oorledene bestel word of, totdat briewe van administrasie oorgelê is, aan die adres daarop vermeld.

Artikels geadresseer aan persone wat 'n lotery bestuur of in onbetaamlike of aanstootlike stof handel.

35. Wanneer die Posmeester-generaal deur 'n advertensie, brief, omsendbrief of ander dokumentêre getuienis oortuig is dat iemand 'n lotery bestuur of as agent of andersins by die bestuur daarvan hulp verleen of in onbetaamlike of aanstootlike stof handel, en die dienste van die departement vir die doel gebruik, kan die Posmeester-generaal alle posstukke gerig aan so 'n persoon (hetsy onder sy eie of 'n denkbeeldige of aangenome naam) of sy agent of verteenwoordiger of aan 'n adres van so 'n persoon, agent of verteenwoordiger sonder dat die naam van 'n persoon daarop verskyn, terughou of vertraag, en al sulke posstukke kan oopgemaak en aan die afsenders daarvan teruggestuur word of na goëddunke van die Posmeester-generaal op ander wyse oor beskik word.

Kennis van vertrek van vaartue.

36. (1) Die kaptein of agent van 'n vaartuig wat op die punt staan om uit 'n hawe in die Unie te vertrek, moet aan die posmeester by die hawe vanwaar daardie vaartuig op die punt staan om te vertrek, skriftelik kennis gee van die voorgenome tyd van vertrek en van die hawens wat aangedoen sal word en die bestemming van die vaartuig.

(2) So 'n kennisgewing moet gegee word sodat dit tussen agtuur in die voormiddag en sesuur in die namiddag eindig—

(a) minstens vier-en-twintig uur voor die voorgenome tyd van vertrek indien die bestemming van die betrokke vaartuig 'n hawe buite die Unie is; en

(b) minstens drie uur voor daardie tyd indien die bestemming 'n hawe binne die Unie is:

Met dien verstande dat in 'n bepaalde geval of gevalle van 'n spesiale klas korter kennisgewing deur die Posmeester-generaal of die posmeester by die hawe van vertrek toegelaat kan word.

(3) 'n Posmeester wat so 'n kennisgewing ontvang, verleen daarop aan die kaptein van die vaartuig 'n sertifikaat waarop die dag en uur aangegee word waarop die kennis gegee is en vermeld word dat aan die bepalings van hierdie Wet voldoen is, en tot tyd en wyl so 'n sertifikaat verleen is, word geen klaringsbewys ten opsigte van die vaartuig uitgereik nie.

(4) Wanneer die tyd van vertrek van so 'n vaartuig vir 'n langer tydperk as 'n uur uitgestel word, moet die kaptein of agent van daardie vaartuig die betrokke posmeester onverwyld daarvan in kennis stel.

(5) So 'n kaptein of agent wat versuim om die ingevolge hierdie artikel vereiste kennisgewing te gee, of wat voor die tyd in so 'n kennisgewing vermeld, uit 'n hawe vertrek, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond.

Kapteins van vaartue moet pos vervoer wat hulle aangebied word.

37. Die kaptein van 'n vaartuig moet alle pos aan boord ontvang wat hom deur 'n beampte vir vervoer aangebied word, en daarvoor 'n kwitansie gee in die vorm deur die Posmeester-

strued as releasing the person to whom any postal article is originally addressed from liability to pay the charges due thereon if such a postal article is delivered to him.

31. Save as expressly provided in this Act, no postal article shall be delayed in transmission or returned to the sender or be delivered to any person not named in the address thereof, except with the consent in writing of the addressee or on the special authority of the Postmaster-General.

Delay in transmission, return to sender or delivery to other than addressee of article prohibited.

32. Notwithstanding anything to the contrary contained in section *twenty-eight* or *thirty-one*, any undelivered postal article (not being a letter or parcel), which appears to be of no appreciable value or importance, and any undelivered newspaper may after retention for the period prescribed, forthwith be sold, destroyed or otherwise disposed of as the Postmaster-General may direct.

Undelivered articles of no value and newspapers may be destroyed.

33. Whenever any person has been found to be insolvent by a competent court in the Union, the Postmaster-General shall, if that court so orders, and for so long as may be specified in the order, cause all postal articles addressed to such person to be delivered to the person named in the order.

Articles addressed to insolvent persons.

34. Postal articles addressed to deceased persons may be delivered to the executors or administrators of those deceased persons on the production of letters of administration or, pending production of letters of administration, at the addresses indicated thereon.

Articles addressed to deceased persons.

35. When the Postmaster-General is satisfied by any advertisement, letter, circular or other documentary evidence that any person is conducting or assisting as agent or otherwise in conducting a lottery, or is dealing in indecent or obscene matter, and is using the services of the department for the purpose, the Postmaster-General may detain or delay all postal articles addressed to such person (whether under his own or under a fictitious or assumed name) or his agent or representative, or to any address of any such person, agent or representative without the name of any person appearing thereon, and all such postal articles may be opened and returned to the senders thereof or otherwise disposed of as the Postmaster-General may deem fit.

Articles addressed to persons conducting lottery or dealing in indecent or obscene matter.

36. (1) The master or agent of any vessel which is about to depart from any port within the Union shall give to the postmaster at the port from which that vessel is about to depart, notice in writing of the intended time of departure and the ports of call and destination of that vessel.

Notice of departure of vessels.

(2) Any such notice shall be given so as to terminate between the hours of eight o'clock in the forenoon and six o'clock in the afternoon—

(a) not less than twenty-four hours before the intended time of departure if the destination of the vessel in question is a port outside the Union; and

(b) not less than three hours before that time if such destination is a port within the Union;

Provided that shorter notice may be allowed by the Postmaster-General or the postmaster at the port of departure in any particular case or special class of cases.

(3) Any postmaster who receives any such notice shall thereupon grant to the master of the vessel a certificate stating the day and hour when the notice was given and that the provisions of this Act have been complied with, and until such a certificate has been given clearance papers shall not be given in respect of the vessel.

(4) Where the time of departure of any such vessel is postponed for a period exceeding one hour, the master or agent of that vessel shall forthwith advise the postmaster concerned accordingly.

(5) Any such master or agent who omits to give any notice required under this section, or who departs from a port before the time mentioned in any such notice, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

37. The master of any vessel shall receive thereon any mail tendered to him by an officer for conveyance, and shall give a receipt therefor in such form as may be required by the Post-

Masters of vessels to convey mails tendered to them.

generaal vereis, en moet bedoelde pos sonder versuim volgens aanwysing by die hawe waar die skip aandoen of die bestemmingshawe aflewer, en indien aan 'n bepaling van hierdie artikel nie voldoen word nie, is hy of die agent blootgestel aan 'n boete van hoogstens vyfhonderd pond wat by aksie in 'n bevoegde hof verhaal kan word.

Kapteins van vaartuie moet fasiliteite verstrek om geposte artikels aan boord te hanteer.

38. Die kaptein van 'n vaartuig moet aan boord van die vaartuig aan 'n beampte wat behoorlik deur die Posmeester-generaal gemagtig is, redelike fasiliteite beskikbaar stel ten einde daardie beampte in staat te stel om tot op die tydstop waarop die vaartuig vertrek, posstukke wat vir versending aan boord gebring word, te ontvang en vir versending in gereedheid te bring.

Betaling vir vervoer van pos deur vaartuie wat nie onder kontrak is nie.

39. (1) Die kaptein van 'n vaartuig (behalwe 'n vaartuig onder kontrak vir die vervoer van pos) wat op die punt staan om van 'n hawe in die Unie te vertrek, wat pos aan boord ontvang om dit volgens aanwysing te vervoer, is geregtig om vir die vervoer betaling teen die voorgeskrewe tarief te eis en te ontvang, en moet 'n kwitansie gee vir die bedrag wat hy aldus ontvang: Met dien verstande dat geen kaptein van 'n vaartuig geregtig is om betaling te eis ten opsigte van vervoer vir 'n tweede maal van pos wat van een hawe na 'n ander gebring is en oorgeskep word op of versend word met 'n tweede vaartuig wat aan dieselfde eienaar behoort nie.

(2) Betaling vir die vervoer van pos ingevolge hierdie artikel geskied alleen ten opsigte van pos wat van 'n hawe in die Unie versend word, en in geen geval ten opsigte van pos wat by 'n hawe in die Unie ontvang word nie.

Bewaring van pos aan boord van vaartuie.

40. Alle pos vervoer deur 'n vaartuig wat van 'n hawe in die Unie vertrek, moet aan boord van die vaartuig apart en afsonderlik van alle ander artikels en sake in 'n plek wat veilig, droog en ongediertevry is, toegesluit word, en indien sodanige pos gedurende die reis of 'n gedeelte van die reis aldus nie toegesluit is nie, is die kaptein van die betrokke vaartuig aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond.

Pos en vergoeding moet teruggee word indien voertuig nie volgens kennisgewing vertrek nie.

41. (1) Wanneer die kaptein van 'n vaartuig pos vir vervoer aan boord in ontvangs geneem het, en die vaartuig nie ooreenkomstig die tyd vir vertrek soos volgens voorskrif van artikel *ses-en-dertig* aangegee, vertrek nie, moet daardie kaptein die betrokke posmeester skriftelik van die oorsaak en die waarskynlike duur van die oponthoud in kennis stel, en moet hy bedoelde pos, tesame met enige vergoeding wat vir die vervoer daarvan betaal is, op aanvraag teruggee aan die posmeester, hawebeampte of doeanebeampte of aan 'n ander persoon wat behoorlik in geskrif deur die betrokke posmeester onder sy handtekening daartoe gemagtig is.

(2) 'n Kaptein wat versuim om aan die bepalings van subartikel (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond.

Briewe wat per vaartuig aankom, moet deur kaptein aan poskantoor afgelewer word.

42. Enige pos of briewe (ten opsigte waarvan die uitsluitlike voorreg van die Posmeester-generaal geld en wat nie onder die in artikel *sewe* vermelde uitsonderings val nie) wat ten tyde van die aankoms van 'n vaartuig in 'n hawe in die Unie aan boord is en aan 'n persoon in die Unie gerig is, moet deur die kaptein van die vaartuig op aanvraag afgelewer word aan die posmeester, hawebeampte of doeanebeampte by daardie hawe of aan 'n ander persoon wat deur die betrokke posmeester skriftelik onder sy handtekening daartoe gemagtig is, of, indien aanvraag nie gedoen word nie, by die poskantoor waarmee die kaptein van die vaartuig eerste in verbinding kan tree.

Verklaring wat deur kapteins by aankoms van pos afgelê moet word.

43. (1) Die kaptein van 'n vaartuig wat by 'n hawe in die Unie aankom, moet so gou doenlik na sy aankoms, in die teenwoordigheid van die posmeester, hawebeampte of doeanebeampte of 'n ander persoon deur die betrokke posmeester aangestel om dit te ontvang, 'n verklaring in die voorgeskrewe vorm onderteken ten effekte dat aan hierdie Wet voldoen is, en mag nie voordat so 'n verklaring onderteken is, die vraag van daardie vaartuig of 'n deel daarvan in enige hawe aanneld, begin aflaai of inklaar nie.

(2) So 'n kaptein wat versuim om so 'n verklaring af te lê of wat 'n valse verklaring aflê of wat wetens of op nalatige wyse pos of 'n brief in artikel *twee-en-veertig* bedoel, weerhou of in sy besit hou of versuim om dit af te lewer nadat dit volgens daardie artikel opgeëis is, of daardie pos of so 'n brief nie behoorlik volgens voorskrif van daardie artikel by die pos-

master-General, and shall without delay deliver such mail according to the direction thereof at the port of call or destination, and in default of compliance with any provision of this section he or the agent shall incur a penalty not exceeding five hundred pounds which shall be recoverable by action in any competent court.

38. The master of any vessel shall afford all reasonable facilities on board the vessel to any officer duly authorized by the Postmaster-General, to enable that officer to receive and prepare for dispatch any postal articles which may be brought on board for transmission up to the time of the vessel's departure.

Masters of vessels to afford facilities for dealing with articles posted on board.

39. (1) The master of any vessel (other than a vessel under contract for the conveyance of mail) about to depart from any port within the Union, who receives on board any mail for the purpose of conveying the same according to the direction thereof, shall be entitled to demand and receive for such conveyance payment at such rates as may be prescribed and shall give a receipt for the amount so received by him: Provided that no master of a vessel shall be entitled to demand payment in respect of the second conveyance of any mail brought from one port to another and transhipped to or forwarded by a second vessel belonging to the same owner.

Payment for conveyance of mails by non-contract vessels.

(2) Payment for the conveyance of mails under this section shall be made only in respect of mails dispatched from a port within the Union, and in no case in respect of mails received at any port within the Union.

40. Any mail conveyed by a vessel departing from a port within the Union shall be locked up on board the vessel apart and separate from all other articles and things, in a place which is secure, dry and vermin-proof, and if during the whole or any part of the voyage any such mail is not so locked up, the master of the vessel in question shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

Custody of mails on board vessels.

41. (1) Whenever the master of a vessel has received any mail for conveyance on board, and the vessel does not depart on her voyage according to the time notified for the departure thereof as provided in section *thirty-six*, that master shall in writing notify the postmaster concerned of the cause and the probable duration of the delay, and shall on demand return such mail, together with any gratuity which may have been paid for the conveyance thereof, to the postmaster, port officer or customs officer or to some other person duly authorized for the purpose in writing under the hand of the postmaster concerned.

Mails and gratuity to be returned if vessel does not depart according to notice given.

(2) Any master who fails to comply with the provisions of sub-section (1), shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

42. Any mail or letter (being within the exclusive privilege of the Postmaster-General and not included among the exceptions enumerated in section *seven*) which at the time of the arrival of any vessel in any port within the Union is on board directed to any person within the Union, shall on demand be delivered by the master of the vessel to the postmaster, port officer or customs officer at that port or to some other person authorized for the purpose by writing under the hand of the postmaster concerned or, if no demand is made, at the post office with which the master of the vessel can first communicate.

Letters arriving by vessel to be delivered to post office by master.

43. (1) The master of any vessel arriving at a port within the Union shall, as soon as practicable after arrival, sign in the presence of the postmaster, port officer or customs officer or some other person appointed by the postmaster concerned to receive the same, a declaration in the form prescribed, of compliance with this Act, and shall not report, break bulk or make entry of any part of the cargo of such vessel in any port until such declaration has been signed.

Declaration to be made by masters on arrival of mails.

(2) Any such master who fails to make such a declaration or who makes a false declaration or who knowingly or negligently detains or keeps in his possession or fails to deliver any mail or letter referred to in section *forty-two* after demand has been made under that section, or does not duly deliver any such mail or letter at the post office as provided in that section,

kantoor aflewer nie, of by die aflewering daarvan nie met behoorlike sorg te werk gaan nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond.

(3) So 'n kaptein wat sy vrag aanmeld of, sonder die uitdruklike toestemming van 'n doeanebeampte, begin aflaai of inklaar voordat alle pos of briewe aan boord ooreenkomstig artikel *twee-en-veertig* afgelewer is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig pond.

Straf vir weerhouding deur iemand aan boord van 'n vaartuig van briewe wat aan poskantoor afgelewer moet word.

44. Enige persoon, hetsy die kaptein of een van die offisiere of bemanningslede van 'n binnekomende vaartuig of 'n passasier daarop, wat wetens 'n brief (behalwe 'n brief ten opsigte waarvan die uitsluitlike voorreg van die Posmeester-generaal nie geld nie) by sy bagasie of in sy besit of beheer het—

(a) nadat die kaptein van die vaartuig 'n deel van die pos of briewe aan boord van sy vaartuig aan die poskantoor afgelewer het; of

(b) na aanvraag deur 'n posmeester, posbeampte of doeanebeampte of iemand wat behoorlik gemagtig is om die pos aan boord op te eis, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, in die geval van 'n misdryf ingevolge paragraaf (a), met 'n boete van hoogstens vyf pond, en, in die geval van 'n misdryf ingevolge paragraaf (b), met 'n boete van hoogstens tien pond, vir elke sodanige brief.

Vaartuie word nie aangemeld, ens., totdat verklaring deur kaptein geteken is nie.

45. 'n Doeanebeampte laat nie die kaptein van 'n binnekomende vaartuig toe om sy vrag aan te meld alvorens die ingevolge artikel *drie-en-veertig* vereiste verklaring afgelê en aan hom oorgelê is nie, en kan vergunning weier om die vrag aan boord van so 'n vaartuig te begin los of om enige deel van die vrag in te klaar alvorens alle pos en briewe aan boord volgens voorskrif van hierdie Wet afgelewer is, en kan so 'n vaartuig deursoek na pos en briewe wat in stryd met hierdie Wet aan boord mag wees, en kan dit in beslag neem en na die naaste poskantoor versend.

HOOFSTUK III.

VERSENDING EN INVORDERING VAN GELD DEUR DIE POS.

Versending van geld deur departement.

46. Geld kan binne of buite die Unie deur die departement versend word teen 'n tarief wat voorgeskryf moet word, en die Posmeester-generaal kan 'n beampte in die departement magtig om poswissels, posorders en ander stukke waarvan die gebruik om geld aldus te versend gemagtig is, uit te reik en te betaal.

Posmeester-generaal kan weier om poswissels, posorders, ens., aan bepaalde persone uit te reik of te betaal.

47. Die Posmeester-generaal kan weier om 'n poswissel, posorder of ander stuk waarvan die gebruik om geld deur die departement te versend, gemagtig is, uit te reik of te betaal ten gunste van iemand ten opsigte van wie die bepalings van artikel *vyf-en-dertig* van toepassing is, en waar betaling van so 'n order of ander stuk geweier word, kan die order, indien dit in die Unie uitgereik is, teruggestuur word aan die persoon aan wie dit oorspronklik uitgereik is of andersins na goëddunke van die Posmeester-generaal oor beskik word, of moet, indien dit buite die Unie uitgereik is, die bedrag daarvan teruggestuur word aan die posbestuur van die land waarin dit uitgereik is.

Invordering van geld deur departement.

48. Geld kan deur die departement deur middel van posaanskrivings of andersins teen voorgeskrewe tariëwe ingevorderd word, en die Posmeester-generaal kan enige beampte in sy departement magtig om so 'n posaanskriving of ander voorgeskrewe stuk uit te reik en om die bedrag ten opsigte waarvan so 'n aanskriving of ander stuk uitgereik word, in te vorder.

Wyse van aanvraag van geld wat deur departement ingevorderd moet word.

49. 'n Aanvraag wat ingevolge die bepalings van hierdie Wet deur die trekker van 'n posaanskriving of ander voorgeskrewe stuk in artikel *agt-en-veertig* bedoel, gemagtig mag word, moet deur 'n posmeester persoonlik of 'n ander behoorlik daartoe gemagtigde beampte gedoen word, indien die betrokkene woonagtig is in die onmiddellike omgewing van die poskantoor waar daardie aanskriving of ander stuk betaalbaar is, maar indien die betrokkene op 'n afstand van daardie poskantoor woon of daar nie met hom persoonlik in verbinding getree kan word nie, moet 'n aanmaningsbrief op die voorgeskrewe vorm aan die adres wat deur die trekker verstrekk is, aan hom gerig en per geregistreeerde pos na die poskantoor naaste aan daardie adres versend word, en indien geen antwoord op die navraag ontvang word voordat die geldigheid van daardie posaanskriving of

or does not use due diligence in the delivery of the same, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(3) Any such master who reports or, except with the express permission of a customs officer, breaks bulk or makes entry before all mails or letters on board have been delivered in accordance with section *forty-two*, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty pounds.

44. Any person, being either the master or one of the officers or crew of a vessel inward bound or a passenger thereof, who knowingly has in his baggage or in his possession or custody any letter (except a letter not within the exclusive privilege of the Postmaster-General)—

Penalty for retention by any person on board a vessel of letter which should have been delivered to post office.

(a) after the master of the vessel has delivered any part of the mail or letters on board his vessel to the post office; or

(b) after demand made by a postmaster, port officer or customs officer or any person duly authorized to demand the mails on board,

shall be guilty of an offence and liable on conviction, in the case of an offence under paragraph (a), to a fine not exceeding five pounds, and, in the case of an offence under paragraph (b) to a fine not exceeding ten pounds for each such letter.

45. A customs officer shall not allow the master of any inward bound vessel to report until the declaration required by section *forty-three* has been made and produced to him, and may refuse to permit bulk to be broken on board any such vessel or entry to be made of any part of her cargo until all mail and letters on board have been delivered as required by this Act, and may search every such vessel for mails and letters which may be on board contrary to this Act, and may seize the same and forward them to the nearest post office.

Vessels not to report, etc., until declaration signed by master.

CHAPTER III.

REMITTANCE AND COLLECTION OF MONEY THROUGH POST OFFICE.

46. Money may be remitted through the department either within or outside the Union at rates of commission to be prescribed, and the Postmaster-General may authorize any officer in the department to issue and pay money orders, postal orders and any other documents authorized to be used for the purpose of so remitting money.

Remittance of money through department.

47. The Postmaster-General may refuse to issue or pay any money order, postal order or other document authorized to be used for the purpose of remitting money through the department, in favour of any person to whom the provisions of section *thirty-five* apply, and where payment of any such order or other document is refused, such order may, if it was issued in the Union, be returned to the person to whom it was originally issued or otherwise disposed of as the Postmaster-General may deem fit, or, if it was issued outside the Union, the amount thereof shall be returned to the postal authority of the country in which it was issued.

Postmaster-General may refuse to issue or pay money orders, postal orders, etc. to certain persons.

48. Money may be collected through the department by means of postal drafts or otherwise at such rates as may be prescribed, and the Postmaster-General may authorize any officer in his department to issue such postal drafts or other prescribed instruments and to collect the amounts in respect of which such drafts or other instruments are issued.

Collection of money through department.

49. Any demand which under the provisions of this Act may be authorized by the drawer of any postal draft or other prescribed instrument referred to in section *forty-eight*, shall be made by a postmaster in person or by some other officer duly authorized thereto, if the drawee resides in the immediate neighbourhood of the post office at which that draft or other instrument is payable, but, if the drawee resides at a distance therefrom or cannot be communicated with personally, a letter of demand in the prescribed form shall be addressed to him at the address given by the drawer and transmitted by registered post to the post office nearest to that address, and if no reply to the demand is received before the termination of the currency

Manner of making demand for money to be collected through department.

ander stuk verval nie, word dit aan die trekker teruggestuur tesame met 'n verslag in die gepaste vorm waarby gesertifiseer word dat die bedrag daarvan nie betaal is nie.

Aanbieding van voorgeskrewe stuk vir invordering van geld het dieselfde krag as wetlike aanskrywing.

50. Die aanbieding van so 'n posaanskrywing of ander voorgeskrewe stuk volgens voorskrif van artikel *nege-en-veertig*, het dieselfde krag en uitwerking as 'n wetlike aanskrywing, en die terugsending van so 'n posaanskrywing of stuk na die aanbieding daarvan, weens versuim deur die betrokke om die bedrag daarvan te betaal, en die verslag daaroor deur 'n posmeester of ander behoorlik daartoe gemagtigde beampte, word in enige regsgeding in verband met die rekening of eis ten opsigte waarvan daardie aanskrywing of ander stuk opgestel was, by blote oorlegging van die teruggestuurde aanskrywing of ander stuk en bedoelde verslag, as *prima facie*-bewys aanvaar van die feite in daardie verslag vermeld.

Poswissels, ens., word geag banknote, ens., te wees, ingeval van vervalsing of diefstal, en onuitgereikte posorders word geag Staatsgeld te wees.

51. (1) 'n Poswissel, posorder of ander stuk wat ingevolge artikel *ses-en-veertig* uitgereik is, word geag 'n banknoot of order vir die betaling van geld en geldwaardige sekuriteit te wees binne die bedoeling van enige wet met betrekking tot vervalsing of diefstal.

(2) 'n Onuitgereikte posorder word geag Staatsgeld te wees.

HOOFTUK IV.

POSSPAARBANK.

Instelling van Posspaarbank.

52. Die Posspaarbank van die Unie soos ingestel by artikel *drie-en-vyftig* van die „Post Administratie en Scheepvaart-kombinaties Verhinderings Wet, 1911” (Wet No. 10 van 1911), word geag ingevolge hierdie Wet ingestel te wees.

Beperkings op deposito's.

53. (1) Enige bedrag geld kan deur 'n deponeerder by enige Spaarbankkantoor gestort word: Met dien verstande dat die eerste deposito wat deur 'n deponeerder in 'n spaarbankrekening gedeponeer word, minstens een sjieling moet wees, en dat die gesamentlike deposito's deur 'n enkele deponeerder in enige spaarbankjaar gestort, nie tweeduisend pond te bowe mag gaan nie.

(2) By die berekening van die maksimum bedrag wat in 'n enkele spaarbankjaar deur 'n deponeerder gestort mag word, word 'n deposito wat in spaarbanksertifikate belê is of staan te word, of die bedrag van sodanige sertifikate wat weer na die gewone rekening van 'n deponeerder oorgedra word, nie in rekening gebring nie: Met dien verstande dat, indien die bedrag op krediet van 'n deponeerder, nadat 'n bedrag wat aldus belê is of staan te word of aldus oorgedra is, na gelang van die geval, weer in sy gewone rekening gekrediteer is, die maksimum bedrag wat andersins in 'n enkele spaarbankjaar gestort mag word, te bowe gaan, daar op die saldo geen rente oloop nie.

(3) Bedrae aan gewone rente of rente ten opsigte van spaarbanksertifikate word nie by die berekening van die bedrag wat in 'n enkele spaarbankjaar deur 'n deponeerder gestort mag word, in aanmerking geneem nie.

Deposito's vir minderjariges of op die naam van getroude vroue.

54. Ondanks andersluidende bepalings van enige ander wet—

(a) kan deposito's wat deur of ten bate van 'n persoon onder die ouderdom van een-en-twintig jaar gestort is, aan daardie persoon terugbetaal word nadat hy die ouderdom van sewe jaar bereik het, in alle opsigte asof hy meerderjarig was; en

(b) is deposito's wat op die naam van 'n getroude vrou staan aan haar terugbetaalbaar asof sy ongetroud was.

Deposito's deur sekere verenigings.

55. Deposito's kan deur 'n onderlinge hulpvereniging of ander vereniging, klub of fonds wat deur die Posmeester-generaal goedgekeur is, gemaak word sonder beperking op die maksimum bedrag, behalwe in die geval van spaarbanksertifikate.

Rente.

56. (1) (a) Die rente aan deponeerders betaalbaar, word van tyd tot tyd deur die Minister met goedkeuring van die Goewerneur-generaal bepaal teen die koers van hoogstens vyf persent per jaar, maar rente word nie op 'n kleiner bedrag as een pond of 'n veelvoud van een pond bereken nie, en is, behoudens die bepalings van paragraaf (b) van hierdie sub-artikel, betaalbaar vanaf die eerste dag van die maand eersvolgende op die dag waarop die geld gestort is, en loop nie na die laaste dag van die maand voorafgaande aan die dag waarop die deposito terugbetaal word nie.

of that postal draft or other instrument, it shall be returned to the drawer together with a report in the proper form certifying to the non-payment of the amount thereof.

50. The presentation in accordance with the provisions of section *forty-nine*, of any such postal draft or other prescribed instrument, shall be of the same force and effect as a legal demand, and the return of such draft or instrument after the presentation by reason of the non-payment of the amount thereof by the drawee and the report thereon by any postmaster or other duly authorized officer shall, in any legal proceedings on the account or claim in respect of which that draft or other instrument was drawn, be accepted on the mere production of the returned draft or other instrument and such report, as *prima facie* evidence of the facts stated in that report.

Presentation of prescribed document for collection of money to be of same force as legal demand.

51. (1) Any money order, postal order or other document issued under section *forty-six* shall be deemed to be a bank note or an order for the payment of money and a valuable security within the meaning of any law relating to forgery or theft.

Money orders etc., to be deemed bank notes, etc., in case of forgery or theft and unissued postal orders deemed public money.

(2) Any unissued postal order shall be deemed to be public money.

CHAPTER IV.

POST OFFICE SAVINGS BANK.

52. The Post Office Savings Bank of the Union as constituted in terms of section *fifty-three* of the Post Office Administration and Shipping Combinations Discouragement Act, 1911 (Act No. 10 of 1911), shall be deemed to be constituted under this Act.

Constitution of Savings Bank.

53. (1) Any sum of money may be deposited by any depositor at any Savings Bank Office: Provided that the first deposit made by any depositor on any Savings Bank account shall not be less than one shilling, and that the aggregate of all deposits made by any one depositor in any one Savings Bank year shall not exceed two thousand pounds.

Limits of deposits.

(2) In computing the maximum amount allowed to be deposited by a depositor in any one Savings Bank year, no deposit invested or to be invested in Savings Bank certificates nor the amount of any such certificates retransferred to the ordinary account of a depositor shall be reckoned: Provided that if, after any amount so invested or to be invested or so retransferred, as the case may be, has been credited to the ordinary account of the depositor, the sum standing to his credit exceeds the maximum amount which otherwise is allowed to be deposited in any one Savings Bank year, the excess shall bear no interest.

(3) Amounts of ordinary interest or interest in respect of Savings Bank certificates shall not be reckoned in calculating the amount allowed to be deposited by a depositor in any one Savings Bank year.

54. Notwithstanding anything to the contrary contained in any other law—

Deposits for minors, or in the name of married women.

- (a) deposits made by or for the benefit of any person under twenty-one years of age may be repaid to that person after he has attained the age of seven years in every respect as if he were of full age; and
- (b) deposits standing in the name of a married woman shall be repayable to her as if she were unmarried.

55. Deposits may be made by any friendly society or any other society, club or fund approved by the Postmaster-General, without restriction as to the maximum amount except in the case of Savings Bank certificates.

Deposits by certain societies.

56. (1) (a) The interest payable to depositors shall be at such rate, not exceeding five per cent per annum, as may from time to time be fixed by the Minister with the approval of the Governor-General, but interest shall not be calculated on any amount less than one pound or a multiple of one pound and shall, save as provided in paragraph (b) of this sub-section, commence on the first day of the month next following the day of deposit and shall cease on the last day of the month preceding the day on which the repayment of the deposit is effected.

Interest.

(b) Ingeval 'n bedrag op enige van die eerste twee dae van 'n maand gestort word, is rente vanaf die eerste dag van daardie maand betaalbaar, en geen rente word, uit hoofde van die uitreiking op enige van die laaste twee dae van 'n maand van magtiging om 'n deposito te onttrek, ten opsigte van daardie maand op die deposito verbeur nie, tensy bedoelde deposito gedurende die betrokke maand gestort is.

(2) Rente op bedrae wat op krediet van 'n deponeerder in sy gewone rekening staan, word tot die einde van elke Spaarbankjaar bereken, en word dan by die hoofbedrag gevoeg en maak deel daarvan uit, tensy die deponeerder se rekening op 'n tydstip voor daardie datum gesluit word, in watter geval rente bereken word tot op die eerste dag van die maand waarin die rekening gesluit word.

Wyse waarop terugbetalings verkry word.

57. Op aanvraag in die voorgeskrewe vorm deur 'n deponeerder of iemand wat wettiglik gemagtig is om namens hom te vorder, om terugbetaling van 'n deposito of 'n deel daarvan, word die magtiging van die Posmeester-generaal vir bedoelde terugbetaling onverwyld aan die deponeerder versend, en die deponeerder is, behoudens die bepalinge van artikel *honderd-en-veertien*, geregtig op terugbetaling van 'n bedrag wat aan hom verskuldig mag wees, binne dertig dae nadat hy by 'n Posspaarbank aanvraag gedoen het.

Trustdeposito's.

58. Trustrekenings kan geopen en gelde gestort word deur een persoon as trustee ten behoeve van 'n ander, maar geen bedrag aldus gestort, word terugbetaal nie, behalwe teen 'n kwitansie van beide bedoelde persone.

Terugbetalinge ingeval deponeerder of trustee kranksinnig word.

59. (1) Wanneer dit tot bevrediging van die Posmeester-generaal bewys word dat 'n deponeerder kranksinnig geword het, kan die Posmeester-generaal by aansoek aan hom gerig, en onderworpe aan die voorwaardes wat hy nodig ag, die bedrag of 'n deel van die bedrag wat op krediet van daardie deponeerder staan, aan die persoon of persone betaal wat na sy oordeel blykbaar geregtig is om dit te ontvang, en die kwitansie van daardie persoon of persone dien om die skuld vir die aldus betaalde bedrag te delg: Met dien verstande dat indien die bedrag wat op krediet van so 'n deponeerder staan honderd pond te bowe gaan, betaling geskied alleen op die handtekening van 'n kurator volgens wet aangestel.

(2) Indien iemand ten behoeve van wie geld in 'n trustrekening gestort is, kranksinnig word, kan die Posmeester-generaal, waar die gestorte bedrag nie honderd pond te bowe gaan nie, by bevredigende bewys van die kranksinnigheid, daardie bedrag of 'n deel daarvan op die voorwaardes wat hy nodig ag, terugbetaal aan die persoon of persone wat na sy oordeel blykbaar geregtig is om dit te ontvang, en die kwitansie van daardie persoon of persone, tesame met die kwitansie van die trustee, dien om die skuld vir die aldus betaalde bedrag te delg.

(3) Indien in die geval in sub-artikel (2) beskryf, die bedrag in die betrokke rekening honderd pond te bowe gaan, geskied terugbetaling alleen op die handtekenings van die kurator volgens wet aangestel en die trustee, maar as die trustee kranksinnig word, kan die betrokke bedrag betaal word op die handtekening van iemand deur die Posmeester-generaal aangestel om in daardie hoedanigheid op te tree en die persoon ten behoeve van wie die bedrag gestort was.

Terugbetaling ingeval van dood van trustee of persoon ten behoeve van wie bedrag gestort was.

60. Ingeval iemand ten behoeve van wie 'n bedrag deur 'n trustee gestort is, te sterwe kom, geskied terugbetaling van daardie bedrag of 'n deel daarvan nie sonder die kwitansies van die trustee en die oorledene se eksekuteurs of boedelberedderaars nie, en hul kwitansies dien om die skuld vir daardie bedrag te delg, en as die trustee te sterwe kom, en daar nie aan die Posmeester-generaal briewe van administrasie oorgelê of skriftelik kennis van die voorneme om briewe van administrasie uit te neem, gegee word nie, kan die bedrag op krediet van die persoon ten behoeve van wie die bedrag gestort was, betaal word op die handtekenings van daardie persoon en 'n ander persoon wat die Posmeester-generaal in die plek van die trustee aanstel.

Wyse waarop met deposito's gehandel moet word ingeval van dood van deponeerder.

61. (1) Indien 'n deponeerder in die Posspaarbank, te sterwe kom en 'n som geld in daardie Bank nalaat wat, tesame met die rente daarop verskuldig honderd pond nie te bowe gaan nie, kan die Posmeester-generaal, tensy briewe van administrasie aan hom oorgelê of skriftelike kennis van die bestaan van 'n testament en die voorneme om briewe van administrasie uit te neem, aan hom gegee word binne die tydperk

(b) In the case of a deposit made on either of the first two days of any month, interest shall be payable from the first day of that month, and no interest in respect of any deposit shall be forfeited for any month by reason of the issue on either of the last two days of that month of authority for the withdrawal of such deposit, unless such deposit was made during that month.

(2) Interest on amounts standing to the credit of a depositor in his ordinary account shall be calculated to the end of every Savings Bank year, and shall then be added to and become part of the principal unless the depositor's account is closed at any time previous to that date, in which case interest shall be reckoned up to the first day of the month in which the account is closed.

57. On demand by a depositor or a person legally authorized to claim on account of a depositor, made in such form as may be prescribed, for repayment of any deposit or any part thereof, the authority of the Postmaster-General for such repayment shall be transmitted to the depositor forthwith, and the depositor shall subject to the provisions of section *one hundred and fifteen* be entitled to the repayment of any sum that may be due to him within thirty days after his demand has been made at any Savings Bank office.

Method of obtaining repayments.

58. Trust accounts may be opened and deposits made by one person as trustee on behalf of another person, but no deposit so made shall be repaid except against the receipt of both such persons.

Trust deposits.

59. (1) Where a depositor is proved to the satisfaction of the Postmaster-General to have become insane, the Postmaster-General may, on application being made to him, and subject to such conditions as he may deem necessary, pay the amount or any part of the amount standing to the credit of that depositor, to such person or persons as may appear to him entitled to receive the same, and the receipt of that person or those persons shall be a good discharge for the sum so paid: Provided that if the sum standing to the credit of such a depositor exceeds one hundred pounds, payment shall be made only upon the signature of a curator appointed according to law.

Repayments in event of depositor or trustee becoming insane.

(2) If any person on whose behalf money has been deposited in a trust account becomes insane, the Postmaster-General may, where the sum deposited does not exceed one hundred pounds, on satisfactory proof of the insanity repay that sum or any part thereof upon such conditions as he may deem necessary to such person or persons as appear to him entitled to receive the same, and the receipt of that person or those persons, together with the receipt of the trustee, shall be a good discharge for the sum so paid.

(3) If in the case described in sub-section (2) the amount in the relevant account exceeds one hundred pounds, repayment shall be made only upon the signatures of the curator appointed according to law and the trustee, but if the trustee becomes insane, the amount in question may be paid upon the signatures of a person appointed by the Postmaster-General to act in that capacity and the person on whose behalf the amount was deposited.

60. In the event of the death of a person on whose behalf a trustee has deposited any amount, repayment of that amount or any part thereof shall not be made without the receipts of the trustee and the executors or administrators of the deceased person, and their receipts shall be a valid discharge, and if the trustee dies it shall be lawful, unless letters of administration are produced or notice in writing of intention to take out letters of administration is given to the Postmaster-General, to pay the amount standing to the credit of the person on whose behalf the amount was deposited upon the signatures of that person and of such other person as the Postmaster-General may appoint in place of the trustee.

Repayment in event of death of trustee or person on whose behalf amount was deposited.

61. (1) If any depositor in the Savings Bank dies leaving a sum of money in the said Bank which, with the interest due thereon, does not exceed one hundred pounds, the Postmaster-General may, unless letters of administration are produced or notice in writing of the existence of a will and intention to take out letters of administration is given to him within the period of two months after the death of the depositor, or

Method of dealing with deposits in case of depositor's death.

van twee maande na die dood van die deponeerder, of (waar bedoelde kennis gegee is) briewe van administrasie uitgeneem en aan hom oorgelê word binne die tydperk van drie maande na sodanige afsterwe, met toestemming van die Meester die geld betaal aan en verdeel onder die persone wat daarop geregtig blyk te wees.

(2) 'n Betaling wat uit hoofde van die bepalings van hierdie artikel geskied, is geldig en vrywaar die Spaarbank teen enige aanvraag of vordering teen sy fondse deur enigiemand as wettige verteenwoordiger van die deponeerder, en so iemand het 'n reg van verhaal op die persoon of persone wat betaling ontvang het en nie andersins nie.

(3) Indien 'n vordering ten opsigte van geld wat in die Spaarbank gestort is, nie deur die Posmeester-generaal erken word nie, word die geld, behoudens enige bevel deur 'n regter in kamers ingevolge artikel vier-en-sestig gegee, deur die Posmeester-generaal in die Voogdyfonds gestort en word deur die Meester daarmee gehandel asof dit deur 'n eksekuteur of voog inbetaal was.

Betaling van deposito's aan verteenwoordigers van buiteregte deponeerders.

62. Waar 'n deponeerder van 'n bedrag van hoogstens honderd pond intestaat te sterwe kom, en iemand op daardie bedrag geregtig sou gewees het indien die deponeerder nie buite eg gebore was nie, kan die Posmeester-generaal daardie bedrag met toestemming van die Meester uitbetaal aan een of meer van die persone wat volgens sy oordeel ingevolge die reg op intestate erfopvolging daarop geregtig sou gewees het indien die deponeerder nie buite eg gebore was nie.

Verslag oor deposito's wat ingevolge artikel 59, 61 of 62 uitbetaal is, moet aan Meester verstrek word.

63. (1) So dikwels as wat die Posmeester-generaal ingevolge die bepalings van artikel nege-en-vyftig, een-en-sestig of twee-en-sestig, 'n bedrag wat by die Posspaarbank gestort was, uitbetaal het, stuur hy aan die Meester 'n rekening wat die uitbetaalde bedrag en die wyse waarop dit verdeel is, aantoon, en so 'n rekening word bewaar en geregistreer op dieselfde wyse as 'n rekening deur 'n eksekuteur ingedien.

(2) Enige administrasie of verdeling deur die Posmeester-generaal ingevolge die bepalings van een of ander van bedoelde artikels, is van alle seëlregte, gelde en ander onkoste vrygestel.

Skikking van sekere geskille met betrekking tot deposito's.

64. Indien 'n geskil ontstaan tussen die Posmeester-generaal en 'n deponeerder of trustee van 'n deponeerder in die Posspaarbank, of 'n eksekuteur, boedelberedderaar, kurator, naasbestaande of skuldeiser van 'n deponeerder of iemand wat beweer dat hy die eksekuteur, boedelberedderaar, kurator, naasbestaande of skuldeiser van 'n deponeerder is of geregtig is op geld wat in die Posspaarbank gestort is, word die saak in geskil in eerste instansie na die Minister van Justisie vir sy beslissing verwys, en kan dit daarna, indien een of ander party dit verlang, skriftelik verwys word na 'n regter van die Hooggeregshof in kamers wat summier die geskil kan ondersoek en daarvoor kan beslis, en sy beslissing daaromtrent is afdoende.

Geheimhouding moet bewaar word.

65. Geen amptenaar van die departement of persoon wat 'n ander betrekking beklee, mag die naam of inligting met betrekking tot die transaksies van 'n deponeerder of houer van 'n sertifikaat bekend maak nie, behalwe—

- (a) aan die Posmeester-generaal of beamptes wat hy mag aanstel om met die uitvoering van die bepalings van hierdie Wet met betrekking tot die Posspaarbank behulpsaam te wees; of
- (b) aan die Kommissaris van Binnelandse Inkomste vir die doeleindes van 'n wetsbepaling met betrekking tot die belasting van inkomste; of
- (c) aan die Meester met betrekking tot die bereddering van die boedel van 'n afgestorwe deponeerder of houer van 'n sertifikaat; of

(d) wanneer dit op bevel van 'n bevoegde hof vereis word: Met dien verstande dat geen bepaling van hierdie artikel geag word die gesag van die Kontroleur en Ouditeur-generaal te beperk nie om blootlegging van sodanige rekenings en stukke te vereis as wat nodig mag wees ten einde hom in staat te stel om die pligte volgens wet aan hom opgedra, uit te voer.

Rekenings van deposito's moet gehou en gelde aan Staatskuldkommissaris vir belegging betaal word.

66. (1) Die Posmeester-generaal hou 'n rekening van alle bedrae ingevolge die bepalings van hierdie Wet met betrekking tot die Posspaarbank gestort en betaal, en moet op die wyse en op die tye wat die Minister van Finansies gelas, die bedrag van aldus gestorte gelde aan die Staatskuldkommissaris oorbetal om deur hulle belê te word: Met dien verstande dat die Minister van Finansies die Posmeester-generaal kan magtig om 'n gedeelte van bedoelde gelde te behou ten einde 'n redelike be-

(where such a notice has been given) letters of administration are taken out and produced to him within the period of three months after such death, with the consent of the Master pay and divide the money to and among such persons as may appear to be entitled thereto.

(2) Any payment made under the authority of this section shall be a valid and effectual discharge against any demand or claim made upon the funds of the Savings Bank by any person as being the lawful representative of the depositor, and any such person shall have his remedy by recourse against the person or persons who have received payment and not otherwise.

(3) If any claim in respect of money deposited in the Savings Bank is not admitted by the Postmaster-General, the money shall, subject to any order made by a judge in chambers under section *sixty-four*, be paid by the Postmaster-General into the Guardian's Fund to be dealt with by the Master as if it had been paid in by an executor or tutor.

62. Where a depositor of an amount not exceeding one hundred pounds dies intestate, and any person would, but for the illegitimacy of such depositor, have been entitled to that amount, the Postmaster-General may with the consent of the Master pay that amount to any one or more of the persons who in his opinion would have been entitled thereto according to the law of succession *ab intestato* if the depositor had not been illegitimate.

Payment of deposits to representatives of illegitimate depositors.

63. (1) As often as the Postmaster-General has under the provisions of section *fifty-nine*, *sixty-one* or *sixty-two*, distributed any sum of money deposited in the Savings Bank, he shall transmit to the Master an account showing the sum distributed and the manner of distribution thereof, and that account shall be filed and registered in the same manner as an account rendered by an executor.

Account of deposits distributed under section 59, 61 or 62 to be forwarded to the Master.

(2) Any administration or distribution by the Postmaster-General under the provisions of any of the said sections shall be exempt from all stamp duties, fees and other charges.

64. If any dispute arises between the Postmaster-General and any depositor or trustee of a depositor in the Savings Bank, or any executor, administrator, curator, next-of-kin or creditor of any depositor or any person claiming to be the executor, administrator, curator, next-of-kin or creditor of a depositor or to be entitled to any money deposited in the Savings Bank, the matter in dispute shall in the first instance be referred to the Minister of Justice for his decision, and may thereafter, if desired by either party, be referred in writing to a judge of the Supreme Court in chambers who may summarily enquire into and determine the dispute, and his decision in regard thereto shall be final.

Settlement of certain disputes in regard to deposits.

65. No officer in the department or person holding any other office shall disclose the name or any information regarding the transactions of a depositor or certificate holder, except—

Secrecy to be observed.

- (a) to the Postmaster-General or such officers as he may appoint to assist in carrying out the provisions of this Act relating to the Savings Bank; or
- (b) to the Commissioner for Inland Revenue, for the purposes of any law relating to the taxation of incomes; or
- (c) to the Master in relation to the administration of the estate of a deceased depositor or certificate holder; or
- (d) when required by order of a competent court:

Provided that nothing in this section contained shall be deemed to limit the authority of the Controller and Auditor-General to require a disclosure of such accounts and documents as may be necessary to enable him to carry out the duties imposed upon him by law.

66. (1) The Postmaster-General shall keep an account of all sums deposited and paid under the provisions of this Act relating to the Savings Bank, and shall in such manner and at such times as the Minister of Finance may direct, pay to the Public Debt Commissioners for investment by them the amount of such moneys deposited: Provided that the Minister of Finance may authorize the Postmaster-General to retain such portion of such moneys as represents a reasonable working

Accounts of deposits to be kept and moneys paid to Public Debt Commissioners for investment.

dryfsaldo in verband met terugbetaling van deposito's aan deponeerders te verseker.

(2) Die Staatskuldkommissarisse betaal die rente uit die belegging van sodanige gelde verkry, tesame met enige wins uit die tegeldemaking van so 'n belegging verkry, aan die Posmeester-generaal, en uit die totale bedrag aldus betaal—

(a) word rente aan deponeerders betaal ingevolge artikels *ses-en-vyftig* en *ses-en-sewentig*; en

(b) word aan die Gekonsolideerde Inkomstefonds die bedryfskoste van die Posspaarbank vergoed soos deur die Minister van Finansies bepaal,

en die balans word aan die Staatskuldkommissarisse terugbetaal as 'n reserwefonds vir die doeleindes in sub-artikel (3) vermeld: Met dien verstande dat die bedrag wat op die een-en-dertigste dag van Desember van enige jaar op krediet van die reserwefonds staan, nie 'n bedrag gelyk aan sewe en 'n half persent van die totaal van Spaarbankdeposito's en Spaarbanksertifikate wat op die voorafgaande een-en-dertigste dag van Maart op krediet van deponeerders gestaan het, te bowe mag gaan nie, en die Staatskuldkommissarisse moet die bedrag waarmee die eersgenoemde bedrag die laasgenoemde bedrag oorskry, in die Gekonsolideerde Inkomstefonds betaal.

(3) Uit die in sub-artikel (2) bedoelde reserwefonds word betaal—

(a) waardevermindering van of verliese op die tegeldemaking van beleggings van Spaarbankgelde; en

(b) enige bedrag waarmee die ingevolge paragrafe (a) en (b) van daardie sub-artikel betaalbare bedrae in enige jaar die rente uit beleggings van Spaarbankgelde verkry en die in daardie sub-artikel bedoelde wins te bowe gaan.

Rekenings moet deur Posmeester-generaal aan Parlement voorgelê word.

67. (1) Die Posmeester-generaal moet so gou doenlik, en in elk geval binne vier maande na die afsluiting van elke Spaarbankjaar, 'n balansstaat van die Spaarbank en rekenings in die vorm wat die Minister van Finansies goedkeur, opstel en aan die Kontroleur en Ouditeur-generaal vir ondersoek voorlê, met betrekking tot ontvangste en uitbetalings in verband met die Spaarbank, en sodanige ander rekenings en state as wat die Minister van Finansies mag vereis, en afskrifte van al die bedoelde rekenings en state moet aan die Minister van Finansies gestuur word.

(2) Die Kontroleur en Ouditeur-generaal moet voormelde balansstaat, rekenings en state sertifiseer en daarvoor verslag doen, en dit moet aan die Minister van Finansies voorgelê en by die Parlement ingedien word op dieselfde wyse en gelyktydig met die Finansiële en Begrotingsrekenings van die Unie.

Bedryfsonkoste van bank word betaal uit gelde deur die Parlement bewillig.

68. Alle bestuurs- en bedryfsonkoste van die Spaarbank word betaal uit gelde wat die Parlement vir die bestuur van die departement bewillig.

Bedrae wat op krediet van 'n deponeerder staan, kan in inkomsterekening betaal word indien vir vyftien jaar geen bedrag gestort of onttrek is nie.

69. Die Posmeester-generaal kan, na verloop van 'n tydperk van vyftien jaar vanaf die datum waarop die laaste bedrag deur 'n deponeerder gestort of onttrek is, die bedrag wat op krediet van daardie deponeerder staan, in die inkomsterekening van die departement betaal: Met dien verstande dat indien, nadat so 'n bedrag aldus in die inkomsterekening van die departement betaal is, aansoek om terugbetaling daarvan gedoen word deur die deponeerder of iemand wat regtens gemagtig is om dit namens hom te vorder, die Minister van Finansies daardie bedrag uit die Gekonsolideerde Inkomstefonds moet betaal indien die Posmeester-generaal sertifiseer dat die deponeerder of voormelde persoon daarop geregtig is.

Oordrag van deposito's uit 'n ander land.

70. Die Posmeester-generaal kan met enige posbestuur reëlings tref vir die oordrag van en na die Unie van somme geld wat op krediet van deponeerders in 'n Posspaarbank staan, en die Posmeester-generaal kan enige bedrag wat aldus na die Posspaarbank van die Unie oorgedra word in die deponeerder se rekening in daardie bank krediteer, al is die oorgedraagde bedrag meer as wat wettiglik in 'n enkele Spaarbankjaar deur 'n deponeerder gestort mag word, maar geen bedrag word aldus gekrediteer nie, indien die bedrag in die rekening meer sal wees as die maksimum bedrag wat ingevolge hierdie Wet gestort mag word.

balance in connection with the repayment of deposits to depositors.

(2) The Public Debt Commissioners shall pay to the Postmaster-General the interest derived from the investment of such moneys together with any profit earned on the realization of any such investment, and out of the total amount so paid—

- (a) interest shall be paid to depositors under sections *fifty-six* and *seventy-six*; and
- (b) the Consolidated Revenue Fund shall be re-imbursed the working expenses of the Savings Bank as determined by the Minister of Finance,

and the balance shall be repaid to the Public Debt Commissioners as a reserve fund for the purposes mentioned in sub-section (3): Provided that the amount standing to the credit of the reserve fund on the thirty-first day of December in any year shall not exceed an amount equal to seven and one half per cent. of the total of Savings Bank deposits and Savings Bank certificates standing to the credit of depositors on the preceding thirty-first day of March, and the Public Debt Commissioners shall pay into the Consolidated Revenue Fund so much of the first-mentioned amount as exceeds the latter amount.

(3) Out of the reserve fund mentioned in sub-section (2) there shall be defrayed—

- (a) depreciation in or losses on the realization of investments of Savings Bank moneys; and
- (b) any excess during any year of the amounts payable under paragraphs (a) and (b) of that sub-section over the interest derived from the investment of Savings Bank moneys and the profit referred to in that sub-section.

67. (1) The Postmaster-General shall as soon as possible, and in any case within four months after the close of each Savings Bank year, prepare and render to the Controller and Auditor-General for examination a balance sheet of the Savings Bank and accounts in such form as may be approved by the Minister of Finance of the receipts and payments in connection with the Savings Bank and such other accounts and statements as may be required by the Minister of Finance, and copies of all such accounts and statements shall be sent to the Minister of Finance.

Accounts to be laid before Parliament by Postmaster-General

(2) The balance sheet, accounts and statements aforesaid shall be certified and reported upon by the Controller and Auditor-General and submitted to the Minister of Finance and laid before Parliament in the same manner as and simultaneously with the Finance and Appropriation Accounts of the Union.

68. All expenses incurred in connection with the conduct and working of the Savings Bank shall be paid out of such moneys as Parliament may provide for the conduct of the department.

Expenses of working bank to be paid out of money provided by Parliament.

69. The Postmaster-General may, after the expiration of a period of fifteen years from the date upon which the last deposit or withdrawal has been made by any depositor, pay into the revenue of the department the amount standing to the credit of that depositor: Provided that if after any such amount has been paid into the revenue of the department as aforesaid, application for repayment thereof be made by the depositor or any person legally authorized to claim on his behalf, the Minister of Finance shall, if the Postmaster-General certifies that the depositor or person aforesaid is entitled thereto, pay such amount out of the Consolidated Revenue Fund.

Amounts standing to credit of any depositor may be paid into revenue if no deposit or withdrawal made during period of fifteen years.

70. The Postmaster-General may make arrangements with any postal authority for the transfer from and to the Union of sums of money standing to the credit of depositors in a Post Office Savings Bank, and the Postmaster-General may place any sum so transferred to the Post Office Savings Bank of the Union, to the credit of the depositor's account in that bank, even though the amount transferred may exceed the amount which a depositor may by law deposit in any one Savings Bank year, but no amount shall be so credited if the amount in the account will exceed the maximum amount allowed to be deposited under this Act.

Transfer of deposits from another country.

Deposito's
word deur
staatsinkomste
gewaarborg.

71. Die staatsinkomste van die Unie dien as sekuriteit vir deposito's in die Spaarbank, en indien die onmiddellik beskikbare fondse van die Spaarbank te eniger tyd nie voldoende is om die wettige vorderings van alle deponeerders te dek nie, moet die Minister van Finansies die tekort sonder verdere magtiging as hierdie Wet uit die Gekonsolideerde Inkomstefonds aanvul, maar 'n verslag oor elke sodanige tekort en aanvulling moet deur die Minister van Finansies in beide Huise van die Parlement ter Tafel gelê word binne veertien dae nadat die aanvulling geskied het, indien die Parlement dan byeen is, of, indien die Parlement dan nie byeen is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

Uitgifte van
sertifikate
aan Spaarbank-
deponeerders.

72. Die Posmeester-generaal kan hoogstens honderd Spaarbanksertifikate met 'n waarde van honderd pond elk uitreik aan enige deponeerder in die Spaarbank wat dit verlang en wat die nodige saldo in sy gewone rekening op sy krediet het.

Sertifikate
word alleen
aan deponeerders
in die
Spaarbank
uitgereik en
is nie oor-
draagbaar
nie.

73. (1) Spaarbanksertifikate word slegs aan deponeerders in die Spaarbank uitgereik en alle deposito's en terugbetalings in verband daarmee word deur die gewone rekening van die deponeerder bewerkstellig.

(2) 'n Spaarbanksertifikaat is nie oordraagbaar nie, en is slegs 'n bewys van die deponeerder se reg om terugbetaling van die bedrag op die sertifikaat vermeld en die rente daarop verksuldig te vorder.

Gelde ten
opsigte van
elke sertifikaat.

74. Vir elke Spaarbanksertifikaat wat uitgereik word, moet die voorgeskrewe gelde deur die deponeerder betaal word.

Sertifikate
moet deur
verantwoordelike
beampte onder-
teken en deur
Posmeester-
generaal mede-
onderteken word.

75. Elke Spaarbanksertifikaat wat ingevolge hierdie Wet uitgereik word, moet deur 'n verantwoordelike Spaarbank-beampte onderteken, en deur die Posmeester-generaal of 'n deur hom daartoe gedelegeerde beampte mede-onderteken word.

Rentekoers op
sertifikate.

76. (1) Rente op Spaarbanksertifikate loop teen die koers van hoogstens vyf persent per jaar wat die Minister van tyd tot tyd met goedkeuring van die Goewerneur-generaal bepaal, maar 'n vermindering van so 'n rentekoers geld nie ten opsigte van 'n reeds uitgereikte sertifikaat nie voordat 'n tydperk van drie maande verloop het sedert die datum waarop skriftelike kennis van die vermindering aan die houer van daardie sertifikaat persoonlik gegee is of bestel is by of deur die pos gestuur is aan sy laasbekende adres.

(2) (a) Behoudens die bepalings van paragraaf (b) van hierdie sub-artikel, word rente bereken vanaf die eerste dag van die maand eersvolgende op die datum waarop aansoek om in Spaarbanksertifikate te belê, ontvang word, en tot die laaste dag van die maand onmiddellik voorafgaande aan die maand waarin die bedrag van die sertifikaat weer aan die gewone Spaarbankrekening van die deponeerder oorgedra word.

(b) Wanneer aansoek om die uitreiking van 'n Spaarbanksertifikaat gedoen word op enige van die eerste twee dae van 'n maand, is rente op die bedrag wat deur daardie sertifikaat verteenwoordig word, vanaf die eerste dag van daardie maand betaalbaar, en geen rente op die bedrag deur 'n sertifikaat verteenwoordig, word ten opsigte van enige maand verbeur op grond dat magtiging vir die heroordrag van die bedrag wat deur so 'n sertifikaat verteenwoordig word op enige van die laaste twee dae van daardie maand verleen is nie, behalwe waar aansoek om die uitreiking van die sertifikaat gedurende daardie maand gedoen was.

(3) Rente op sertifikate is op die eerste dag van Januarie en die eerste dag van Julie in elke jaar betaalbaar, en die aan deponeerders verskuldigde bedrae word op daardie datums op krediet van hul onderskeie gewone Spaarbankrekenings geplaas, behalwe in die geval van die heroordrag op 'n ander datum van die bedrag van 'n sertifikaat na die gewone Spaarbankrekening van die betrokke deponeerder, in watter geval die verskuldigde rente ten opsigte van daardie sertifikaat op krediet van die deponeerder se gewone rekening geplaas word op die tydstip wanneer die heroordrag geskied.

Spaarbank-
sertifikate by
kennisgewing
terugbetaalbaar.

77. 'n Spaarbanksertifikaat is terugbetaalbaar by kennisgewing van opsegging soos ooreenkomstig die regulasies daarop vermeld.

71. Deposits made in the Savings Bank shall have the security of the public revenues of the Union, and if at any time the immediately available funds of the Savings Bank are insufficient to meet the lawful claims of all depositors, the Minister of Finance shall issue the amount of the deficiency out of the Consolidated Revenue Fund without any further authority than this Act, but a report of every such deficiency and issue shall be laid upon the Tables of both Houses of Parliament by the Minister of Finance within fourteen days after the date of the issue if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing ordinary session.

Deposits to have security of revenue.

72. The Postmaster-General may issue Savings Bank certificates not exceeding one hundred in number of the value of one hundred pounds each to any depositor in the Savings Bank who may so desire and who has the necessary balance to his credit in his ordinary account.

Issue of certificates to Savings Bank depositors.

73. (1) Savings Bank certificates shall be issued only to depositors in the Savings Bank and all deposits and repayments in connection therewith shall be effected through the depositor's ordinary account.

Certificates may only be issued to depositors in Savings Bank and not to be transferable.

(2) A Savings Bank certificate shall not be transferable and shall only be evidence of the depositor's claim to repayment of the amount specified in the certificate with the interest due thereon.

74. There shall be payable by the depositor for the issue of every Savings Bank certificate such fee as may be prescribed.

Fee in respect of each certificate.

75. Every Savings Bank certificate issued under the authority of this Act shall be signed by a responsible Savings Bank officer and countersigned by the Postmaster-General or an officer delegated by him for the purpose.

Certificates to be signed by responsible officer and countersigned by the Postmaster-General.

76. (1) Interest on Savings Bank certificates shall be at such rate, not exceeding five per cent. per annum, as may from time to time be fixed by the Minister with the approval of the Governor-General, but no reduction in the rate of such interest shall apply to any certificate already issued until after the expiration of a period of three months from the date upon which written notice of the reduction has been given to the holder of that certificate personally or has been served at, or transmitted by post to his last known address.

Rate of interest on certificates.

(2) (a) Save as provided in paragraph (b) of this sub-section, interest shall be calculated from the first day of the month next following the date upon which application is received for investment in Savings Bank certificates and shall cease on the last day of the month next preceding that in which the amount of the certificate is retransferred to the ordinary Savings Bank account of the depositor.

(b) Where application for the issue of a Savings Bank certificate is made on either of the first two days of any month, interest on the amount represented by that certificate shall be payable as from the first day of that month, and no interest on the amount represented by any certificate shall be forfeited in respect of any month by reason of the issue on either of the last two days of that month of authority for the retransfer of the amount represented by such certificate, except where application for the issue of the certificate was made during that month.

(3) Interest on certificates shall be payable on the first day of January and the first day of July in each year, and the amount due to the depositors shall on those dates be placed to the credit of their respective ordinary Savings Bank accounts, except in the case of the retransfer on some other date of the amount of any certificate to the ordinary Savings Bank account of the depositor concerned, in which event the interest due in respect of that certificate shall be placed to the credit of the depositor's ordinary account at the time retransfer is effected.

77. A Savings Bank certificate shall be repayable upon such notice as may be stated thereon in accordance with the regulations.

Savings Bank certificates repayable on notice.

HOOFSTUK V.

TELEGRAAFWESE.

Posmeester-
generaal het
uitsluitlike
voorreg met
betrekking tot
telegraafwese.

78. (1) Die Posmeester-generaal het die uitsluitlike voorreg om telegraaflyne op te rig en in stand te hou en om telegramme of ander berigte per telegraaf in die Unie of sy territoriale waters te versend, en om al die bykomende dienste in verband met die ontvangs, afhaal of bestel van telegramme of sodanige ander berigte te verrig: Met dien verstande dat—

(a) die eienaars van 'n spoorwegstelsel vir die doeleindes van so 'n spoorweg en vir die tydperk en in die mate wat deur een of ander wetsbepaling gemagtig word, telegraaflyne opgerig uit hoofde van regte deur daardie wetsbepaling verleen, in stand kan hou en kan bedien; en

(b) die Posmeester-generaal telegraaflyne vir private gebruik kan oprig, in stand hou of verhuur of iemand by lisensie kan magtig om private telegraaflyne in die Unie of sy territoriale waters op te rig, in stand te hou en te bedien, en ten opsigte van die gebruik van sodanige telegraaflyne gelde en voorwaardes kan voorskryf.

(2) Niemand mag 'n telegraaflyn gebruik ten einde telegramme vir die publiek te versend of te bestel nie, behalwe op gesag van die Posmeester-generaal en op die bedinge en voorwaardes wat hy voorskryf, en die departement het die reg om deur middel van sy beamptes alle kantore te inspekteer wat gemagtig is om openbare telegramme te ontvang, te versend of te bestel.

Posmeester-
generaal kan
private lyne
na kennisgewing
oorneem.

79. Die Posmeester-generaal kan, onderworpe aan 'n verpligting om vergoeding te betaal wat by ontstentenis van ooreenkoms deur arbitrasie bepaal word, en na ses maande kennisgewing van sy voorneme om dit te doen, 'n telegraaflyn of -stelsel (of deel daarvan), hetsy voor of na die inwerkingtreding van hierdie Wct en hetsy ingevolge spesiale of algemene wetgewende gesag of andersins opgerig, in stand gehou of geëksploiteer, uitgesonderd 'n kommunikasiestelsel wat deur die Suid-Afrikaanse Spoorweg- en Hawensadministrasie opgerig en in stand gehou word, oorneem.

Reg om grond
te betree en
lyne daaroor
op te rig, ens.

80. Die Posmeester-generaal kan vir die doeleindes van hierdie Wet enige grond, met inbegrip van 'n straat, pad, voetpad of grond wat vir openbare doeleindes gereserveer is en 'n spoorweg, betree en 'n telegraaflyn of enige werke op, onder, oor of langs enige grond, straat, pad, voetpad of waterweg of enige spoorweg oprig en in stand hou en dit verander of verwyder, en kan vir die doel drade, toue of ander stutte aan 'n gebou of ander struktuur heg.

Lyne kan onder
strate gelê
word, ens.

81. Die Posmeester-generaal kan na redelike kennisgewing in geskrif aan die plaaslike bestuur of persoon wat 'n straat, pad of voetpad besit of die beheer en toesig daaroor het, op die wyse in daardie kennisgewing vermeld telegraaflyne, pype, tonnels of buise vir telegraafdoeleindes benodig, onder so 'n straat, pad of voetpad oprig en in stand hou, en dit verander of verwyder, en kan vir so 'n doel 'n straat, pad of voetpad opbreek of oopmaak en die ligging van 'n pyp daaronder (behalwe 'n rioolpyp of hoofleiding) vir die toevoer van water, gas of elektrisiteit verander: Met dien verstande dat die plaaslike bestuur of persoon aan wie so 'n pyp behoort of deur wie dit gebruik word die reg het om te alle tye terwyl werk in verband met die verandering van die ligging van daardie pyp aan die gang is, oor daardie werk toesig te hou, en die Posmeester-generaal moet alle redelike uitgawes deur bedoelde plaaslike bestuur of persoon aangegaan in verband met veranderings of verwyderings ingevolge hierdie artikel of in verband met toesig oor werk met betrekking tot so 'n verandering betaal.

Skadevergoeding
vir eiendoms-
beskadiging.

82. (1) Die Posmeester-generaal moet by die verrigting van enige werksaamhede alle redelike voorsorgmaatreëls vir die veiligheid van die publiek tref, maar is nie vir skadevergoeding aanspreeklik nie, behalwe vir sover werklike skade aan enige werke of eiendom of op die land staande oeste (behalwe bome of struikgewasse in artikel *ses-en-tagtig* bedoel) veroorsaak mag word of iemand as gevolg van versuim deur die Posmeester-generaal om aan die bepalinge van hierdie artikel te voldoen, beseer mag word: Met dien verstande dat enige werk in verband met die oprigting, instandhouding of herstel van 'n telegraaflyn op so 'n wyse uitgevoer moet word dat verlies of ongerief aan eienaars van eiendom of die publiek sover moontlik vermy

CHAPTER V.

TELEGRAPHS.

78. (1) The Postmaster-General shall have the exclusive privilege of constructing and maintaining telegraph lines and of transmitting telegrams or other communications by telegraph within the Union or the territorial waters thereof, and of performing all the incidental services of receiving, collecting or delivering telegrams or such other communications: Provided that—

Postmaster-General to have exclusive privilege in respect of telegraphs.

(a) the owners of any system of railways may maintain and work for the purposes of any such railway, for the time and to the extent authorized by any law, any telegraph lines constructed in pursuance of rights conferred by that law; and

(b) the Postmaster-General may construct, maintain or lease telegraph lines for private use or by licence authorize any person to construct, maintain and work private telegraph lines within the Union or its territorial waters, and may prescribe fees and conditions in respect of the use of any such telegraph lines.

(2) No person shall use any telegraph line for the purpose of transmitting or delivering telegrams for the public, except under the authority of the Postmaster-General and on such terms and conditions as he may prescribe, and the department shall have the right by means of its officers of inspecting all offices which are authorized to accept, transmit or deliver public telegrams.

79. The Postmaster-General may, subject to an obligation to pay such compensation as may in the absence of agreement be determined by arbitration, after giving six months' notice of his intention so to do, take over the whole or any part of any telegraph line or system, not being a system of communication constructed and maintained by the South African Railways and Harbours Administration, whether constructed before or after the commencement of this Act, and whether constructed, maintained or operated under any special or general legislative authority or otherwise.

Postmaster-General may take over private lines after notice.

80. The Postmaster-General may for the purposes of this Act enter upon any land, including any street, road, footpath or land reserved for public purposes and any railway, and construct and maintain a telegraph line or any work upon, under, over, along or across any land, street, road, footpath or waterway or any railway and alter or remove the same, and may for that purpose attach wires, stays or any other kind of support to any building or other structure.

Right of entry and to construct lines across any lands, etc.

81. The Postmaster-General may after reasonable notice in writing to the local authority or person owning or having the care and management of any street, road or footpath, construct and maintain in the manner specified in that notice any telegraph lines, pipes, tunnels or tubes required for telegraphic purposes under any such street, road or footpath, and may alter or remove the same, and may for such purposes break or open up any street, road or footpath and alter the position thereunder of any pipe (not being a sewer drain or main) for the supply of water, gas or electricity: Provided that the local authority or person to whom any such pipe belongs, or by whom it is used, shall be entitled at all times while any work in connection with the alteration in the position of that pipe is in progress, to supervise that work, and the Postmaster-General shall pay all reasonable expenses to which any such local authority or person may be put in connection with any alterations or removals under this section or in connection with supervision of work relating to any such alteration.

Lines may be laid under streets, etc.

82. (1) The Postmaster-General shall in the carrying out of any work take all reasonable precautions for the safety of the public, but shall not be liable for any compensation, save in so far as actual injury may be caused to any work or property or standing crops (other than trees or underwood referred to in section *eighty-six*) or injury may be caused to any person in consequence of failure by the Postmaster-General to comply with the provisions of this section: Provided that any work in connection with the construction, maintenance or repair of any telegraph line shall be carried out in such a way as to avoid as far as possible loss or inconvenience to owners of property

Compensation for injury to property.

word, en 'n straat, pad of voetpad moet te alle tye terwyl dit oopgemaak, opgebreek of andersins versper is, omhein of bewaak en gedurende die nag verlig word, en by voltooiing van sodanige werk moet enige straat, pad, voetpad, grond of spoorweg wat belemmer is, in dieselfde goeie toestand waarin dit voor opbreking daarvan was, herstel word.

(2) Die skadevergoeding in die geval van skade soos voormeld aan enige werk, eiendom of op die land staande ooste veroorsaak, word indien die bedrag nie by skikking bepaal kan word nie, deur arbitrasie vasgestel.

Verwydering van lyne op versoek van plaaslike bestuur of ander persoon.

83. (1) Indien dit volgens die Posmeester-generaal se oordeel, te eniger tyd na die oprigting, hetsy voor of na die inwerkingtreding van hierdie Wet, van 'n telegraaflyn of 'n pyp, tonnel of buis op, in, oor, langs of onder enige grond, spoorweg, straat, pad, voetpad of waterweg, nodig is om dit te verander of te verwyder as gevolg van 'n verandering van rooilyn of niveau of enige ander werk deur 'n plaaslike bestuur of persoon, word die koste van die verandering of verwydering deur daardie plaaslike owerheid of persoon gedra.

(2) (a) Waar 'n telegraaflyn wat oor private eiendom loop 'n hindernis uitmaak in verband met die oprigting van 'n gebou wat op daardie eiendom opgerig staan te word, moet die Posmeester-generaal, by bevredigende bewys dat 'n gebou werklik opgerig gaan word, die lyn op so 'n wyse laat verlê of verander dat alle hindernisse vir boubedrywighede verwyder word.

(b) Kennis dat so 'n verlegging of verandering verlang word, moet skriftelik aan die Posmeester-generaal gegee word minstens agt-en-twintig dae voordat die aanbring van die vereiste verlegging of verandering verlang word.

(3) Ingeval 'n verlegging of verandering van 'n telegraaflyn wat oor private eiendom loop op ander as die in sub-artikel (2) vermelde gronde verlang word, moet skriftelike kennisgewing daaromtrent agt-en-twintig dae vooruit aan die Posmeester-generaal bestel word, en hy besluit of die verlegging of verandering moontlik, nodig of raadsaam is al dan nie, en indien die Posmeester-generaal instem om die verlegging of verandering te bewerkstellig, word die onkoste in verband met die uitvoering van die werk daaraan verbonde gedra deur die persoon op wie se versoek die verlegging of verandering plaasvind.

(4) Ondanks die bepalings van sub-artikel (1) of (3)—

(a) is 'n provinsiale administrasie nie verplig om die onkoste aangegaan in verband met 'n in enige van daardie sub-artikels bedoelde verandering, verwydering of verlegging wat genoodsaak word weens werke deur daardie administrasie onderneem, te betaal nie; en

(b) is 'n afdelingsraad nie verplig om die onkoste aangegaan in verband met so 'n verandering, verwydering of verlegging wat genoodsaak word as gevolg van padwerke deur so 'n raad onderneem, te betaal nie, behalwe vir sover die onkoste van daardie werke op 'n ander plaaslike bestuur verhaalbaar is.

Hekke in heinings.

84. (1) Indien 'n heining wat opgerig is of staan te word op grond waaroor 'n telegraaflyn opgerig word of staan te word, dit vir die Posmeester-generaal onmoontlik of ongerieflik maak of sou maak om vir 'n doeleinde van hierdie Wet toegang tot daardie grond te verkry, kan die Posmeester-generaal op koste van die departement hekke in daardie heining aanbring en in stand hou, en moet hy daarvoor twee sleutels voorsien waarvan een aan die eienaar of okkupeerder van die grond oorhandig moet word.

(2) Iemand wat voornemens is om so 'n heining op te rig, moet die Posmeester-generaal minstens ses weke vooraf skriftelik van sy voorneme in kennis stel.

Diere moet toegelaat word om te wei en water te drink.

85. Wanneer diere gebruik word in verband met die werk om 'n telegraaflyn wat oor private eiendom gaan, op te rig of in stand te hou, moet die eienaar of okkupeerder van daardie eiendom toegang tot weiding en water ten opsigte van daardie diere toelaat, en wel op die bedinge wat by onderlinge ooreenkoms tussen die Posmeester-generaal en die eienaar of okkupeerder van bedoelde eiendom of, by ontstentenis van ooreenkoms, deur die landdros van die distrik waarin die eiendom geleë is, bepaal word, en sy beslissing is afdoende.

Bome wat telegraaflyne versper.

86. Bome of struikgewasse, hetsy op Staatsgrond of op 'n pad of straat of op private grond, wat volgens die oordeel van die Posmeester-generaal die werking of onderhoud van 'n tele-

or the public, and any street, road or footpath shall, while it is opened, broken up or otherwise obstructed, be at all times fenced or guarded and during the night be lighted, and on completion of such work any street, road, footpath, land or railway which may have been disturbed shall be restored to as good a condition as that in which it was before being broken up.

(2) The compensation in the case of injury aforesaid being caused to any work, property or standing crops shall, if the amount cannot be otherwise agreed upon, be settled by arbitration.

83. (1) If in the opinion of the Postmaster-General it is necessary at any time subsequent to the construction upon, in, over, along, across or under any land, railway, street, road, footpath or waterway, of any telegraph line or any pipe, tunnel or tube, whether constructed before or after the commencement of this Act, to alter or remove the same owing to any alteration of alignment or level or any other work on the part of any local authority or person, the cost of the alteration or removal shall be borne by that local authority or person.

Removal of lines at request of local authority or other person.

(2) (a) Where any telegraph line passing over any private property interferes with any building about to be erected on that property, the Postmaster-General shall, on receiving satisfactory proof that a building is actually to be erected, cause the line to be deviated or altered in such manner as will remove all obstacles to building operations.

(b) Notice that any such deviation or alteration is required shall be given to the Postmaster-General in writing not less than twenty-eight days before the alteration or deviation is required to be effected.

(3) In the event of any deviation or alteration of a telegraph line passing over any private property being desired on any other grounds than are set forth in sub-section (2), twenty-eight days' notice thereof in writing shall be served on the Postmaster-General, who shall decide whether or not the deviation or alteration is possible, necessary or expedient, and if the Postmaster-General agrees to make the deviation or alteration, the cost of carrying out the work in connection therewith shall be borne by the person at whose request the deviation or alteration is effected.

(4) Notwithstanding the provisions of sub-section (1) or (3)—

(a) a provincial administration shall not be required to pay the costs incurred in connection with any alteration, removal or deviation referred to in either of those sub-sections, which is necessitated by any works undertaken by that administration; and

(b) a divisional council shall not be required to pay the costs incurred in connection with any such alteration, removal or deviation which is necessitated by any road works undertaken by it, except in so far as the cost of those works is recoverable from any other local authority.

84. (1) If any fence erected or to be erected on land over which a telegraph line is constructed or is to be constructed, renders or would render it impossible or inconvenient for the Postmaster-General to obtain access to that land for any of the purposes of this Act, the Postmaster-General may at the expense of the department erect and maintain gates in that fence and shall provide therefor duplicate keys one of which shall be handed over to the owner or occupier of the land.

Gates in fences.

(2) Any person intending to erect any such fence shall give not less than six weeks' notice in writing to the Postmaster-General of his intention.

85. Where animals are used in connection with the work of constructing or maintaining any telegraph line passing over private property, those animals shall be allowed grazing and water by the owner or occupier of that property on such terms as may be mutually arranged between the Postmaster-General and the owner or occupier of such property or, failing agreement, determined by the magistrate of the district in which the property is situated whose decision shall be final.

Animals to be allowed grazing and water.

86. Trees or underwood which in the opinion of the Postmaster-General obstruct or interfere or are likely to interfere with the working or maintenance of any telegraph line, whether

Trees obstructing telegraph lines.

graaflyn versper of belemmer of waarskynlik sal belemmer, moet na redelike kennisgewing deur die Posmeester-generaal en ooreenkomstig sy vereistes afgekap of gesnoei word deur die gesag wat toesig en beheer oor die betrokke Staatsgrond, pad of straat het of deur die eienaar of okkuperder van bedoelde private grond, na gelang van die geval, op koste van die departement, en ingeval van 'n versuim om aan so 'n kennisgewing te voldoen, kan die Posmeester-generaal self die bedoelde bome en struikgewasse laat afkap of snoei soos hy nodig ag: Met dien verstande dat, waar verbinding in werklikheid deur sodanige bome of struikgewasse belemmer of in gevaar gestel word, die Posmeester-generaal die werk wat onmiddellik nodig is vir die verwydering van die hindernis of gevaar, sonder bedoelde kennisgewing kan laat doen.

Hoogte of diepte van lyn.

87. (1) (a) Lugdrade of -kabels langs 'n spoorweg of publieke of private straat, pad, voetpad of grond moet minstens tien voet (of in of in die onmiddellike omgewing van dorpe, twaalf voet) bokant die grond wees, en lugdrade of -kabels oor 'n spoorweg, straat, pad of voetpad moet minstens veertien voet (of in of in die onmiddellike omgewing van dorpe, agtien voet) bokant die grond wees.

(b) Ondergrondse telegraaflyne moet minstens twee voet onder die grond gelê word.

(2) Indien die eienaar van private grond tot bevrediging van die Posmeester-generaal bewys dat hy deur die onvoldoende hoogte of diepte van 'n telegraaflyn in die vrye gebruik van sy grond belemmer word, moet die Posmeester-generaal, behoudens die bepalinge van artikels *drie-en-tagtig* en *ses-en-tagtig*, die stappe doen wat hy nodig ag om daardie eienaar tegemoet te kom.

Persoon wat elektriese werke oprig, moet aan sekere vereistes van die Posmeester-generaal voldoen.

88. (1) Iemand wat 'n spoorweg of werke vir die voorsiening van lig, hitte of krag deur middel van elektrisiteit aanlê, oprig, toerus of bestuur, moet aan die vereistes van die Posmeester-generaal voldoen ten einde benadeling van telegraaflyne te voorkom, en moet, voordat met die aanleg of oprigting van bedoelde spoorweg of werke begin word, die Posmeester-generaal een maand vooruit skriftelik in kennis stel van sy voorneme om met die aanleg of oprigting te begin, en aan die Posmeester-generaal 'n plan van die voorgestelde spoorweg of werke verstrek, tesame met besonderhede van die wyse waarop en die plek waar dit na voorneme aangelê, opgerig, uitgevoer en gedrywe gaan word, en die verdere inligting met betrekking tot die voorgestelde spoorweg of werke wat die Posmeester-generaal vereis.

(2) Indien die aanleg, oprigting, toerusting of bestuur van sodanige spoorweg of werke volgens die oordeel van die Posmeester-generaal 'n telegraaflyn waarskynlik sal benadeel, of indien 'n telegraaflyn deur die aanleg, oprigting, toerusting of bestuur van sodanige spoorweg of werke benadeel word, gee die Posmeester-generaal redelike kennis van sy vereistes aan die betrokke persoon, en iemand wat, nadat hy bedoelde kennisgewing ontvang het, in stryd met bedoelde vereistes so 'n aanleg, oprigting, uitrusting of bestuur voortsit of dit laat voort-sit, is onderhewig aan 'n boete (wat by aksie in 'n bevoegde hof verhaal kan word) van vyf pond vir elke dag waarop dit voortgesit word of die benadeling voortduur, en moet bowendien alle skade of onkoste wat weens versuim om aan die Posmeester-generaal se vereistes te voldoen aan die departement veroorsaak word, vergoed.

Volgorde van versending van telegramme.

89. (1) Telegramme word vir almal sonder aansien des persoons en sonder begunstiging of voorkeur versend, en word sover doenlik in die volgorde van ontvangs versend, maar telegramme met betrekking tot die bewaring van die vrede van die Unie of van die aangrensende gebiede of die inhegtenisname van misdadigers of die ontdekking of voorkoming van misdaad of enige ander aangeleentheid in verband met die regspleging en, wanneer dit vereis word, telegramme in die diens van die Staat, geniet voorkeur bo alle ander telegramme: Met dien verstande dat, behoudens die regulasies, die bepalinge van hierdie artikel nie geag word te verhoed dat aan enige klas van telegramme voorkeur gegee word op die voorwaardes en by betaling van die spesiale tariewe wat voorgeskryf mag word nie: En met dien verstande voorts dat niemand toegelaat word om 'n telegraaflyn op so 'n wyse te beset dat die spoedige versending van ander telegramme onredelikerwys verhinder word nie.

(2) 'n Beampte wat opsetlik in stryd met die bepalinge van hierdie artikel optree, is aan 'n misdryf skuldig en by skuldig-

growing upon State-owned land or upon any road or street or upon private land, shall after reasonable notice by the Postmaster-General be cut down or trimmed in accordance with his requirements by the authority having the care and the management of such State-owned land, road or street or by the owner or occupier of such private land, as the case may be, at the expense of the department, and, in the event of failure to comply with any such notice, the Postmaster-General may himself cause the said trees and underwood to be cut down or trimmed as he may deem necessary: Provided that where communication is actually interfered with or endangered by any such trees or underwood, the Postmaster-General may cause the work which is immediately necessary for the removal of the interference or danger to be undertaken without any such notice as aforesaid.

87. (1) (a) Aerial wires or cables along any railway or public or private street, road, footpath or land shall be at a height of at least ten feet (or in or in the immediate neighbourhood of towns, twelve feet) above the surface of the ground, and aerial wires or cables crossing any railway, street, road or footpath shall be at least fourteen feet (or in or in the immediate neighbourhood of towns, eighteen feet) above the surface of the ground.

Height or depth of lines.

(b) Underground telegraph lines shall be placed at least two feet below the surface of the ground.

(2) If the owner of any private land proves to the satisfaction of the Postmaster-General that he is obstructed in the free use of his land by reason of the insufficient height or depth of any telegraph line, the Postmaster-General shall, subject to the provisions of sections *eighty-three* and *eighty-six*, take such steps as he may deem necessary for giving relief to that owner.

88. (1) Any person who constructs, equips or carries on any railway or works for the supply of light, heat or power by means of electricity, shall conform to the requirements of the Postmaster-General for the prevention of any telegraph line being injuriously affected thereby, and shall, before commencing the construction of any such railway or works, give one month's notice in writing to the Postmaster-General of his intention to commence the construction, and shall furnish the Postmaster-General with a plan of the proposed railway or works, together with particulars showing the manner and position in which the same are intended to be constructed, executed and carried on and such further information relative to the proposed railway or works as the Postmaster-General may require.

Person establishing electrical works to conform to certain requirements of Postmaster-General.

(2) If it appears to the Postmaster-General that the construction, equipment or carrying on of any such railway or works is likely to affect injuriously any telegraph line, or if any telegraph line is injuriously affected by the construction, equipment or carrying on of any such railway or works, the Postmaster-General shall give reasonable notice of his requirements to the person concerned, and any person who, after receiving any such notice, proceeds with or causes to be proceeded with any such construction, equipment or carrying on in contravention of the said requirements, shall be liable to a penalty (recoverable by action in a competent court) of five pounds for every day on which the same is proceeded with or the injurious effect continues, and shall in addition make good any damage or expense which may be caused to the department by reason of the failure to comply with the Postmaster-General's requirements.

89. (1) Telegrams shall be sent for all persons alike, without favour or preference, and shall as far as practicable be transmitted in the order in which they are received, but telegrams relating to the preservation of the peace of the Union or of the adjacent territories or the arrest of criminals or the discovery or prevention of crime or any other matter connected with the administration of justice and, when so required, telegrams on the public service, shall have precedence over all other telegrams: Provided that, subject to the regulations, nothing in this section contained shall be held to prevent precedence being given to any class of telegrams under such conditions and upon payment of such special rates of charge as may be prescribed: And provided further that no person shall be permitted to occupy a telegraph line in such a manner as unreasonably to impede the speedy transmission of other telegrams.

Order of transmission of telegrams.

(2) Any officer who wilfully offends against the provisions of this section shall be guilty of an offence and liable on con-

bevinding strafbaar met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

Telegramme
wat geweier
kan word.

90. 'n Telegram wat volgens die oordeel van die Posmeester-generaal in die teks, adres of handtekening daarvan iets bevat van 'n godslasterlike, onbetaamlike, liederlike, aanstootlike of lasterlike aard of iets wat met die reg of fatsoenlikheid strydig is, word nie vir versending aangeneem nie.

HOOFSTUK VI.

MISDRYWE EN STRAWWE.

Vervalsing, ens.,
van seëls,
stempels, ens.

91. Iemand wat, sonder behoorlike magtiging of wettige verskoning (die bewyslas waarvan op so iemand rus)—

- (a) 'n posseël, datumstempel, kaartjie, koevert, omslag, omhulsel of 'n poswissel, posorder, posaanskrywing of Spaarbankbewys of enige ander bewys of order vir die betaling van geld deur die departement of depositobewys of 'n vorm of papier soortgelyk aan die wat uit kragte of vir die doeleindes van hierdie Wet of deur 'n posbestuur gebruik of vervaardig word, vervaardig, verander, namaak of invoer, of aan die vervaardiging, verandering, namaking of invoer daarvan meedoen, of so 'n posseël, datumstempel, kaartjie, koevert, omslag, omhulsel, poswissel, posorder, posaanskrywing, Spaarbankbewys of ander bewys of order, depositobewys, vorm of papier gebruik, uitreik, aanbied, te koop vertoon of verkoop of daarin handel of dit per pos versend of van die hand sit of in sy bewaring of besit het, met die wete dat dit in stryd met hierdie artikel vervaardig of verander of nagmaak is;
- (b) op 'n plaat of materiaal 'n stempel of merk of syfer of ontwerp graveer of op ander wyse aanbring wat 'n nabootsing is van 'n stempel of merk of syfer of ontwerp wat vir die doeleindes van hierdie Wet of deur 'n posbestuur gebruik of vervaardig word, of daarna lyk, of 'n plaat of materiaal waarop so iets aldus gegraveer of aangebring is, verkoop, van die hand sit, koop, ontvang of in sy bewaring of besit het;
- (c) 'n vorm, raam of ander toestel vervaardig of help vervaardig of in sy bewaring of besit het met woorde, letters, syfers, merke, lyne of ontwerpe daarop wat eie is aan papier wat vir posseëls of vir 'n ander doeleinde van hierdie Wet of deur 'n posbestuur voorsien, gebruik of vervaardig word;
- (d) papier vervaardig of help vervaardig of in sy bewaring of besit het in die materiaal waarvan woorde, letters, syfers, merke, lyne of ontwerpe voorkom wat eie is aan papier wat vir posseëls of vir ander doeleindes van hierdie Wet of deur 'n posbestuur voorsien, gebruik of vervaardig word, of papier vervaardig, koop, verkoop, van die hand sit of ontvang of in sy bewaring of besit het wat voorsien of vervaardig is om vir posseëls of vir ander doeleindes van hierdie Wet of deur 'n posbestuur gebruik te word, voordat dit vir openbare gebruik uitgegee is;
- (e) gebruik maak van 'n seël, stempel, plaat of papier wat vir die doeleindes van hierdie Wet of deur 'n posbestuur gegraveer of vervaardig is, of sodanige papier of materiaal van watter aard ook al, wat 'n afdruk of merk van so 'n seël, stempel of plaat dra, verkoop, van die hand sit, koop, ontvang of in sy bewaring of besit het; of
- (f) op 'n koevert, omslag, kaartjie, vorm of papier 'n merk aanbring wat 'n namaaksel is van of soortgelyk is aan 'n offisiële stempel of merk wat vir die doeleindes van hierdie Wet of deur 'n posbestuur gebruik word, of dit heet te wees, of daarop woorde, letters, ontwerpe of merke aanbring wat aandui of te kenne gee of redelikerwys geag kan word aan te dui of te kenne te gee dat 'n artikel waarop bedoelde woorde, letters, ontwerpe of merke voorkom, in die pos was of deur die pos gestuur kan word,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar, en 'n seël, stempel, plaat, toestel of materiaal wat in stryd met hierdie artikel in iemand se besit gevind word, word in beslag geneem en verbeurd verklaar.

viction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

90. Any telegram which in the opinion of the Postmaster-General contains anything in its contents, address or signature of a blasphemous, indecent, obscene, offensive or libellous nature or anything repugnant to law or decency, shall be refused transmission. Telegrams which may be refused transmission.

CHAPTER VI.

OFFENCES AND PENALTIES.

91. Any person who, without due authority or lawful excuse (the proof of which shall be upon such person)— Forging, etc. of stamps, dies, etc.

- (a) makes, alters, imitates or imports or assists in making, altering, imitating or importing any postage stamp, date stamp, card, envelope, wrapper, cover or any money order, postal order, postal draft or Savings Bank warrant or any other warrant or order for the payment of money through the department or acknowledgment of deposit or any form or paper similar to that used or made under the authority or for the purposes of this Act or by any postal authority, or uses, issues, offers, exposes for sale, sells, deals in, sends by post or disposes of or has in his custody or possession any such stamp, date stamp, card, envelope, wrapper, cover, money order, postal order, postal draft, Savings Bank warrant or any other warrant or order, acknowledgment of deposit, form or paper, knowing it to have been made or altered or to be an imitation contrary to this section;
- (b) engraves or in any manner makes upon any plate or material any stamp or mark or figure or device in imitation of or resembling any stamp or mark or figure or device used or made for the purposes of this Act or by any postal authority, or sells, disposes of, purchases, receives or has in his custody or possession any plate or material so engraved or made;
- (c) makes or assists in making or has in his custody or possession any mould, frame or other instrument having thereon any words, letters, figures, marks, lines or devices peculiar to paper provided, used or made for any postage stamps or for any other purposes of this Act or by any postal authority;
- (d) makes or assists in making or has in his custody or possession any paper in the substance of which appears any words, letters, figures, marks, lines or devices peculiar to paper provided, used or made for any postage stamps or for any other purposes of this Act or by any postal authority, or makes, purchases, sells, disposes of or receives or has in his custody or possession any paper provided or made for the purpose of being used for any postage stamps or for any other purposes of this Act or by any postal authority before the same has been issued for public use;
- (e) makes use of any stamp, die, plate or paper engraved or made for the purposes of this Act or by any postal authority, or sells, disposes of, purchases, receives or has in his custody or possession any such paper or material whatever bearing an impression or mark of any such stamp, die or plate; or
- (f) makes on any envelope, wrapper, card, form or paper any mark in imitation of or similar to or purporting to be any official stamp or mark used for the purposes of this Act or by any postal authority or any words, letters, device or marks which signify or imply or may reasonably be regarded as signifying or implying that any article bearing such words, letters, device or marks has been in or is entitled to be sent through the post,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding seven years, and any stamp, die, plate, instrument or material found in the possession of any person in contravention of this section shall be seized and forfeited.

Verwydering van merke van seëls, ens., met opset om te bedrieg.

92. (1) Iemand wat, met die opset om te bedrieg—
- (a) 'n seël geplak op 'n artikel wat per pos gestuur word, of op 'n telegram of dokument wat vir die doeleindes van hierdie Wet gebruik word, daarvan verwyder, of opsetlik, hetsy werklik of oënskynlik, 'n merk of stempel wat by 'n poskantoor gemaak is op 'n seël wat voorheen gebruik is, daarvan verwyder, of wetens 'n seël of 'n deel van 'n seël wat aldus verwyder is of waarvan so 'n merk of stempel verwyder is, uitgee, in omloop bring of gebruik;
 - (b) 'n merk of stempel op 'n posstuk, poswissel, posorder, Spaarbankbewys of ander bewys of order of deposito-bewys, papier of ander materiaal wat vir die doeleindes van hierdie Wet of deur 'n posbestuur voorsien, gebruik of vervaardig word, uitgee, wegsny, afkrap, onleesbaar maak, uitwis of andersins wegneem of verwyder, hetsy werklik of oënskynlik, of so 'n merk of stempel op enige wyse verander of iets daaraan toevoeg; of
 - (c) enige ander handeling, uitvinding of toestel verrig, vervaardig of toepas, ten opsigte waarvan geen uitdruklike straf voorgeskryf word nie, of daarby betrokke is, of wederregtelik poog om betaling van enige ingevolge hierdie Wet betaalbare tariewe, gelde of belastinge te ontduik,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

(2) By die toepassing van hierdie artikel word die afsender van 'n posstuk geag die persoon te wees deur wie 'n posseël op daardie artikel geplak is, tensy die teendeel bewys word.

(3) By 'n geding weens 'n misdryf ingevolge hierdie artikel rus op die beskuldigde die las om afwesigheid van opset om te bedrieg te bewys.

Nalatigheid of dronkenskap terwyl in beheer van pos, valse aangifte van aanranding en onreëlmatige ontvangs, vervoer of bestelling van posstukke.

93. Iemand wat gemagtig is om pos te ontvang of op enige wyse te hanteer en wat—

- (a) pos op 'n nalatige wyse verloor of opsetlik terughou, vertraag of verkeerd aflewer of nalaat om dit te versend (hetsy dit later teruggevind of bestel word al dan nie) of die inhoud van 'n posstuk mededeel of openbaar;
- (b) pos alleen laat terwyl hy in beheer daarvan is, of iemand anders as die wag of persoon wat vir daardie doel in diens is, toelaat om in die plek bestem vir die wag te reis in of op 'n voertuig wat daardie pos vervoer of om in of op 'n voertuig te reis wat nie passasiers mag vervoer nie, of op 'n perd of ander dier wat daardie pos vervoer;
- (c) hom skuldig maak aan agtelosigheid, nalatigheid of wangedrag waardeur die veiligheid van pos in gevaar gebring word;
- (d) terwyl hy in beheer van pos is, dronk is of draal of opsetlik tyd verkwis of verloor ten einde die aankoms van pos by die behoorlike bestemming daarvan binne die vasgestelde tyd vir die aankoms daarvan te vertraag, of nie behoorlike sorg en ywer aan die dag lê om die pos veilig en teen die gepaste spoed te vervoer nie;
- (e) valse inligting verstrek van 'n aanranding op hom of 'n poging om hom te beroof; of
- (f) sonder behoorlike magtiging posstukke, andersins as in gewone loop van die posdiens, afhaal, ontvang, vervoer of bestel,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide bedoelde boete en bedoelde gevangenisstraf.

Bedrieglike, skadelike en aanstootlike praktyke in verband met posstukke en persele.

94. (1) Iemand wat—

- (a) met die opset om te bedrieg, enigiets in 'n poskantoor plaas wat 'n posstuk heet te wees ten opsigte waarvan die in hierdie Wet vermelde vrystellings geld, of 'n posstuk wat tot 'n klas heet te behoort ten opsigte waarvan posgeld teen 'n laer tarief of geen posgeld betaalbaar is nie, of 'n posstuk waarin 'n ander ongeëelde of onvoldoende geseëelde posstuk bevat is wat, indien afsonderlik versend, aan posgeld onderhewig sou wees;
- (b) met die opset om te bedrieg 'n artikel in 'n poskantoor plaas waarin, waarop of waarby 'n mededeling, berig,

92. (1) Any person who, with intent to defraud—
- (a) removes from any article sent by post or from any telegram or document used for the purposes of this Act, any stamp which has been affixed thereon, or wilfully removes, either really or apparently, from any stamp which has been previously used, any mark or impression which has been made thereon at any post office, or knowingly utters, puts off or uses any stamp or any part of any stamp which has been so removed or from which any such mark or impression has been removed;
 - (b) erases, cuts, scrapes, defaces, obliterates or otherwise discharges or removes from, either really or apparently, or in any manner adds to or alters any mark or impression upon any postal article, money order, postal order, Savings Bank warrant or other warrant or order or acknowledgment of deposit, paper or other material provided, used or made for the purposes of this Act or by any postal authority; or
 - (c) makes, does or practises or is concerned in any other act, contrivance or device for which no specific penalty is provided, or attempts unlawfully to evade payment of any of the rates, fees or duties payable under this Act,

Removing marks from stamps, etc., with intent to defraud.

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) For the purposes of this section the sender of any postal article shall, unless the contrary is proved, be deemed to be the person by whom any postage stamp upon that article was affixed.

(3) In any proceedings in respect of any offence under this section the burden shall lie on the accused of proving an absence of intent to defraud.

93. Any person authorized to receive or in any way to handle any mail, who—
- (a) negligently loses or wilfully detains, delays, misdelivers or omits to dispatch any mail (whether or not the same is afterwards recovered or delivered) or communicates or divulges the contents of any postal article;
 - (b) while in charge of any mail leaves it, or suffers any person, not being the guard or person employed for that purpose, to travel in the place appointed for the guard in or upon any conveyance carrying that mail or to travel in or upon any such conveyance not authorized to carry passengers or upon any horse or other animal conveying that mail;
 - (c) is guilty of carelessness, negligence or any misconduct whereby the safety of any mail is endangered;
 - (d) while in charge of any mail is intoxicated or loiters or wilfully misspends or loses time so as to retard the arrival of the mail at its proper destination within the time fixed for its arrival, or does not use due care and diligence safely to convey the mail at the due rate of speed;
 - (e) gives any false information of any assault or attempt at robbery upon him; or
 - (f) without due authority, collects, receives, conveys or delivers any postal article otherwise than in the ordinary course of post,

Negligence or intoxication while in charge of mail, false report of assault, and irregularly receiving, conveying, or delivering of postal articles.

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment for any period not exceeding six months or to both such fine and such imprisonment.

94. (1) Any person who—
- (a) with intent to defraud, puts into any post office anything purporting to be a postal article within the exemptions specified in this Act, or any postal article purporting to belong to a class in respect of which a lower rate of postage or no postage is chargeable, or any postal article containing any other postal article unstamped or insufficiently stamped which if sent alone would be liable to postage;
 - (b) with intent to defraud, puts into any post office any article in or upon or with which there is any com-

Fraudulent, injurious and offensive practices in connection with postal articles and premises.

letter, syfer, nommer, merk, voorwerp of saak is wat nie deur hierdie Wet of enige ander wetsbepaling toegelaat word nie, of opsetlik op die buitekant van 'n posstuk of andersins 'n valse verklaring oor die inhoud daarvan doen;

- (c) 'n artikel in 'n poskantoor plaas waarin of waarby of waarop daar iets is wat onbetaamlik of liederlik is of iets van godslasterlike, lasterlike of growwe aanstootlike aard is;
- (d) sonder behoorlike magtiging (die bewyslas waarvan op so iemand rus) op 'n poskantoor of 'n kaart, kennisgewing of ander eiendom van of in gebruik van of ten behoeve van die departement, enigets hoegenaamd plaas of verf, of dit opsetlik beskadig, ontsier of daarmee peuter, of 'n ergerlikheid op of teen 'n poskantoor of teen of op so 'n kaart, kennisgewing of eiendom pleeg;
- (e) pos of posstukke wat aan iemand anders bestel moes gewees het of wat deur hom of iemand anders gevind is, terughou, verberg of behou;
- (f) deur valse voorwendsel of wanvoorstelling 'n beampte oorhaal om aan hom of iemand anders 'n posstuk te bestel wat nie aan of vir een van hulle geadresseer of bedoel is nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf, sonder inkorting van die reg van die Posmeester-generaal om iemand wat ingevolge paragraaf (d) hiervan skuldig bevind word, siviël aan te spreek vir skadevergoeding ten opsigte van skade wat deur hom veroorsaak mag wees.

(2) By 'n geding weens 'n misdryf ingevolge paragraaf (a) of (b) van sub-artikel (1), rus op die beskuldigde die las om afwesigheid van die opset om te bedrieg te bewys.

Die plaas van iets wat gevaarlik, vuil, skadelik of nadelig is, in of teen 'n poskantoor, en diefstal van of die aanhou van pos of posstukke met die opset om te roof.

95. Iemand wat—

- (a) 'n vuur of vuurhoutjie of 'n ontplofbare stof of 'n gevaarlike, vuil, skadelike of nadelige voorwerp of saak of 'n voorwerp of saak wat 'n poskantoor, persoon of pos waarskynlik kan beskadig of beseer, in of met 'n posstuk stuur of in of teen 'n poskantoor plaas;
- (b) pos steel of 'n posstuk of van die inhoud daarvan van enige pos of poskantoor of uit die besit of bewaring van 'n beampte steel, of met watter doel ook al verduister of op 'n bedrieglike wyse verberg of vernietig;
- (c) sodanige pos of posstukke of van die inhoud daarvan ontvang, met wete dat dit gesteel, verduister of op 'n bedrieglike wyse verberg is of per pos gestuur was of bedoel was om gestuur te word; of
- (d) pos aanhou met die opset om daardie pos te roof of te deursoek,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar: Met dien verstande dat die Posmeester-generaal onder spesiale voorsorgmaatreëls by regulasie bepaal, skadelike of nadelige voorwerpe wat in belang van die openbare gesondheid versend word, van die bepalings van hierdie artikel kan vrystel.

Die ongeoorloofde oopmaak van of peutering met pos of ongeoorloofde vernietiging, verberging of oopmaak van posstukke.

96. 'n Beampte wat behalwe by die uitvoering van sy plig, pos of 'n posstuk oopmaak of daarmee peuter of dit opsetlik vernietig, wegmaak of verberg, of toelaat dat dit oopgemaak of daarmee gepeuter of dit vernietig, weggemaak of verberg word, en 'n persoon wat pos oopmaak of daarmee peuter of dit opsetlik vernietig, wegmaak of verberg, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar.

Opsetlike verhinderings of vertraging van pos.

97. Iemand wat opsetlik met die vervoer van pos inneng of deur wie se handeling of nalatigheid daar met die vervoer van pos ingemeng word, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens een maand, vir elke uur of deel van 'n uur waarmee die aflewering van die pos as gevolg van sodanige inmenging vertraag word.

Opsetlike oopmaak of vertraging deur iemand anders as 'n beampte, van posstuk of telegram aan 'n ander geadresseer.

98. (1) Iemand anders as 'n beampte, wat opsetlik 'n posstuk of telegram oopmaak wat na sy wete aan iemand anders bestel moes gewees het, of 'n handeling verrig of iets doen waardeur die behoorlike bestelling van daardie artikel of telegram aan so iemand anders verhoed, verhinder of vertraag word, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete

munication, intelligence, character, figure, number, mark, matter or thing not allowed by this Act or by any other law, or wilfully subscribes on the outside of any postal article or otherwise a false statement of the contents thereof;

- (c) puts into any post office any article in which or with which or upon which there is any indecent or obscene matter or anything of a profane, libellous or grossly offensive character;
- (d) without due authority (the proof of which shall be on such person) places or paints anything whatsoever upon, or wilfully injures, disfigures or tampers with any post office or any card, notice or other property of or used by or on behalf of the department, or commits a nuisance on or against any post office or against or upon any such card, notice or property;
- (e) detains, secretes or keeps any mail or postal article which ought to have been delivered to another person or which has been found by himself or by any other person;
- (f) by false pretence or misstatement induces any officer to deliver to him or to any other person any postal article not addressed to or intended for either of them,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment, without prejudice to any right the Postmaster-General may have of proceeding civilly against any person convicted under paragraph (d) hereof for compensation for such damage as may have been caused by him.

(2) In any proceedings in respect of any offence under paragraph (a) or (b) of sub-section (1) the burden of proving an absence of intent to defraud shall lie on the accused.

95. Any person who—

- (a) sends in or with any postal article or puts into or against any post office any fire, match or light or any explosive, dangerous, filthy, noxious or deleterious matter or thing or any matter or thing which is likely to injure any post office, person or mail;
- (b) steals any mail or steals from any mail or post office or from the possession or custody of any officer or for any purpose embezzles or fraudulently secretes or destroys any postal article or any of the contents thereof;
- (c) receives any such mail or postal article or any of the contents thereof knowing the same to have been stolen, embezzled or fraudulently secreted or to have been sent or intended to be sent by post; or
- (d) stops any mail with intent to rob or search that mail,

Placing of anything dangerous, filthy, noxious or deleterious in or against any post office, and theft of or stopping with intent to rob any mail or postal article.

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding seven years: Provided that the Postmaster-General may, under special precautions to be set forth in regulations, exempt from the provisions of this section noxious or deleterious matter sent in the interests of public health.

96. Any officer who otherwise than in pursuance of his duty opens or tampers with or wilfully destroys, makes away with or secretes or suffers to be opened or tampered with, destroyed, made away with or secreted any mail or postal article, and any person who opens or tampers with or wilfully destroys, makes away with or secretes any mail, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding seven years.

Irregular opening of or tampering with mail or irregular destruction, secretion or opening of postal articles.

97. Any person who wilfully interferes with the conveyance of any mail or through whose act or neglect the conveyance of any mail is interfered with, shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds or, in default of payment, imprisonment for a period not exceeding one month, for each hour or part of an hour during which the delivery of the mail is delayed in consequence of any such interference.

Wilfully obstructing or delaying mail.

98. (1) Any person, not being an officer, who wilfully opens any postal article or telegram which he knows ought to have been delivered to another person or does any act or thing whereby the due delivery of that article or telegram to such other person is prevented, obstructed or delayed, shall be guilty of an offence and liable on conviction to a fine not

Wilful opening or delay by any person other than officer of postal article or telegram addressed to another person.

van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

(2) Die bepalings van hierdie artikel geld nie vir iemand wat 'n handeling verrig waarop hierdie artikel van toepassing is nie, indien so iemand die ouer of 'n persoon in die plek van ouer of voog van die geadresseerde is, en die geadresseerde 'n minderjarige onder die ouderdom van sestien jaar of 'n pupil is.

(3) Geen vervolging word ingevolge hierdie artikel ingestel nie, behalwe op las of met toestemming van die Posmeester-generaal.

Ongemagtigde gebruik van woorde „Poskantoor”, „Koninklike Pos”, ens.

99. Iemand wat sonder die magtiging van die Posmeester-generaal (die bewyslas waarvan op die beskuldigde rus)—

(a) in, op of in die nabyheid van 'n huis, perseel, muur, deur, venster, bus, paal, pilaar of ander plek wat aan hom behoort of onder sy beheer is, die woord „Poskantoor” of 'n ander woord of 'n merk wat te kenne kan gee of 'n redelike vermoede kan laat ontstaan dat daardie huis, perseel, muur, deur, venster, bus, paal, pilaar of ander plek 'n poskantoor is, aanbring of in stand hou of toelaat dat dit daar aangebring of in stand gehou word of bly; of

(b) op 'n voertuig of vaartuig die woorde „Koninklike Pos” of 'n ander woord of 'n merk wat te kenne kan gee of die redelike vermoede kan laat ontstaan dat daardie voertuig of vaartuig vir die vervoer van pos gebruik word, aanbring of in stand hou of toelaat dat dit aangebring of in stand gehou word of daarop bly,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

Ongemagtigde betreding van persele, belemmering van besigheid en weiering om aan regulasies deur Posmeester-generaal uitgevaardig te voldoen.

100. (1) Iemand anders as 'n beampte, wat sonder die uitdruklike toestemming van die Posmeester-generaal of van 'n beampte wat bevoeg is om toestemming te verleen, enige deel van 'n poskantoor betree waarin werksaamhede voortgesit word ten opsigte waarvan 'n eed van geheimhouding deur amptenare afgelê moet word, of wat, terwyl hy in 'n poskantoor verkeer, opsetlik die besigheid van die departement belemmer of hom wanordelik gedra of versuim om te voldoen aan 'n regulasie deur die Posmeester-generaal vir die gerief en gemak van die publiek of die veiligheid van die perseel uitgevaardig, of wat 'n beampte by die uitvoering van sy plig opsetlik belemmer, hinder of vertraag, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

(2) 'n Beampte kan iemand wat 'n misdryf ingevolge hierdie artikel pleeg, gelas om die betrokke poskantoor onmiddellik te verlaat, en so iemand wat versuim om aan so 'n lasgewing te voldoen, kan deur 'n beampte verwyder word, en alle polisie-beamptes is verplig om op las van 'n beampte so 'n persoon te verwyder of te help verwyder.

Bedrieglike uitgifte of aanbieding of versending van berigte met betrekking tot poswissels, posorders, ens.

101. Iemand wat met die opset om te bedrieg 'n poswissel, posorder, Spaarbankbewys of ander bewys, order of dokument vir die versending, betaling, invordering of storting van geld deur of by die departement, uitgee, weer uitgee, in omloop bring of aan iemand anders of by 'n poskantoor aanbied, of 'n brief, telegram of ander mededeling of berig met betrekking tot 'n poswissel, posorder, Spaarbankbewys of ander bewys, order of dokument vir die versending, betaling, invordering of storting van geld deur of by die departement deur die pos of andersins versend, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van minstens een jaar en hoogstens sewe jaar, en by 'n geding ten opsigte van 'n misdryf ingevolge hierdie artikel berus op die beskuldigde die bewyslas om afwesigheid van bedrieglike opset te bewys.

Met bedrieglike opset voorgee beampte van departement te wees.

102. Iemand wat hom met bedrieglike opset uitgee vir of voordoen as 'n beampte van die departement, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met beide bedoelde boete en bedoelde gevangenisstraf.

exceeding fifty pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) Nothing in this section contained shall apply to any person who does any act to which this section applies where that person is the parent or in the position of parent or guardian of the addressee and the addressee is a minor under sixteen years of age or a ward.

(3) No prosecution under this section shall be instituted except by the direction or with the consent of the Postmaster-General.

99. Any person who without the authority of the Postmaster-General (the proof of which shall be on the accused)—

Unauthorized use of words "Post Office", "Royal Mail", etc.

(a) places or maintains or suffers to be placed or maintained or to remain in, on or near any house, premises, wall, door, window, box, post, pillar or other place belonging to him or under his control the words "Post Office" or any other words or mark which may imply or may give reasonable cause for believing that house, premises, wall, door, window, box, post, pillar or other place to be a post office; or

(b) places or maintains or permits to be placed or maintained or to remain on any vehicle or vessel the words "Royal Mail" or any other word or mark which may imply or give reasonable cause for believing that such vehicle or vessel is used for the conveyance of mails,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

100. (1) Any person, not being an officer, who without the express permission of the Postmaster-General or of an officer having authority to give permission, enters any part of a post office in which is carried on any of the operations in respect of which an oath of secrecy is required to be taken by officers, or whilst in any post office wilfully obstructs the course of business of the department or behaves in a disorderly manner or fails to comply with any regulation issued by the Postmaster-General to secure the comfort and convenience of the public or the safety of the premises, or who wilfully obstructs, hinders or delays any officer in the execution of his duty, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Unauthorized entry of premises, obstruction of course of business, and refusal to comply with regulations issued by Postmaster-General.

(2) An officer may require any person committing an offence under this section to leave the post office in question immediately, and any such person who fails to comply with such a requirement may be removed by any officer, and all police officers shall on demand by any officer remove or assist in removing any such person.

101. Any person who with fraudulent intent issues, re-issues, utters or presents to any other person or at any post office any money order, postal order, Savings Bank warrant or other warrant, order or document for the remittance, payment, collection or deposit of money through or with the department, or transmits through the post or otherwise any letter, telegram or other communication or message concerning any money order, postal order, Savings Bank warrant or other warrant, order or document for the remittance, payment, collection or deposit of money through or with the department, shall be guilty of an offence and liable on conviction to imprisonment for a period of not less than one year and not exceeding seven years, and in any proceedings in respect of any offence under this section the burden of proving an absence of fraudulent intent shall lie on the accused.

Fraudulent issue or presentation or sending of communications regarding money orders, postal orders, etc.

102. Any person who with fraudulent intent personates or represents himself to be an officer of the department, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Personating officers of the department with fraudulent intent.

Valse verklarings.

103. Iemand wat in 'n by hierdie Wet voorgeskrewe verklaring 'n valse bewering maak met wete dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond.

Diefstal, vernietiging, vervalsing of verandering van telegramme.

104. (1) Iemand wat—

- (a) 'n bedrieglike opset 'n telegram of 'n deel daarvan uit die besit van 'n beampte of ander persoon wat dit namens die Posmeester-generaal bewaar of van 'n poskantoor neem of steel, verberg of vernietig of so 'n telegram of deel daarvan op bedrieglike wyse ontvang;
- (b) 'n telegram vervals of 'n telegram in omloop bring met wete dat dit vervals of vals is, of per telegraaf as 'n telegram 'n berig of mededeling versend wat 'n telegram heet te wees en na sy wete vervals of vals is; of
- (c) wetens 'n boodskap of mededeling wat opsetlik en sonder behoorlike magtiging verander is of wat deur iemand anders wat nie daartoe ingestem het nie, onderteken of versend heet te wees, versend of aflewer of laat versend of aflewer aan 'n beampte ten einde as 'n telegram versend te word, of wat wederegterlik 'n telegram met die naam van iemand anders sonder sy toestemming of met die naam van 'n denkbeeldige persoon onderteken of wat opsetlik en sonder toestemming van die afsender 'n telegram verander of 'n boodskap of mededeling wat 'n telegram heet te wees wat deur 'n telegraafkantoor ontvang is, maar wat nie aldus ontvang is nie, uitskryf, uitreik of aflewer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met beide daardie boete en daardie gevangenisstraf.

(2) By 'n geding weens 'n misdryf ingevolge hierdie artikel, rus op die beskuldigde die las om afwesigheid van opset om te bedrieg, onbekendheid met die feite of behoorlike magtiging vir die handeling wat die onderwerp van die misdryf uitmaak, na gelang van die geval, te bewys.

Bekendmaking van inhoud van telegramme.

105. 'n Beampte wat, behalwe as 'n getuie in 'n geregshof, sonder toestemming van die afsender of geadresseerde of anders as in die uitvoering van sy plicht, 'n telegram oopmaak of daarmee peuter of die inhoud of strekking daarvan bekend maak, of die bestaan daarvan bekend maak op 'n ander wyse as deur dit te bestel of 'n afskrif daarvan te gee aan die persoon aan wie hy gemagtig is om dit te bestel of so 'n afskrif te gee, of wat kwaadwilliglik of opsetlik 'n telegram verkeerd aflewer of die verkeerde tyd daarop aangee of dit verberg, onderskep, vernietig, wegmaak, verander of nalaat om dit te versend of te bestel of die bestelling of versending daarvan verhinder of vertraag of vir sy eie doeleindes gebruik maak van kennis wat hy uit die inhoud van 'n telegram verkry, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met beide daardie boete en daardie gevangenisstraf.

Oprigting van telegraaflyne sonder magtiging.

106. Behoudens die bepalings van artikel *agt-en-sewentig*, is iemand wat sonder die magtiging van die Posmeester-generaal 'n telegraaflyn, hetsy voor of na die inwerkingtreding van hierdie Wet opgerig, oprig, in stand hou of gebruik, indien hy versuim om te voldoen aan 'n aansegging van die Posmeester-generaal om daardie lyn te verwyder of om sodanige bedrae, as daar is, ten opsigte daarvan te betaal as wat van tyd tot tyd voorgeskryf mag word, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf pond vir elke dag waarop so 'n lyn opgerig, in stand gehou of gebruik word of met die oprigting, instandhouding of gebruik daarvan voortgegaan word in stryd met die bepalings van hierdie Wet, en die Posmeester-generaal kan sonder om skadevergoeding te betaal die lyn of 'n gedeelte daarvan in besit neem, wegruim of vernietig.

Beskadiging van telegraaflyne, ens., en inhegtenisneming van oortreders.

107. Iemand wat opsetlik of kwaadwilliglik 'n telegraaflyn of enige materiaal, instrument of toestel wat in verband daarmee gebruik word, vernietig, beskadig of verwyder, of wat die vrye gebruik of werking van so 'n lyn, materiaal, instrument of toestel verhinder, belemmer of verstoor, of sonder magtiging van die Posmeester-generaal 'n draad, geleier of iets anders aan 'n telegraaflyn of 'n deel daarvan heg of vasmaak, of wat met die oprigting of verandering van so 'n lyn of die onderhoud of ondersoek daarvan inmeng of dit verhinder of by die herstel van so 'n lyn oponthoud veroorsaak, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens

103. Any person who in any declaration prescribed by this Act makes a false statement knowing the same to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

False declarations.

104. (1) Any person who—

- (a) with fraudulent intent takes from the possession of any officer or other person having the custody thereof for the Postmaster-General or from any post office, or steals, secretes or destroys any telegram or any part thereof or fraudulently receives any such telegram or any part thereof;
- (b) forges a telegram or utters a telegram knowing the same to be forged or false or transmits by telegraph as a telegram any message or communication purporting to be a telegram which he knows to be forged or false; or
- (c) knowingly sends, delivers or causes to be sent or delivered to any officer for the purpose of being transmitted as a telegram any message or communication which has been wilfully and without due authority altered or which purports to be signed or sent by any other person without that person's consent, or who wrongfully signs any telegram with the name of another person without that person's consent or with the name of some fictitious person, or who wilfully and without the consent of the sender alters any telegram or writes, issues or delivers any message or communication which purports to be a telegram received through a telegraph office but which was not so received,

Theft, destruction, forging or alteration of telegrams.

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) In any proceedings in respect of any offence under this section the burden of proving an absence of intent to defraud, ignorance of the facts or due authority for the act which is the subject of the offence, as the case may be, shall lie on the accused.

105. Any officer who, not being a witness in a court of law, without the consent of the sender or addressee, or otherwise than in pursuance of his duty, opens or tampers with or divulges the contents or substance of any telegram, or discloses its existence otherwise than by delivering it or giving a copy thereof to the person to whom he is authorized to deliver it or to give such copy, or who maliciously or wilfully misdelivers, mistimes, secretes, intercepts, destroys, makes away with, alters or omits to transmit or deliver or prevents or delays the delivery or transmission of any telegram or makes use for his own purposes of any knowledge he may acquire of the contents of any telegram, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Divulging contents of telegrams.

106. Save as is provided in section *seventy-eight*, any person who without the authority of the Postmaster-General erects, maintains or uses any telegraph line, whether constructed before or after the commencement of this Act, shall, if he fails to comply with any notice from the Postmaster-General to remove that line or to pay such charges, if any, in respect thereof as may from time to time be prescribed, be guilty of an offence and liable on conviction to a fine not exceeding five pounds for every day during which any such line is or continues to be set up, maintained or used in contravention of the provisions of this Act, and the Postmaster-General may without compensation take absolute possession of, cut down or destroy the whole or any part of that line.

Erection of telegraph lines without authority.

107. Any person who wilfully or maliciously destroys, injures or removes any telegraph line or any material, instrument or apparatus used in connection therewith, or disturbs, obstructs or impedes in any way the free use or working of any such line, material, instrument or apparatus, or affixes or attaches any wire, conductor or any other thing to any telegraph line or any part thereof without the authority of the Postmaster-General, or who interferes with or hinders the construction or alteration of any such line or the maintenance or examination thereof or causes delay in the restoration of any such line, shall be guilty of an offence and liable on con-

Injury to telegraph lines, etc., and arrest of offenders.

honderd pond of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met beide bedoelde boete en bedoelde gevangenisstraf, sonder inbreuk op enige reg van die Posmeester-generaal om teen so 'n persoon siviël op te tree vir die verhaal van skadevergoeding vir skade wat deur hom veroorsaak mag wees, en iemand wat opmerk dat so 'n misdryf gepleeg of 'n poging daartoe aangewend word, kan die oortreder sonder 'n lasbrief in hegtenis neem en voor 'n landdroshof bring om volgens wet mee gehandel te word.

Toevallige of nalatige beskadiging van telegraaflyne ens.

108. Iemand wat, hetsy regstreeks of deur middel van 'n dier, voertuig of saak wat sy eiendom of onder sy bewaring is, 'n telegraaflyn van die departement vernietig of beskadig, is aanspreeklik om aan die Posmeester-generaal die onkoste te betaal wat aangegaan word om die vernietiging of beskadiging te vergoed, en indien die vernietiging of beskadiging deur iemand se nalatigheid veroorsaak is, is so iemand bowendien aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tien pond: Met dien verstande dat 'n provinsiale administrasie of afdelingsraad nie aanspreeklik is vir onkoste wat aangegaan word om sodanige vernietiging of beskadiging deur hom veroorsaak, wat nie aan nalatigheid deur iemand in sy diens te wyte is, te vergoed nie.

Poging om misdryf te pleeg of om die pleeg daarvan te verkry.

109. Iemand wat poging om 'n misdryf ingevolge hierdie Wet te pleeg of iemand anders uitlok of magtig of probeer gebruik, beweeg, verkry, help, aanhits, opstook of aanraai om iets te doen wat 'n misdryf ingevolge hierdie Wet is, is aan 'n misdryf skuldig en strafbaar asof hy werklik die misdryf gepleeg het.

Straf vir misdrywe waarvoor geen spesiale straf bepaal is nie.

110. Iemand wat 'n bepaling van hierdie Wet of 'n reëling, ooreenkoms of regulasie ingevolge sub-artikel (4) van artikel twee aangegaan of uitgevaardig, oortree of versuim om daaraan te voldoen, waarvoor geen spesiale of ander straf bepaal is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

Posmeester-generaal kan sekere sake skik.

111. Wanneer 'n persoon aan die Posmeester-generaal erken dat hy 'n misdryf teen hierdie Wet gepleeg het ten opsigte waarvan die keuse van 'n boete gegee word, kan die Posmeester-generaal met skriftelike toestemming van daardie persoon, die aangeleentheid besleg, en sonder geregtelike stappe daardie persoon gelas om 'n geldboete wat hy gepas ag, te betaal, en indien die boete nie betaal word nie, kan 'n geding teen daardie persoon ten opsigte van die betrokke misdryf ingestel word asof geen boete deur die Posmeester-generaal vasgestel was nie.

By strafsake, ens., kan Posmeester-generaal as eienaar van posstukke, geld, poswissels, ens., aangewys word.

112. By 'n aangifte of klagte met betrekking tot, of 'n vervolging weens 'n misdaad of misdryf gepleeg ten opsigte van die departement of van pos, 'n telegram of telegraaflyn of eiendom, gelde, poswissels, posorders of ander dokumente waarvan die gebruik in verband met die versending, betaling, invordering of storting van geld deur of by die departement gemagtig is, of ten opsigte van 'n handeling, daad of aangeleentheid of enigiets gedoen of verrig met kwaadwillige opset of die opset om te beskadig of te bedrieg ten aansien van of met betrekking tot die departement of sodanige pos, telegram, telegraaflyn, eiendom, gelde, poswissels, posorders of ander dokumente, is dit voldoende—

- (a) om te beweer dat bedoelde pos, telegram, eiendom, gelde, poswissels, posorders of ander dokumente aan die Posmeester-generaal behoort of in sy wettige besit is en om dit as bewysstukke in te dien, en is dit nie nodig om te beweer of te bewys dat dit van enige waarde is nie;
- (b) om te beweer dat so 'n handeling, daad of aangeleentheid of soiets gedoen of verrig is met die opset om die Posmeester-generaal skade te berokken of te bedrieg sonder om sy naam of enige ander naam, toevoeging of beskrywing hoegenaamd aan te gee; en
- (c) indien die oortreder 'n beampte is, om te beweer dat die oortreder 'n beampte van die departement was op die tydstip toe die misdryf gepleeg is sonder om die aard of besonderhede van sy werk te vermeld.

Bewysmiddels: aanvaarding van offisiële merke.

113. By 'n geding om die verhaal van 'n bedrag wat ingevolge hierdie Wet ten opsigte van 'n posstuk betaalbaar is—

- (a) is die offisiële stempel of merk daarop wat die ver-skuldigde bedrag aandui, *prima facie*-bewys dat die

viction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment, without prejudice to any right the Postmaster-General may have of proceeding civilly against such person for compensation for such damage as may have been caused by him, and any person who witnesses the commission or any attempt at the commission of such an offence may without warrant apprehend the person offending and bring him before any magistrate's court to be dealt with according to law.

108. Any person who, either directly or by means of an animal, vehicle or thing owned by him or in his custody, destroys or injures any telegraph line of the department, shall be liable to pay to the Postmaster-General such expenses as may be incurred in making good the destruction or injury, and if the destruction or injury be occasioned by negligence on the part of any person, that person shall in addition be guilty of an offence and liable on conviction to a fine not exceeding ten pounds: Provided that a provincial administration or divisional council shall not be liable for any expenses incurred in making good any such destruction or injury caused by it and not due to negligence on the part of persons in its employment.

Accidental or negligent injury to telegraph lines, etc.

109. Any person who attempts to commit any offence under this Act or solicits or authorizes or endeavours to employ, cause, procure, aid, abet, incite or counsel any other person to do any thing the doing whereof is an offence under this Act, shall be guilty of an offence and liable to the same punishment as if he actually committed the offence.

Attempting to commit or procuring commission of offences.

110. Any person who contravenes or fails to comply with any provision of this Act or any arrangement, convention or regulation made under sub-section (4) of section two, for which no special or other penalty is provided, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Penalty for offences for which no special penalty provided.

111. Where any person admits to the Postmaster-General that he has committed an offence against this Act in respect of which the option of a fine is given, the Postmaster-General may, with the consent in writing of that person, determine the matter, and may without any legal proceedings require that person to pay any pecuniary penalty he may deem proper, and if such penalty is not paid, proceedings may be instituted against the person concerned for the offence in question as if no penalty had been assessed by the Postmaster-General.

Postmaster-General may settle certain cases.

112. In any information or complaint as to, or any prosecution for any crime or any offence committed in respect of the department or of any mail, telegram or telegraph line or any property, moneys, money order, postal order or other document authorized to be used for the purpose of remitting, paying, collecting or depositing money through or with the department, or with respect to any act, deed, matter or thing which has been done or committed with any malicious, injurious or fraudulent intent relating to or concerning the department or any such mail, telegram, telegraph line, property, moneys, money order, postal order or other document, it shall be sufficient—

In criminal proceedings, etc., property in postal articles, moneys, money orders, etc., may be laid in Postmaster-General.

- (a) to allege that any such mail, telegram, property, moneys, money order, postal order or other document belongs to or is in the lawful possession of the Postmaster-General and to put in the same in evidence, and it shall not be necessary to allege or prove the same to be of any value;
- (b) to allege that any such act, deed, matter or thing was done or committed with intent to injure or defraud the Postmaster-General without setting forth his or any other name, addition or description whatsoever; and
- (c) if the offender be an officer, to allege that the offender was an officer of the department at the time of the committing of the offence without stating the nature or particulars of his employment.

113. In any proceedings for the recovery of any sum payable under this Act in respect of a postal article—

Evidence: acceptance of official marks.

- (a) the official stamp or mark thereupon denoting the sum

bedrag op die posstuk vermeld, werklik daarop verskuldig is; en

- (b) is die oorlegging van 'n posstuk met 'n poskantoorstempel of merk daarop wat aandui dat die artikel geweier is of dat die persoon aan wie dit geadresseer is, oorlede is of nie gevind kon word nie, *prima facie*-bewys van die feit aldus aangedui.

Plaasvervanger kan namens Posmeester-generaal verskyn.

114. Die Posmeester-generaal kan 'n beampte afvaardig om in 'n laerhof, hetsy as verweerder of vir 'n ander doel, behalwe as vervolger, namens hom op te tree, en sy skriftelike magtiging te dien effekte is regtens geldig en voldoende.

HOOFSTUK VII.

GEMENGDE BEPALINGS.

Departement nie aanspreeklik nie.

115. Behoudens andersluidende bepalings van hierdie Wet, kan geen regsgeding teen die Regering of teen die Posmeester-generaal of 'n beampte ingestel word nie op grond van 'n fout, versuim, vertraging, nalating, skade, vernietiging, nie-aflewering, nie-versending of verlies, hetsy aan nalatigheid te wyte of andersins, ten opsigte van 'n posstuk of telegram of op grond van iets wat wettiglik ingevolge hierdie Wet of 'n ander wetsbepaling gedoen is nie, en die *bona fide*-betaling van 'n som geld ingevolge die bepalings van hierdie Wet of 'n ander wetsbepaling, aan wie ook al gedoen, onthef die Regering, die Posmeester-generaal en die beampte deur wie so 'n betaling gedoen is van alle aanspreeklikheid hoegenaamd ten opsigte van so 'n betaling, ondanks enige vervalsing, bedrog, fout, nalatigheid, verlies of vertraging wat in verband daarmee gepleeg is of plaasgevind het: Met dien verstande dat die bepalings van hierdie artikel nie so uitgelê word dat dit die Regering of die Posmeester-generaal vrywaar teen aanspreeklikheid weens skade of verlies as gevolg van bedrog deur 'n beampte met betrekking tot sy offisiële pligte aan iemand veroorsaak nie: Met dien verstande voorts dat indien 'n ongemagtigde persoon op bedrieglike wyse betaling van die Posmeester-generaal verkry van 'n bedrag wat in 'n deponeerder se Spaarrekening gekrediteer is, die Posmeester-generaal na goeë dunde die verlies wat deur die deponeerder gely is of 'n deel daarvan kan vergoed.

Voorgeskrewe dokumente vry van belasting.

116. Poswissels, posorders en ander dokumente waarvan die gebruik gemagtig is om geld deur die departement te versend, en posaanskrywings en ander dokumente waarvan die gebruik gemagtig is om geld deur die departement in te vorder, en Spaarbankbewyse en ander orders vir die betaling van geld, erkennings van ontvangs van geld en alle ander voorgeskrewe dokumente ingevolge hierdie Wet voorsien of benodig, is van alle gelde of belastings vrygestel behalwe dié wat ingevolge hierdie Wet vorderbaar is.

Gelde ontvang vorm deel van posinkomste.

117. Alle gelde wat ingevolge hierdie Wet ontvang word, maak deel van die posinkomste uit en word in die Gekonsolideerde Inkomstefonds gestort: Met dien verstande dat, behoudens die bepalings van artikel *nege-en-sestig*, geld wat in die Posspaarbank gestort word, die rente op aldus gestorte geld en die hoofsomme ontvang ten opsigte van poswissels, posorders, posaanskrywings of ander stelsels ingevolge artikel *ses-en-veertig* of *agt-en-veertig* vir die versending of invordering van geld voorgeskryf, nie deel van die posinkomste uitmaak nie, behalwe waar, in die geval van poswissels en posorders, die geldigheidsduur daarvan verstryk het.

Aanhouding van posstukke en telegramme wat vermoedelik betrekking het op misdade of misdrywe en oorhandiging daarvan aan openbare aanklaer op gesag van Prokureur-generaal, ens.

118. 'n Posstuk of telegram wat na redelike vermoede iets bevat wat bewys van die pleeg van 'n misdryf sal lewer of na redelike vermoede gestuur word ten einde die pleeg van 'n misdryf te bevorder of ten einde te verhoed dat 'n misdryf aan die lig kom, moet op skriftelike versoek van 'n openbare aanklaer deur die beampte in beheer van 'n poskantoor of telegraafkantoor waarin dit is of waardeur dit gaan, aangehou word, en die Posmeester-generaal moet, indien deur die Minister van Justisie daartoe gemagtig, so 'n posstuk of telegram aan die bedoelde openbare aanklaer laat oorhandig.

Gevangenisstraf waar boete nie betaal word nie.

119. Die hof wat 'n boete opgelê het aan iemand wat veroordeel is weens 'n misdryf ingevolge hierdie Wet ten opsigte waarvan 'n tydperk van gevangenisstraf by wanbetaling van die boete nie uitdruklik voorgeskryf word nie, kan, indien die boete nie onverwyld betaal word nie, die veroordeelde vonnis tot gevangenisstraf vir 'n tydperk van hoogstens ses maande, tensy die boete eerder betaal word.

- due shall be *prima facie* evidence of the liability of that postal article to the charge specified thereon; and
- (b) the production of any such postal article having thereon a post office stamp or mark denoting that the article has been refused or that the person to whom the same is addressed is dead or could not be found, shall be *prima facie* evidence of the fact denoted.

114. The Postmaster-General may depute any officer to appear on his behalf in any inferior court either as defendant or for any purpose other than as prosecutor, and his authority in writing to that effect shall be good and sufficient in law.

Deputy may appear for Postmaster-General.

CHAPTER VII.

MISCELLANEOUS.

115. Save as is otherwise provided in this Act, no legal proceedings shall be capable of being instituted against the Government or against the Postmaster-General or any officer by reason of any error, default, delay, omission, damage, destruction, non-delivery, non-transmission or loss, whether negligent or otherwise, in respect of any postal article or telegram or by reason of anything lawfully done under this Act or any other law, and *bona fide* payment of any sum of money under the provisions of this Act or any other law shall, to whomsoever made, discharge the Government, the Postmaster-General and the officer by whom any such payment was made from all liability whatsoever in respect of any such payment, notwithstanding any forgery, fraud, mistake, neglect, loss or delay which may have been committed or have occurred in connection therewith: Provided that nothing in this section contained shall be construed as exempting the Government or the Postmaster-General from liability for damage or loss caused to any person by reason of fraud on the part of an officer in relation to his official duties: Provided further that if any unauthorized person by any fraudulent means obtains from the Postmaster-General payment of any sum credited to a depositor's Savings Bank account, the Postmaster-General may in his discretion make good the loss sustained by the depositor or any portion thereof.

Non-liability of department.

116. Money orders, postal orders and any other documents authorized to be used for the purpose of remitting money through the department, and postal drafts and other documents authorized to be used for the purpose of collecting money through the department, and Savings Bank warrants and other orders for the payment of money, acknowledgments of the receipt of money and all other documents prescribed, provided for or required under this Act, shall be exempt from all fees or duties except such as are chargeable under this Act.

Documents prescribed to be exempt from all duties.

117. All moneys received under this Act shall form part of the postal revenue and shall be paid into the Consolidated Revenue Fund: Provided that, subject to the provisions of section *sixty-nine*, moneys deposited in the Post Office Savings Bank, the interest on moneys so deposited and the principal moneys received in respect of money orders, postal orders, postal drafts or any other system of remitting or collecting money prescribed under section *forty-six* or *forty-eight*, shall not form part of the postal revenue, unless, in the case of money orders and postal orders, the period of currency thereof has lapsed.

Moneys received to form part of postal revenue.

118. Any postal article or any telegram which is reasonably suspected of containing anything which will afford evidence of the commission of a criminal offence or reasonably suspected of being sent in order to further the commission of a criminal offence or to enable the detection of a criminal offence to be concealed, shall on the written request of any public prosecutor be detained by the officer in charge of any post office or telegraph office in which it is or through which it passes, and the Postmaster-General shall, if authorized thereto by the Minister of Justice, cause that postal article or telegram to be handed over to the said public prosecutor.

Detention of postal articles and telegrams suspected of being concerned with crimes or offences and handing over of same to public prosecutor on authority of Attorney-General, etc.

119. The court which has imposed a fine upon any person convicted of an offence under this Act in respect of which no period of imprisonment is expressly prescribed in default of payment of the fine, may, if the fine is not paid forthwith, sentence the person convicted to imprisonment for a period not exceeding six months, unless the fine be sooner paid.

Imprisonment where fine is not paid.

Reëling van wyse van uitvoer van onbewerkte goud, ens.

120. Die Goewerneur-generaal kan regulasies uitvaardig waarby voorgeskryf word—

- (a) dat alle ru of ongeslypte edelgesteentes, onbewerkte goud en volstruisvere of enige sodanige artikels uitsluitlik deur die Poskantoor of deur 'n ander kanaal uit die Unie uitvoer moet word;
- (b) die gelde, tariewe en koste ten opsigte van die vervoer van so 'n artikel betaalbaar wanneer dit aldus uitvoer word; en
- (c) die voorwaardes waarop so 'n artikel by sodanige uitvoer vervoer moet word,

en iemand wat so 'n artikel in stryd met so 'n regulasie uitvoer, is ten opsigte van elke besending van daardie artikel wat aldus uitvoer word, blootgestel aan 'n boete van vyfhonderd pond wat by aksie in 'n bevoegde hof deur die Minister van Justisie verhaal kan word.

Beampes moet eed aflê.

121. Elke beampte wat die Posmeester-generaal daartoe aansê, moet voordat hy sy ampspligte aanvaar, 'n eed voor 'n vrederegter aflê in die vorm in die Eerste Bylae uiteengesit.

Herroeping van wette.

122. (1) Behoudens die bepaling van sub-artikel (2), word die Wette in die Tweede Bylae vermeld hierby herroep vir sover in die derde kolom van daardie Bylae vermeld.

(2) Enige konvensie of ooreenkoms aangegaan of van krag of enige regulasie, kennisgewing, goedkeuring, magtiging, opgawe, sertifikaat of dokument uitgereik, gemaak, uitgevaardig, gegee of toegestaan en enige ander stappe gedoen ingevolge 'n bepaling van 'n by sub-artikel (1) herroepe Wet, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet aangegaan, uitgereik, gemaak, uitgevaardig, gegee, toegestaan of gedoen te gewees het.

Kort titel.

123. Hierdie Wet heet die Poswet, 1958.

Eerste Bylae.

EED WAT DEUR BEAMPTES AFGELÊ MOET WORD.

Ek (volle naam).....
 sweer plegtig dat ek in my betrekking as 'n werknemer van die poskantoor eerlik, betroubaar en onpartydig sal wees sonder aansien des persoons ooreenkomstig die wet en volgens my beste wete, dat ek nie in stryd met die wet of my plig die inhoud van 'n brief, telegram of offisiële stuk van watter aard ook al of enige inligting met betrekking tot die transaksies van 'n deponeerder in die Posspaarbank sal openbaar of bekend maak nie, nóg 'n brief of ander posstuk of telegram sal oopmaak of terughou of laat oopmaak of terughou of toelaat dat dit oopgemaak of teruggehou word nie, nóg onder enige omstandighede hoegenaamd 'n brief, telegram of offisiële stuk wat aan my sorg toevertrou is, sal vernietig of wegmaak nie, dat ek aan die wat oor my gestel is gehoorsaam sal wees en dat ek van die verantwoordelikhede wat aan my toevertrou is rekenskap sal gee wanneer en waar dit van my verlang mag word.

SO HELP MY GOD.

Handtekening.....

Beëdig voor my te.....

in die distrik van.....

op die.....dag van.....19.....

- 120.** The Governor-General may make regulations prescribing—
- (a) that all rough or uncut precious stones, unwrought gold and ostrich feathers or any of such articles shall be exported from the Union exclusively through the Post Office or through any other channel;
 - (b) the fees, rates and charges which shall be payable in respect of the conveyance of any such article when so exported; and
 - (c) the conditions upon which such article shall be conveyed when so exported,

Regulation of manner of export of unwrought gold, etc.

and any person who exports any such article in contravention of any such regulation shall in respect of each consignment of that article so exported incur a penalty of five hundred pounds which shall be recoverable by action in any competent court at the suit of the Minister of Justice.

121. Every officer required by the Postmaster-General to do so, shall before exercising the duties of his office take an oath before a justice of the peace in the form set forth in the First Schedule.

Officers to take oath.

122. (1) Subject to the provisions of sub-section (2), the laws mentioned in the Second Schedule are hereby repealed to the extent set out in the third column of that Schedule.

Repeal of laws.

(2) Any convention or agreement entered into or in force or any regulation, notice, approval, authority, return, certificate or document issued, made, promulgated, given or granted and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been entered into, issued, made, promulgated, given, granted or taken under the corresponding provision of this Act.

123. This Act shall be called the Post Office Act, 1958.

Short title.

First Schedule.

OATH TO BE TAKEN BY OFFICERS.

I (name in full).....
do solemnly swear faithfully in my position as a post office employee to be honest, trustworthy and fair without respect of persons according to the law and to the best of my knowledge, that I will not contrary to the law or to my duty communicate or divulge the contents of any letter, telegram or official paper of any description or any information regarding the transactions of a depositor in the Post Office Savings Bank, nor open or detain or cause or suffer to be opened or detained any letter or other postal article or any telegram nor on any account whatever destroy or make away with any letter, telegram or official paper entrusted to my care, that I will be obedient to my official superiors and that I will give account of any responsibility entrusted to me whenever and wherever such may be required of me.

SO HELP ME GOD.

Signature.....

Sworn before me at.....

in the District of.....

on the..... day of..... 19.....

Tweede Bylae.

WETTE HERROEP.

No. en Jaar van Wet.	Titel.	Omvang van Herroeping.
Wet No. 10 van 1911.	„Post Administratie en Scheepvaart-kombinaties Verhinderings Wet, 1911”.	Die geheel.
Wet No. 40 van 1920.	„Finansiële Regelingen Wet, 1920”.	Artikel drie.
Wet No. 47 van 1920.	„Post Administratie en Scheepvaart-kombinaties Verhinderings Wet Wijzigingswet, 1920”.	Die geheel.
Wet No. 38 van 1922.	„Finansiële Regelings Wet, 1922”.	Artikel vyf.
Wet No. 34 van 1930.	Finansiële Reëlingswet, 1930.	Artikel twaalf.
Wet No. 31 van 1931.	Poskantoor-Wysigingswet, 1931.	Die geheel.
Wet No. 25 van 1932.	Finansiële Reëlingswet, 1932.	Artikel twee.
Wet No. 2 van 1934.	Poskantoor-Wysigingswet, 1934.	Die geheel.
Wet No. 37 van 1943.	Finansiewet, 1943.	Artikel elf.
Wet No. 46 van 1944.	Finansiewet, 1944.	Artikels veertien, vyftien en ses-tien.
Wet No. 50 van 1952.	Finansiewet, 1952.	Artikel vyf.
Wet No. 34 van 1954.	Finansiewet, 1954.	Artikel sewe.
Wet No. 37 van 1958.	Finansiewet, 1958.	Artikel sewe.

Second Schedule.

LAWS REPEALED.

No. and Year of Law.	Title.	Extent of Repeal.
Act No. 10 of 1911.	Post Office Administration and Shipping Combinations Discouragement Act, 1911.	The whole.
Act No. 40 of 1920.	Financial Adjustments Act, 1920.	Section <i>three</i> .
Act No. 47 of 1920.	Post Office Administration and Shipping Combinations Discouragement Act Amendment Act, 1920.	The whole.
Act No. 38 of 1922.	Financial Adjustments Act, 1922.	Section <i>five</i> .
Act No. 34 of 1930.	Financial Adjustments Act, 1930.	Section <i>twelve</i> .
Act No. 31 of 1931.	Post Office (Amendment) Act, 1931.	The whole.
Act No. 25 of 1932.	Financial Adjustments Act, 1932.	Section <i>two</i> .
Act No. 2 of 1934.	Post Office (Amendment) Act, 1934.	The whole.
Act No. 37 of 1943.	Finance Act, 1943.	Section <i>eleven</i> .
Act No. 46 of 1944.	Finance Act, 1944.	Sections <i>fourteen</i> , <i>fifteen</i> and <i>sixteen</i> .
Act No. 50 of 1952.	Finance Act, 1952.	Section <i>five</i> .
Act No. 34 of 1954.	Finance Act, 1954.	Section <i>seven</i> .
Act No. 37 of 1958.	Finance Act, 1958.	Section <i>seven</i> .

No. 45, 1958.]

WET**Tot wysiging van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 26 September 1958.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Invoeging van artikel 11bis in Wet 22 van 1954.

1. Die volgende artikel word hierby na artikel *elf* van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954, ingevoeg:

„Die Raad vrygestel van sekere wetsbepalings.

11bis. (1) Ondanks andersluidende bepalings van hierdie Wet of enige ander wet—

- (a) kan die Raad druiwe wat bestem is vir verbruik as tafeldruiwe en wat op of na die nege-entwintigste dag van Januarie 1958 aan hom by enige van sy plekke van inname of by 'n uitvoerhawe gelewer word, in wyn of spiritus omsit;
- (b) kan die Raad vir druiwe wat ingevolge paragraaf (a) omgesit is in wyn of spiritus betaling maak aan sodanige persone op sodanige wyse en op sodanige basis as wat hy goedvind, en vir hierdie doel kan hy ook enige winste gebruik wat deur hom gemaak word in die uitoefening van sy bevoegdhede of die vervulling van sy pligte ingevolge hierdie artikel;
- (c) is die bepalings van paragraaf (b) van subartikel (1) en sub-artikels (2), (3) en (4) van artikel *vier* en artikel *vyf* op enige sodanige wyn of spiritus van toepassing op dieselfde wyse asof bedoelde wyn of spiritus afkomstig was van druiwe wat deur die Raad ingevolge artikel *drie* verkry is;
- (d) moet 'n in artikel *nege* bedoelde bonus wat betaalbaar mag word ten opsigte van enige bedrae wat deur die vereniging verhaal is by wyse van heffings ingevolge artikel *vier* of *vyf* op sodanige wyn en spiritus, deur die vereniging aan die Raad betaal word.

(2) Vir die doeleindes van sub-artikel (1) beteken „druive”, druiwe soos omskryf in artikel *een* wat gedurende die tydperk beginnende op die nege-entwintigste dag van Januarie 1958 en eindigende op die dertigste dag van Junie 1958 geoes word en wat deur die Raad goedgekeur word as geskik vir distribusie as tafeldruiwe aan die plaaslike mark of deur 'n inspekteur soos omskryf in artikel *een* van die Wet op die Uitvoer van Vrugte, 1957 (Wet No. 27 van 1957), as geskik vir uitvoer.

(3) Hierdie artikel word geag op die nege-entwintigste dag van Januarie 1958 in werking te getree het.”.

Kort titel.

2. Hierdie Wet heet die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1958.

No. 45, 1958.]

ACT

To amend the Wine and Spirits Control Amendment Act, 1954.

(Afrikaans text signed by the Governor-General.)
(Assented to 26th September, 1958.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

- 1.** The following section is hereby inserted after section *eleven* of the Wine and Spirits Control Amendment Act, 1954: Insertion of section 11bis in Act 22 of 1954.
- 11bis.** (1) Notwithstanding anything to the contrary in this Act or in any other law contained—
- “The Board exempted from provisions of certain laws.”
- (a) the Board may convert into wine or spirit any grapes intended for consumption as table grapes and delivered to it at any of its points of intake or at a port of export on or after the twenty-ninth day of January, 1958;
- (b) the Board may make payment for any grapes converted into wine or spirit in terms of paragraph (a) to such persons in such manner and on such basis as it may deem proper, and for this purpose may also utilize any profits realized by it in the exercise of its powers or the performance of its duties in terms of this section;
- (c) the provisions of paragraph (b) of sub-section (1) and sub-sections (2), (3) and (4) of section *four* and section *five* shall apply to any such wine or spirit in the same manner as if such wine or spirit had been derived from grapes acquired by the Board in terms of section *three*;
- (d) any bonus referred to in section *nine* which may become payable in respect of any amounts recovered by the vereniging as levies in terms of section *four* or *five* on such wine or spirit, shall be paid by the vereniging to the Board.
- (2) For the purposes of sub-section (1) ‘grapes’ means grapes as defined in section *one* harvested during the period commencing on the twenty-ninth day of January, 1958, and ending on the thirtieth day of June, 1958, and approved by the Board as suitable for distribution to the local market as table grapes or by an inspector as defined in section *one* of the Fruit Export Act, 1957 (Act No. 27 of 1957), as suitable for export.
- (3) This section shall be deemed to have come into operation on the twenty-ninth day of January, 1958.”.

- 2.** This Act shall be called the Wine and Spirits Control Short title. Amendment Act, 1958.

No. 46, 1958.]

WET**Tot wysiging van die Wet op Pensioene vir Parlementsdiens, 1951.***(Engelse teks deur die Goewerneur-Generaal geteken.)
(Goedgekeur op 26 September 1958.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 70 van 1951, soos gewysig deur artikel 1 van Wet 68 van 1956 en artikel 1 van Wet 66 van 1957.

1. Artikel *een* van die Wet op Pensioene vir Parlementsdiens, 1951 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur in sub-artikel (1) voor die omskrywing van „diens” die volgende omskrywing in te voeg: „Administrateur” ’n administrateur van ’n provinsie of die gebied Suidwes-Afrika;”;
 - (b) deur in sub-artikel (1) in paragraaf (b) van die omskrywing van „diens” na die woord „lid” die woorde „behalwe ’n administrateur” in te voeg, en deur aan die end van daardie paragraaf die woord „en” by te voeg;
 - (c) deur in sub-artikel (1) die volgende paragraaf by die omskrywing van „diens” by te voeg: „(c) met betrekking tot diens in die hoedanigheid van Administrateur, diens soos deur die Sekretaris van Binnelandse Sake of, in die geval van die Administrateur van die gebied Suidwes-Afrika, die Sekretaris van die Eerste Minister gesertifiseer;”;
 - (d) deur in sub-artikel (1) na die woord „Volksraad” in die omskrywing van „lid” die woorde „of ’n Administrateur” in te voeg;
 - (e) deur in sub-artikel (1) na die woord „drie” in die omskrywing van „pensioengewende diens” die woorde „drie bis” in te voeg; en
 - (f) deur in sub-artikel (1) na die woord „Unie” in die omskrywing van „salaris” die woorde „of as ’n Administrateur” in te voeg.

Wysiging van artikel 3 van Wet 70 van 1951, soos gewysig deur artikel 3 van Wet 68 van 1956.

2. Artikel *drie* van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woord „Iemand” die woorde „(behalwe ’n Administrateur)” in te voeg.

Invoeging van artikel *3bis* in Wet 70 van 1951.

3. Die volgende artikel word hierby na artikel *drie* van die Hoofwet ingevoeg:

„Keuse om ten opsigte van sekere diens as Administrateur en as lid van die Parlement by te dra.

3bis. (1) Iemand wat, uit hoofde van die feit dat hy ’n Administrateur is, op die datum van inwerkingtreding van die Wysigingswet op Pensioene vir Parlementsdiens en Administrateurs, 1958, ’n lid word en aan wie daar op die dag onmiddellik voor daardie datum nie ’n pensioen kragtens hierdie Wet betaalbaar was nie, kan binne negentig dae vanaf bedoelde datum skriftelik kies om enige tydperk van sy onafgebroke diens as ’n Administrateur onmiddellik voor daardie datum as pensioengewende diens te tel.

(2) Iemand—

- (a) ten opsigte van wie die bepalings van sub-artikel (1) van toepassing is en wat ingevolge daardie sub-artikel ’n keuse doen; en
- (b) wat, voor sy aanstelling as Administrateur en voor die vasgestelde datum diens as senator of lid van die Volksraad gehad het, kan binne negentig dae vanaf die datum wat die datum waarop hy ingevolge sub-artikel (1) ’n keuse doen onmiddellik voorafgaan, skriftelik kies om enige tydperk van sodanige diens as pensioengewende diens te tel.

(3) ’n Lid wat ooreenkomstig sub-artikel (1) of (2) ’n keuse doen, stort ’n bedrag bereken teen ses pond vir elke maand van die tydperk of tydperke ten opsigte waarvan hy aldus gekies het in inkomste.

No. 46, 1958.]

ACT

To amend the Parliamentary Service Pensions Act, 1951.

(English text signed by the Governor-General.)
(Assented to 26th September, 1958.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

- 1.** Section *one* of the Parliamentary Service Pensions Act, 1951 (hereinafter referred to as the principal Act), is hereby amended—
- Amendment of section 1 of Act 70 of 1951, as amended by section 1 of Act 68 of 1956 and section 1 of Act 66 of 1957.
- (a) by the insertion in sub-section (1) before the definition of "allowance" of the following definition:
" 'Administrator' means an administrator of a province or the territory of South-West Africa;";
 - (b) by the insertion in sub-section (1) after the word "Assembly" in the definition of "member" of the words "or an Administrator";
 - (c) by the insertion in sub-section (1) after the word "three" in the definition of "pensionable service" of the words "three bis";
 - (d) by the insertion in sub-section (1) after the word "Union" in the definition of "salary" of the words "or as an Administrator";
 - (e) by the insertion in sub-section (1) in paragraph (b) of the definition of "service" after the word "member" of the words "other than an Administrator", and by the addition at the end of that paragraph of the word "and"; and
 - (f) by the addition in sub-section (1) to the definition of "service" of the following paragraph:
"(c) in relation to service in the capacity of an Administrator, service as certified by the Secretary for the Interior or, in the case of the Administrator of the territory of South-West Africa, the Secretary to the Prime Minister."
- 2.** Section *three* of the principal Act is hereby amended by the insertion in sub-section (2) after the word "person" of the words "(other than an Administrator)".
- Amendment of section 3 of Act 70 of 1951, as amended by section 3 of Act 68 of 1956.
- 3.** The following section is hereby inserted in the principal Act after section *three*:
- Insertion of section 3bis in Act 70 of 1951.
- "Option to contribute in respect of certain service as Administrator and as member of Parliament.
- 3bis.** (1) Any person who by reason of the fact that he is an Administrator becomes a member on the date of commencement of the Parliamentary Service and Administrators' Pensions Amendment Act, 1958, and to whom on the day immediately preceding that date a pension was not payable under this Act, may elect in writing within ninety days of the said date to count any period of his continuous service as an Administrator immediately prior to that date as pensionable service.
- (2) Any person—
- (a) in respect of whom the provisions of sub-section (1) apply and who makes an election in terms of that sub-section; and
 - (b) who, prior to his appointment as an Administrator and prior to the fixed date, has had service as a senator or a member of the House of Assembly,
- may elect in writing within ninety days of the date immediately preceding the date on which he makes an election in terms of sub-section (1), to count any period of such service as pensionable service.
- (3) A member who makes an election in terms of sub-section (1) or (2) shall contribute to revenue an amount calculated at the rate of six pounds for every month of the period or periods in respect of which he has so elected.

- (4) Enige bedrag wat ingevolge sub-artikel (3) deur 'n lid verskuldig mag word, kan, indien hy dit verlang, deur die verantwoordelike rekenpligtige amptenaar in maandelikse paaiemente teen minstens drie pond per maand van sy salaris afgetrek word en word aan inkomste betaal."
- Wysiging van artikel 5 van Wet 70 van 1951. 4. Artikel *vyf* van die Hoofwet word hierby gewysig deur na die woord „*drie*” die woorde „sub-artikel (3) van artikel *drie bis*” in te voeg.
- Wysiging van artikel 8 van Wet 70 van 1951. 5. Artikel *agt* van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woord „*drie*” die woorde „sub-artikel (3) van artikel *drie bis*” in te voeg.
- Wysiging van artikel 9 van Wet 70 van 1951, soos gewysig deur artikel 7 van Wet 68 van 1956. 6. Artikel *nege* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:
„(1) Iemand aan wie 'n bedrag ingevolge artikel *sewe* of *agt* betaal is en wat weer 'n lid word, kan—
(a) indien hy anders as uit hoofde van die feit dat hy 'n Administrateur is aldus 'n lid word, binne negentig dae vanaf die datum waarop hy weer die in artikel *een-en-vyftig* van die ‚Zuid-Afrika Wet, 1909,’ bedoelde eed of belofte van getrouheid aflê en onderteken; of
(b) indien hy uit hoofde van die feit dat hy 'n Administrateur is aldus 'n lid word, binne negentig dae vanaf die datum waarop hy weer 'n lid word, skriftelik kies om die bedrag wat ooreenkomstig bedoelde artikel *sewe* of *agt* aan hom betaal is, aan inkomste terug te betaal en om enige bedrae waarvoor hy ooreenkomstig sub-artikel (2) van een of ander van bedoelde artikels opgehou het om aanspreeklik te wees, aan inkomste te betaal, en indien hy aldus kies, word die tydperk of tydperke van sy diens wat voorheen pensioengewende diens was, weer pensioengewende diens.”
- Wysiging van artikel 11 van Wet 70 van 1951, soos vervang deur artikel 9 van Wet 68 van 1956. 7. Artikel *elf* van die Hoofwet word hierby gewysig—
(a) deur in daardie gedeelte van sub-artikel (1) wat paragraaf (a) voorafgaan, na die woorde „Adjunk-Speaker en Voorsitter van Komitees van die Volksraad” die woord „Administrateur” in te voeg;
(b) deur in paragraaf (b) van sub-artikel (1) na die woorde „Adjunk-Speaker en Voorsitter van Komitees van die Volksraad” die woorde „as Administrateur” in te voeg; en
(c) deur aan die end daarvan die volgende sub-artikel by te voeg:
„(5) In die geval van iemand wat uit hoofde van die feit dat hy 'n Administrateur is, op die datum van inwerkingtreding van die Wysigingswet op Pensioene vir Parlementsdiens en Administrateurs, 1958, 'n lid word en aan wie daar onmiddellik voor daardie datum 'n pensioen kragtens hierdie artikel betaalbaar was, word die tydperk van sy diens as Administrateur onmiddellik voor bedoelde datum buite rekening gelaat by die berekening van enige pensioen wat later ingevolge hierdie artikel aan hom betaalbaar mag word tensy hy die bedrag van die pensioen kragtens hierdie artikel aan hom betaalbaar ten opsigte van die tydperk vanaf die datum van sy aanstelling as Administrateur tot en met die dag onmiddellik voor die datum van inwerkingtreding van bedoelde Wet, aan inkomste terugbetaal.”
- Wysiging van artikel 12 van Wet 70 van 1951, soos gewysig deur artikel 10 van Wet 68 van 1956 en artikel 2 van Wet 66 van 1957. 8. Artikel *twaalf* van die Hoofwet word hierby gewysig deur in sub-artikel (7) na die woord „*drie*” die woorde „*drie bis*” in te voeg.
- Wysiging van artikel 19 van Wet 70 van 1951. 9. Artikel *negentien* van die Hoofwet word hierby gewysig—
(a) deur na die woord „Lid” die woorde „(behalwe 'n Administrateur)” in te voeg; en
(b) deur die volgende sub-artikel in te voeg, terwyl die bestaande artikel sub-artikel (1) word:
„(2) 'n Lid wat 'n Administrateur is en wat ingevolge hierdie Wet geregtig is om 'n keuse te doen, kan dit doen deur skriftelike kennisgewing aan die Kommissaris van Pensioene.”

(4) Any amount which may become due by a member in terms of sub-section (3) may, if he so desires, be deducted by the responsible accounting officer from his salary in monthly instalments at the rate of not less than three pounds per mensem and shall be paid to revenue.”.

4. Section *five* of the principal Act is hereby amended by the insertion after the word “*three*” of the words “sub-section (3) of section *three bis*”. Amendment of section 5 of Act 70 of 1951.

5. Section *eight* of the principal Act is hereby amended by the insertion in sub-section (2) after the word “*three*” of the words “sub-section (3) of section *three bis*”. Amendment of section 8 of Act 70 of 1951.

6. Section *nine* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section: Amendment of section 9 of Act 70 of 1951, as amended by section 7 of Act 68 of 1956.

“(1) A person to whom an amount has been paid in terms of section *seven* or *eight* and who again becomes a member may elect in writing—

(a) if he so becomes a member otherwise than by reason of the fact that he is an Administrator, within ninety days of the date on which he again makes and subscribes the oath or affirmation of allegiance referred to in section *fifty-one* of the South Africa Act, 1909; or

(b) if he so becomes a member by reason of the fact that he is an Administrator, within ninety days of the date on which he again becomes a member,

to repay to revenue the amount paid to him in terms of the said section *seven* or *eight* and to pay to revenue any amounts for which he ceased to be liable in terms of sub-section (2) of either of those sections, and if he so elects, the period or periods of his service which were previously pensionable service shall again become pensionable service.”.

7. Section *eleven* of the principal Act is hereby amended— Amendment of section 11 of Act 70 of 1951, as substituted by section 9 of Act 68 of 1956.

(a) by the insertion in that part of sub-section (1) which precedes paragraph (a), after the words “Deputy-Speaker and Chairman of Committees of the House of Assembly” of the words “an Administrator”;

(b) by the insertion in paragraph (b) of sub-section (1) after the words “Deputy-Speaker and Chairman of Committees of the House of Assembly” of the words “as an Administrator”; and

(c) by the addition at the end thereof of the following sub-section:

“(5) In the case of a person who by reason of the fact that he is an Administrator becomes a member on the date of commencement of the Parliamentary Service and Administrators’ Pensions Amendment Act, 1958, and to whom immediately prior to that date a pension was payable under this section, the period of his service as an Administrator immediately prior to such date shall not be taken into account for the purpose of calculating any pension which may subsequently become payable to him under this section unless he repays to revenue the amount of the pension payable to him under this section in respect of the period from the date of his appointment as an Administrator to and including the day immediately preceding the date of commencement of the said Act.”.

8. Section *twelve* of the principal Act is hereby amended by the insertion in sub-section (7) after the word “*three*” of the words “*three bis*”. Amendment of section 12 of Act 70 of 1951, as amended by section 10 of Act 68 of 1956 and section 2 of Act 66 of 1957.

9. Section *nineteen* of the principal Act is hereby amended— Amendment of section 19 of Act 70 of 1951.

(a) by the insertion after the word “member” of the words “(other than an Administrator)”; and

(b) by the insertion of the following sub-section, the existing section becoming sub-section (1):

“(2) A member who is an Administrator and who is entitled to make any election under this Act, may do so by notice in writing to the Commissioner of Pensions.”.

- Wysiging van artikel 22 van Wet 70 van 1951. **10.** Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig deur na die woord „Parlementsdiens” die woorde „en Administrateurs” in te voeg.
- Wysiging van lang titel van Wet 70 van 1951. **11.** Die lang titel van die Hoofwet word hierby gewysig deur aan die end daarvan die woorde „en aan Administrateurs en die weduwees van Administrateurs” by te voeg.
- Kort titel. **12.** Hierdie Wet beet die Wysigingswet op Pensioene vir Parlementsdiens en Administrateurs, 1958.

10. Section *twenty-two* of the principal Act is hereby amended by the insertion after the word "Service" of the words "and Administrators' ". Amendment of section 22 of Act 70 of 1951.

11. The long title of the principal Act is hereby amended by the addition at the end thereof of the words "and to Administrators and the widows of Administrators". Amendment of long title of Act 70 of 1951.

12. This Act shall be called the Parliamentary Service and Administrators' Pensions Amendment Act, 1958. Short title.

No. 47, 1958.]

WET**Om voorsiening te maak vir sekere pensioene, toelaes, gratifikasies en ander voordele.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 26 September 1958.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Toekenning van sekere voordele.

1. Ondanks andersluidende wetsbepalings, is elke persoon wat in 'n item van die Bylae by hierdie Wet as 'n bevoordeelde aangewys word, op die in daardie item vermelde voordeel geregtig.

Kork titel.

2. Hierdie Wet heet die Tweede Wet tot Aanvulling van Pensioene, 1958.**Bylae.****1.** Die toekenning aan Sy Edele D. G. Shepstone, voorheen Administrateur van Natal, van 'n pensioen van £750 per jaar met ingang van 1 Junie 1958.**2.** Die toekenning aan Annie Olivier, weduwee van Sy Edele P. J. Olivier, Administrateur van die Kaapprovinsie, van 'n pensioen van £300 per jaar met ingang van 28 Maart 1958, betaalbaar gedurende weduweeskap.**3.** Die toekenning aan Vida S. W. Bergh, weduwee van W. O. Bergh, voorheen No. 795, manskap, „Cape Town Highlanders”, van 'n pensioen van £310 10s. Od. per jaar met ingang van 1 April 1958, betaalbaar gedurende weduweeskap.**4.** Die toekenning aan M. C. Botha, voorheen rektor van die Universiteit Pretoria, van 'n pensioen van £300 per jaar met ingang van 1 April 1958.**5.** Die toekenning aan Linda M. Thackeray, weduwee van luitenant-kolonel E. F. Thackeray, van 'n pensioen van £180 per jaar met ingang van 1 April 1958, betaalbaar gedurende weduweeskap.**6.** Die toekenning aan Joan H. Pienaar, weduwee van F. F. Pienaar, voorheen Buitengewone Gesant en Gevolmagtigde Minister van die Unie van Suid-Afrika te Lissabon, van 'n pensioen van £126 per jaar met ingang van 7 Augustus 1958, betaalbaar gedurende weduweeskap.**7.** Die toekenning aan Margaret Walton, voorheen verpleegsuster, Taylor Bequest-hospitaal, Matatiele, met ingang van 1 September 1958, van 'n pensioen van £20 per jaar as 'n las teen die Provinsiale Inkomstefonds van die Kaapprovinsie.**8.** Die toekenning aan S. E. Botha, met ingang van 1 Oktober 1958, van die oudstryderspensioen waarop hy kragtens die bepaling van Deel II van die Oorlogspensioenwet, 1941, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (c) van sub-artikel (1) van artikel *dertig* van daardie Wet voldoen het.**9.** Die toekenning aan G. R. Clover, met ingang van 1 April 1958, van die oudstryderspensioen waarop hy kragtens die bepaling van Deel II van die Oorlogspensioenwet, 1941, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (c) van sub-artikel (1) van artikel *dertig* van daardie Wet voldoen het.**10.** Die toekenning aan F. J. Eagar, met ingang van 1 Oktober 1958, van die oudstryderspensioen waarop hy kragtens die bepaling van Deel II van die Oorlogspensioenwet, 1941, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (c) van sub-artikel (1) van artikel *dertig* van daardie Wet voldoen het.**11.** Die toekenning aan J. D. Steenkamp, met ingang van 1 Oktober 1958, van die oudstryderspensioen waarop hy kragtens die bepaling van Deel II van die Oorlogspensioenwet, 1941, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (c) van sub-artikel (1) van artikel *dertig* van daardie Wet voldoen het.**12.** Die toekenning aan J. M. J. Steyn, met ingang van 1 Oktober 1958, van die oudstryderspensioen waarop hy kragtens die bepaling van Deel II van die Oorlogspensioenwet, 1941, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (c) van sub-artikel (1) van artikel *dertig* van daardie Wet voldoen het.**13.** Die toekenning aan G. J. Boonzaier, met ingang van 1 April 1958, van die pensioen waarop hy kragtens die bepaling van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (d) van artikel *een* van daardie Wet voldoen het.

No. 47, 1958.]

ACT

To provide for certain pensions, grants, gratuities and other benefits.

(Afrikaans text signed by the Governor-General.)
(Assented to 26th September, 1958.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Notwithstanding anything to the contrary in any law, every person indicated as a beneficiary in an item of the Schedule to this Act shall be entitled to the benefit specified in that item. Granting of certain benefits.

2. This Act shall be called the Second Pensions (Supplementary) Act, 1958. Short title.

Schedule.

1. The award to the Honourable D. G. Shepstone, formerly Administrator of Natal, of a pension of £750 per annum with effect from 1st June, 1958.

2. The award to Annie Olivier, widow of the Honourable P. J. Olivier, Administrator of the Cape Province, of a pension of £300 per annum with effect from 28th March, 1958, payable during widowhood.

3. The award to Vida S. W. Bergh, widow of W. O. Bergh, formerly, No. 795, private, Cape Town Highlanders, of a pension of £310 10s. 0d per annum with effect from 1st April, 1958, payable during widowhood.

4. The award to M. C. Botha, formerly rector of the University of Pretoria, of a pension of £300 per annum with effect from 1st April, 1958.

5. The award to Linda M. Thackeray, widow of Lieutenant-Colonel E. F. Thackeray, of a pension of £180 per annum with effect from 1st April, 1958, payable during widowhood.

6. The award to Joan H. Pienaar, widow of F. F. Pienaar, formerly Envoy Extraordinary and Minister Plenipotentiary of the Union of South Africa at Lisbon, of a pension of £126 per annum with effect from 7th August, 1958, payable during widowhood.

7. The award to Margaret Walton, formerly nursing sister, Taylor Bequest Hospital, Matatiela, with effect from 1st September, 1958, of a pension of £20 per annum as a charge against the Provincial Revenue Fund of the Cape Province.

8. The award to S. E. Botha, with effect from 1st October, 1958, of the veteran's pension to which he would have been entitled under the provisions of Part II of the War Pensions Act, 1941, had his case conformed to the requirements of paragraph (c) of sub-section (1) of section *thirty* of that Act.

9. The award to G. R. Clover, with effect from 1st April, 1958, of the veteran's pension to which he would have been entitled under the provisions of Part II of the War Pensions Act, 1941, had his case conformed to the requirements of paragraph (c) of sub-section (1) of section *thirty* of that Act.

10. The award to F. J. Eagar, with effect from 1st October, 1958, of the veteran's pension to which he would have been entitled under the provisions of Part II of the War Pensions Act, 1941, had his case conformed to the requirements of paragraph (c) of sub-section (1) of section *thirty* of that Act.

11. The award to J. D. Steenkamp, with effect from 1st October, 1958, of the veteran's pension to which he would have been entitled under the provisions of Part II of the War Pensions Act, 1941, had his case conformed to the requirements of paragraph (c) of sub-section (1) of section *thirty* of that Act.

12. The award to J. M. J. Steyn, with effect from 1st October, 1958, of the veteran's pension to which he would have been entitled under the provisions of Part II of the War Pensions Act, 1941, had his case conformed to the requirements of paragraph (c) of sub-section (1) of section *thirty* of that Act.

13. The award to G. J. Boonzaier, with effect from 1st April, 1958, of the pension to which he would have been entitled under the provisions of the Old Age Pensions Act, 1928, had his case conformed to the requirements of paragraph (d) of section *one* of that Act.

14. Die toekenning aan Anna M. Cheyne, met ingang van 1 Oktober 1958, van die pensioen waarop sy kragtens die bepaling van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel *een* van daardie Wet voldoen het.

15. Die toekenning aan Erma A. Clover, met ingang van 1 April 1958, van die pensioen waarop sy kragtens die bepaling van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel *een* van daardie Wet voldoen het.

16. Die toekenning aan Jessie Miller, met ingang van 1 April 1958, van die pensioen waarop sy kragtens die bepaling van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel *een* van daardie Wet voldoen het.

17. Vir die doeleindes van artikel *vier* van die „Oorlogs Speciale Pensioenen Wet, 1919”, word die vooroorlogse verdienste van W. Cameron, voorheen No. 14899, manskap, 4de Suid-Afrikaanse Infanterie, met ingang van 1 Oktober 1958 as £450 per jaar aanvaar.

18. Vir die doeleindes van artikel *vier* van die „Oorlogs Speciale Pensioenen Wet, 1919”, word die vooroorlogse verdienste van G. W. Warwick, voorheen No. 5370, onderkorporaal, 4de Suid-Afrikaanse Infanterie, met ingang van 1 Oktober 1958 as £450 per jaar aanvaar.

19. Die toekenning aan Sarah M. de Bruyn, weduwee van J. J. de Bruyn, voorheen No. 3476, manskap, 5de Suid-Afrikaanse Infanterie, met ingang van 1 Oktober 1958, van die alternatiewe toelae waarop sy ingevolge artikel *agtien* van die „Oorlogs Speciale Pensioenen Wet, 1919” geregtig sou gewees het indien die vooroorlogse verdienste van bedoelde J. J. de Bruyn £312 10s. 0d. per jaar bedra het.

20. Die toekenning aan Mabel P. Moore, weduwee van W. L. Moore, voorheen No. 13978, manskap, 2de Suid-Afrikaanse Infanterie, met ingang van 1 April 1958, van die alternatiewe toelae waarop sy ingevolge artikel *agtien* van die „Oorlogs Speciale Pensioenen Wet, 1919” geregtig sou gewees het indien die vooroorlogse verdienste van bedoelde W. L. Moore £312 10s. 0d. per jaar bedra het.

21. Die toekenning aan Maria E. Roux, met ingang van 1 April 1958, van die toelae waarop sy kragtens die bepaling van die Wet op Onge-skiktheidstoelae, 1946, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel *drie* van daardie Wet voldoen het.

22. Die aansoek om vergoeding deur F. Fielding, voorheen No. H.T. 2512, drywer, Kaapse Hulpkompanie vir Perdetransport, word beskou asof dit voor die eerste dag van April 1932 ingevolge die „Oorlogs Speciale Pensioenen Wet, 1919” ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van enige tydperk voor die eerste dag van April 1958 betaalbaar is nie.

23. Die aansoek om vergoeding deur F. Wallis, voorheen No. 822, manskap, 10de Suid-Afrikaanse Ruiters, word beskou asof dit voor die eerste dag van April 1932 ingevolge die „Oorlogs Speciale Pensioenen Wet, 1919” ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van enige tydperk voor die eerste dag van April 1958 betaalbaar is nie.

24. A. K. de Jager, onderwyser, Kaapse Onderwysdepartement, word toegelaat om ingevolge sub-artikels (2) en (3) van artikel *tweehonderd-enses* van die Onderwysordonnansie, 1956 (Kaapse Ordonnansie No. 20 van 1956), keuses te doen asof bedoelde sub-artikels op sy geval van toepassing was, en indien hy ingevolge bedoelde sub-artikels kies om ten opsigte van sy pensioengewende diens vanaf 29 Januarie 1934 tot 31 Maart 1952 tot die Kaapse Onderwyserspensioenfonds by te dra, word die keuse wat hy ooreenkomstig sub-artikel (2) van artikel *sewe-entwintig* van die Regeringsdiens Pensioenwet, 1936, gedoen het, geag gekanselleer te wees en is die bepaling van sub-artikel (1) van artikel *veertien* van die Regeringsdiens-pensioenwet, 1955, op sy geval van toepassing.

25. Die diensonderbreking van Christina Johanna Hauptfleisch, telefoniste, Suid-Afrikaanse Spoorweë, vanaf 1 Augustus 1957 tot 25 Augustus 1957, word vir pensioendoeleindes verskoon en beskou as spesiale afwesighedsverlof sonder besoldiging wat nie as diens geld nie, maar wat haar dus die voordeel van haar vorige pensioendraende diens vanaf 3 November 1933 tot 31 Julie 1957 laat behou, onderworpe aan die volgende voorwaardes:—

(a) Die bedrag wat uit die Nuwe Spoorweg- en Hawesuperannuasiefonds aan haar betaal is toe bedoelde diensonderbreking plaasgevind het, moet aan daardie Fonds terugbetaal word tesame met rente daarop teen die koers van vier en 'n half persent per jaar, maandeliks saamgestel, vanaf die datum waarop dit betaal is tot die datum waarop dit terugbetaal word. Voormelde bedrag, met inbegrip van die rente daarop, word uit die Spoorweg- en Hawefonds aan haar voorgeskiet en ten behoeve van haar aan bedoelde Superannuasiefonds betaal;

(b) die bedrag wat ingevolge sub-paragraaf (a) ten behoeve van haar aan bedoelde Superannuasiefonds betaal word, moet deur haar aan die Spoorwegadministrasie terugbetaal word in die paaiemente wat die Administrasie se Hoofrekenmeester mag bepaal, met dien verstande dat indien sy die Diens om enige rede verlaat of sy te sterwe kom voordat die bedrag wat aldus voorgeskiet is ten volle terugbetaal is, die bedrag wat nog uitstaande is, afgetrek moet word van voordele wat kragtens die toepaslike artikel van die „Spoorwega en Havens Superannuasie Fonds Wet, 1925” (Wet No. 24 van 1925), betaalbaar is aan haar of haar boedel of aan iemand anders ten opsigte van haar dood. Enige bedrag wat aldus afgetrek word, moet aan die Spoorweg- en Hawefonds terugbetaal word.

26. Die diensonderbreking van F. J. Oosthuizen, administratiewe beampte, Departement van Handel en Nywerheid, vanaf 1 September 1933 tot 3 September 1933, word vir pensioendoeleindes verskoon en beskou as spesiale afwesighedsverlof sonder betaling wat nie as diens geld nie, en onderworpe aan die voorwaardes wat die Kommissaris van Pensioene mag bepaal, word hy toegelaat om ooreenkomstig die skaal in artikel *vyf-en-twintig* van die Regeringsdiens-pensioenwet, 1955, uiteengesit tot die Unie-pensioenfonds by te dra ten opsigte van sy diens vanaf 18 Desember 1931 tot 31 Augustus 1933.

14. The award to Anna M. Cheyne, with effect from 1st October, 1958, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section *one* of that Act.

15. The award to Erma A. Clover, with effect from 1st April, 1958, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section *one* of that Act.

16. The award to Jessie Miller, with effect from 1st April, 1958, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section *one* of that Act.

17. For the purposes of section *four* of the War Special Pensions Act, 1919, the pre-war earnings of W. Cameron, formerly No. 14899, private, 4th South African Infantry, shall be accepted at £450 per annum with effect from 1st October, 1958.

18. For the purposes of section *four* of the War Special Pensions Act, 1919, the pre-war earnings of G. W. Warwick, formerly No. 5370, lance corporal, 4th South African Infantry, shall be accepted at £450 per annum with effect from 1st October, 1958.

19. The award to Sarah M. de Bruyn, widow of J. J. de Bruyn, formerly No. 3476, private, 5th South African Infantry, with effect from 1st October, 1958, of the alternative allowance to which she would have been entitled in terms of section *eighteen* of the War Special Pensions Act, 1919, had the pre-war earnings of the said J. J. de Bruyn amounted to £312 10s. 0d. per annum.

20. The award to Mabel P. Moore, widow of W. L. Moore, formerly No. 13978, private, 2nd South African Infantry, with effect from 1st April, 1958, of the alternative allowance to which she would have been entitled in terms of section *eighteen* of the War Special Pensions Act, 1919, had the pre-war earnings of the said W. L. Moore amounted to £312 10s. 0d. per annum.

21. The award to Maria E. Roux, with effect from 1st April, 1958, of the grant to which she would have been entitled under the provisions of the Disability Grants Act, 1946, had her case conformed to the requirements of paragraph (d) of section *three* of that Act.

22. The application for compensation by F. Fielding, formerly No. H.T. 2512, driver, Cape Auxiliary Horse Transport Company, shall be considered as if it had been lodged under the War Special Pensions Act, 1919, prior to the first day of April, 1932, subject to the condition that no compensation shall be payable in respect of any period prior to the first day of April, 1958.

23. The application for compensation by F. Wallis, formerly No. 822, private, 10th South African Horse, shall be considered as if it had been lodged under the War Special Pensions Act, 1919, prior to the first day of April, 1932, subject to the condition that no compensation shall be payable in respect of any period prior to the first day of April, 1958.

24. A. K. de Jager, teacher, Cape Education Department, shall be permitted to make elections in terms of sub-sections (2) and (3) of section *two hundred and six* of the Education Ordinance, 1956 (Cape Ordinance No. 20 of 1956), as if the said sub-sections were applicable to his case, and if he elects in terms of the said sub-sections to contribute to the Cape Teachers' Pension Fund in respect of his pensionable service from 29th January, 1934, to 31st March, 1952, the election made by him in terms of sub-section (2) of section *twenty-seven* of the Government Service Pensions Act, 1936, shall be deemed to be cancelled and the provisions of sub-section (1) of section *fourteen* of the Government Service Pensions Act, 1955, shall apply to his case.

25. The break in service of Christina Johanna Hauptfleisch, Telephonist, South African Railways, from 1st August, 1957, to 25th August, 1957, shall be condoned for pension purposes, being regarded as special leave of absence without pay, not counting as service, thus preserving to her the benefit of her previous pensionable service from 3rd November, 1933, to 31st July, 1957, subject to the following conditions:—

- (a) the amount paid to her from the New Railways and Harbours Superannuation Fund when the said break in service occurred shall be repaid to that Fund together with interest thereon at the rate of four and one-half per cent. per annum, compounded monthly, from the date of payment to the date of repayment. The aforementioned amount, including the interest thereon, shall be advanced to her from the Railway and Harbour Fund and shall be paid to the said Superannuation Fund on her behalf;
- (b) the amount paid on her behalf to the said Superannuation Fund in terms of sub-paragraph (a) shall be repaid by her to the Railway Administration in such instalments as the Administration's Chief Accountant may determine, provided that, if she leaves the Service for any reason or she dies before the amount so advanced has been fully repaid, the amount still outstanding shall be deducted from benefits payable under the appropriate section of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), to her or to her estate or some other person in respect of her death. Any amount so deducted shall be refunded to the Railway and Harbour Fund.

26. The break in service of F. J. Oosthuizen, administrative officer, Department of Commerce and Industries, from 1st September, 1933, to 3rd September, 1933, shall be condoned for pension purposes being regarded as special leave of absence without pay not counting as service, and subject to such conditions as the Commissioner of Pensions may determine he shall be permitted to contribute to the Union pension fund in accordance with the scale set forth in section *twenty-five* of the Government Service Pensions Act, 1955, in respect of his service from 18th December, 1931, to 31st August, 1933.

27. Die diensonderbreking van J. P. Roux, onderwyser, Transvaalse Onderwysdepartement, vanaf 9 April 1949 tot 10 April 1950, word vir pensioendoeleindes verskoon en beskou as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, maar wat hom die voordeel van sy vorige pensioengewende diens laat behou, op voorwaarde dat hy die bedrag van £951 0s. 6d. wat by sy bedanking in 1949 uit die Transvaalse Onderwyserspensioenfonds aan hom betaal is, terugbetaal tesame met rente daarop teen die koers van vier persent per jaar, jaarliks saamgestel, vanaf die datum van betaling tot die datum van terugbetaling.

28. Die diensonderbreking van N. L. Scheffer, assistent-bibliotekaris, Transvaalse Provinsiale Administrasie, vanaf 1 Januarie 1957 tot 20 Januarie 1957, word vir pensioendoeleindes verskoon en beskou as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, maar wat hom die voordeel van sy vorige pensioengewende diens laat behou.

No. 48, 1958.]

WET

Tot wysiging van die Wet op Testamente, 1953.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 26 September 1958.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Wysiging van
artikel 2 van
Wet 7 van 1953.

1. Artikel *twee* van die Wet op Testamente, 1953, word hierby gewysig—

- (a) deur in sub-paragraaf (v) van paragraaf (a) van sub-artikel (1) die woorde „die erflater aan hom bekend is en dat hy homself oortuig het” deur die woorde „hy homself oortuig het van die identiteit van die erflater en” te vervang; en
- (b) deur in sub-paragraaf (iv) van paragraaf (b) van sub-artikel (1) die woorde „die erflater aan hom bekend is en dat hy homself oortuig het” deur die woorde „hy homself oortuig het van die identiteit van die erflater en” te vervang.

Toepassing in
Suidwes-Afrika.

2. Hierdie Wet is ook in die gebied Suidwes-Afrika van toepassing.

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Testamente, 1958.

27. Subject to the repayment by J. P. Roux, teacher, Transvaal Education Department, of the sum of £951 0s. 6d. paid to him from the Transvaal Teachers' Pension Fund on his resignation in 1949, together with interest thereon at the rate of four per cent. per annum, compounded annually, from date of payment to date of repayment, the break in his service from 9th April, 1949, to 10th April, 1950, shall be condoned for pension purposes being regarded as special leave of absence without pay not counting as service but preserving to him the benefit of his previous pensionable service.

28. The break in service of N. L. Scheffer, assistant librarian, Transvaal Provincial Administration, from 1st January, 1957, to 20th January, 1957, shall be condoned for pension purposes, being regarded as special leave of absence without pay not counting as service but preserving to him the benefit of his previous pensionable service.

No. 48, 1958.]

ACT

To amend the Wills Act, 1953.

(English text signed by the Governor-General.)
(Assented to 26th September, 1958.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *two* of the Wills Act, 1953, is hereby amended—

<ol style="list-style-type: none"> (a) by the substitution in sub-paragraph (v) of paragraph (a) of sub-section (1) for the words "the testator is known to him and that he has satisfied himself" of the words "he has satisfied himself as to the identity of the testator and"; and (b) by the substitution in sub-paragraph (iv) of paragraph (b) of sub-section (1) for the words "the testator is known to him and that he has satisfied himself" of the words "he has satisfied himself as to the identity of the testator and". 	Amendment of section 2 of Act 7 of 1953.
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2. This Act shall apply also in the territory of South West Africa. Application to South West Africa.

3. This Act shall be called the Wills Amendment Act, 1958. Short Title.

No. 49, 1958.]

WET**Tot wysiging van die „Zuid-Afrika Wet, 1909”.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 26 September 1958.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van artikel 14 van „Zuid-Afrika Wet, 1909”, soos gewysig deur artikel 1 van Wet 34 van 1925, artikel 1 van Wet 17 van 1933, artikel 1 van Wet 13 van 1938, en artikel 1 van Wet 39 van 1950.

1. Artikel *veertien* van die „Zuid-Afrika Wet, 1909” (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in sub-artikel (1) die woord „veertien” deur die woord „zestien” te vervang; en

(b) deur die volgende sub-artikels by te voeg:

„(3) (a) De Goewerneur-generaal kan zoveel persone as hij nodig acht aanstellen om gedurende zijn welbehagen het ambt te bekleden van plaatsvervanger van een Minister van Staat in zijn hoedanigheid als de ambtenaar aangesteld om een biezonder Staatsdepartement te beheren, en zulk een plaatsvervanger kan namens die Minister van Staat en onder de naam van adjunct Minister van het betrokken departement, zodanige van de ingevolge een of andere wetsbepaling of anderszins aan die Minister toegewezen werkzaamheden en plichten uitoefenen en verrichten als bedoelde Minister van tijd tot tijd mocht bepalen, maar is niet een lid van de Uitvoerende Raad.

(b) Het getal personen uit hoofde van aanstelling krachtens paragraaf (a) in dienst, gaat niet te eniger tijd in het geheel de helft van het getal van de ambtenaren ingevolge sub-artikel (1) als Ministers van Staat aangesteld te boven.

(4) Geen krachtens sub-artikel (3) aangestelde persoon blijft langer dan drie maanden in dienst tenzij hij lid van de Senaat of de Volksraad is of wordt.

(5) Aan zulk een persoon kan benevens enige toelagen aan hem als een lid van de Senaat of de Volksraad betaalbaar, zulk een toelage betaald worden als de Goewerneur-generaal mocht bepalen.”.

Wysiging van artikel 53 van „Zuid-Afrika Wet, 1909”, soos gewysig deur artikel 2 van Wet 17 van 1933 en artikel 1 van Wet 19 van 1940.

2. Artikel *drie-en-vyftig* van die Hoofwet word hierby gewysig deur aan die end van sub-paragraaf (1) van paragraaf (d) die woorde „of een krachtens sub-artikel (3) van artikel *veertien* aangestelde plaatsvervanger van een Minister van Staat” in te voeg.

Wysiging van artikel 56 van „Zuid-Afrika Wet, 1909”, soos vervang deur artikel 1 van Wet 51 van 1926, en gewysig deur artikel 4 van Wet 21 van 1932, artikel 2 van Wet 29 van 1933, artikel 1 van Wet 43 van 1935, artikel 3 van Wet 19 van 1940, artikel 24 van Wet 20 van 1940, artikel 1 van Wet 21 van 1946, artikel 2 van Wet 66 van 1951, artikel 1 van Wet 2 van 1957 en artikel 1 van Wet 1 van 1958.

3. Artikel *ses-en-vyftig* van die Hoofwet word hierby gewysig deur na paragraaf (a) van sub-artikel (2) die volgende paragraaf in te voeg:

„(a)*bis* wanneer hij afwezig is in verband met de verrichting van enige van zijn werkzaamheden ingevolge zijn aanstelling krachtens sub-artikel (3) van artikel *veertien* als de plaatsvervanger van een Minister van Staat; en”.

Kort titel.

4. Hierdie Wet heet die Verdere Wysigingswet op die Suid-Afrika-wet, 1958.

No. 49, 1958.]

ACT

To amend the South Africa Act, 1909.

(Afrikaans text signed by the Governor-General.)
(Assented to 26th September, 1958.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *fourteen* of the South Africa Act, 1909 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the substitution in sub-section (1) for the word "fourteen" of the word "sixteen"; and
 - (b) by the addition of the following sub-sections:
 - "(3) (a) The Governor-General may appoint so many persons as he may consider necessary to hold office during his pleasure as deputies to any Minister of State in his capacity as the officer appointed to administer any particular department of State, and any such deputy may on behalf of that Minister of State and under the designation of deputy Minister of the department in question, exercise such of the powers and perform such of the functions and duties assigned to that Minister of State in terms of any law or otherwise as the said Minister may from time to time determine, but shall not be a member of the Executive Council.
 - (b) The total number of persons holding office by virtue of appointment under paragraph (a) shall not at any time exceed one half the number of officers appointed under sub-section (1) as Ministers of State.
 - (4) No person appointed under sub-section (3) shall hold office for a longer period than three months unless he is or becomes a member of the Senate or the House of Assembly.
 - (5) Any such person may be paid such an allowance in addition to any allowances which may be payable to him as a member of the Senate or the House of Assembly, as the Governor-General may determine."
- Amendment of section 14 of South Africa Act, 1909, as amended by section 1 of Act 34 of 1925, section 1 of Act 17 of 1933, section 1 of Act 13 of 1938, and section 1 of Act 39 of 1950.
2. Section *fifty-three* of the principal Act is hereby amended by the addition at the end of sub-paragraph (1) of paragraph (d) of the words "or a deputy appointed to any Minister of State under sub-section (3) of section *fourteen*".

Amendment of section 53 of South Africa Act, 1909, as amended by section 2 of Act 17 of 1933 and section 1 of Act 19 of 1940.
 3. Section *fifty-six* of the principal Act is hereby amended by the insertion after paragraph (a) of sub-section (2) of the following paragraph:

Amendment of section 56 of South Africa Act, 1909, as substituted by section 1 of Act 51 of 1926 and amended by section 4 of Act 21 of 1932, section 2 of Act 29 of 1933, section 1 of Act 43 of 1935, section 3 of Act 19 of 1940, section 24 of Act 20 of 1940, section 1 of Act 21 of 1946, section 2 of Act 66 of 1951, section 1 of Act 2 of 1957 and section 1 of Act 1 of 1958.

"(a)*bis* when he is absent in connection with the performance of any of his functions in pursuance of his appointment under sub-section (3) of section *fourteen* as the deputy to any Minister of State; and"
 4. This Act shall be called the South Africa Act Further Short title. Amendment Act, 1958.