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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 462.] [1 April 1960.

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:—

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DEPARTMENT OF THE PRIME MINISTER.

No. 462.] [1st April, 1960.

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. 16, 1960.]

WET

Tot wysiging van die Boere-Bystandswet, 1935, en van die Insolvensiewet, 1936.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 21 Maart 1960.)

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 48 van 1935.

1. Artikel *een* van die Boere-Bystandswet, 1935 (hieronder die Hoofwet genoem), word hierby gewysig deur in die omskrywing van „voorsittende amptenaar” die woorde „Meester of ’n magistraat of spesiale vrederegter” deur die woord „magistraat” te vervang.

Invoeging van artikel 4bis in Wet 48 van 1935.

2. Die volgende artikel word hierby in die Hoofwet na artikel *vier* ingevoeg:

„Oordrag van bevoegdheede. 4bis. (1) Met die goedkeuring van die Minister kan die voorsitter of ondervoorsitter van die raad enige van sy bevoegdheede of funksies kragtens artikels *elf*, *negentien* en *twee-en-twintig*, en die Sekretaris van die Kantoor tot Invordering van Staatsvoorskotte enige van sy bevoegdheede of funksies kragtens hierdie Wet en enige van sy bevoegdheede of funksies kragtens artikel *twee-en-twintig* van die Finansiewet, 1937 (Wet No. 50 van 1937), vir sover dit op hierdie Wet betrekking het, aan ’n amptenaar van genoemde Kantoor oordra.

(2) Enigiets gedoen deur so ’n amptenaar kragtens ’n bevoegdheid of funksie aldus oorgedra, word geag gedoen te gewees het deur die persoon wat dié bevoegdheid of funksie aldus oorgedra het.

(3) So ’n oordrag van ’n bevoegdheid of funksie kan te eniger tyd ingetrek word deur die persoon deur wie die oordrag geskied het.”

Wysiging van artikel 7 van Wet 48 van 1935.

3. Artikel *sewe* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) die woord „boer”, oral waar dit voorkom, deur die woord „applikant” te vervang; en

(b) deur sub-artikels (2) en (3) deur die volgende sub-artikel te vervang:

„(2) Indien—

(a) die raad die aansoek van die applikant van die hand wys;

(b) die verrigtings ingevolge hierdie Wet ten opsigte van die applikant tot niet word ingevolge hierdie Wet;

(c) die raad bystand aan die applikant verleen op enige wyse in artikel *nege* beoog; of

(d) ’n skikking met die skuldeisers van die applikant tot stand kom ingevolge hierdie Wet,

verval genoemde sertifikaat en kan, behoudens die bepalings van artikel *twaalf*, die prosedures in sub-artikel (1) vermeld, voortgesit word.”

Wysiging van artikel 9 van Wet 48 van 1935.

4. Artikel *nege* van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (d) na die woorde „verkoop het”, die volgende woorde in te voeg: „of op die voorwaardes wat hy wenslik ag, aan die applikant of so iemand geldelike hulp verleen vir die aankoop van vee of ander boerderybenodigdhede,”;

(b) deur aan die end van genoemde paragraaf die woorde „of hy dit aankoop” by te voeg; en

(c) deur in die eerste voorbehoudsbepaling na die woord „verkoop” die woorde „en geen geldelike hulp ingevolge paragraaf (d) verleen” in te voeg.

Wysiging van artikel 9bis van Wet 48 van 1935, soos ingevoeg by artikel 1 van Wet 62 van 1959.

5. Artikel *nege bis* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg:

„(3) Die Minister van Lande kan ’n bevoegdheid of plig by hierdie artikel aan hom verleen of opgelê, aan ’n amptenaar van die Departement van Lande oordra.”

No. 16, 1960.]

ACT

To amend the Farmers' Assistance Act, 1935, and the Insolvency Act, 1936.

(English text signed by the Governor-General.)
(Assented to 21st March, 1960.)

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 Farmers' Assistance Act, 1935 (hereinafter referred to as the principal Act), is hereby amended by the substitution in the definition of "presiding officer" for the words "Master or a magistrate or special justice of the peace" of the word "magistrate". Amendment of section 1 of Act 48 of 1935.

2. The following section is hereby inserted in the principal Act after section *four*: Insertion of section 4bis in Act 48 of 1935.

4bis. (1) With the approval of the Minister the chairman or deputy-chairman of the board may delegate any of his powers or functions under sections *eleven*, *nineteen* and *twenty-two*, and the Secretary of the State Advances Recoveries Office may delegate any of his powers or functions under this Act and any of his powers or functions under section *twenty-two* of the Finance Act, 1937 (Act No. 50 of 1937), in so far as they relate to this Act, to any officer of the said Office.

(2) Anything done by any such officer under any power or function so delegated, shall be deemed to have been done by the person who so delegated such power or function.

(3) Any such delegation of a power or function may at any time be withdrawn by the person by whom such delegation was effected."

3. Section *seven* of the principal Act is hereby amended— Amendment of section 7 of Act 48 of 1935.

(a) by the substitution in sub-section (1) for the word "farmer", wherever it occurs, of the word "applicant"; and

(b) by the substitution for sub-sections (2) and (3) of the following sub-section:

"(2) If—

(a) the board refuses the application of the applicant;

(b) the proceedings in terms of this Act in respect of the applicant fall away in terms of this Act;

(c) the board renders assistance to the applicant in any manner contemplated in section *nine*: or

(d) a compromise is in terms of this Act effected with the creditors of the applicant, the said certificate shall lapse and the proceedings mentioned in sub-section (1) may, subject to the provisions of section *twelve*, be continued."

4. Section *nine* of the principal Act is hereby amended— Amendment of section 9 of Act 48 of 1935.

(a) by the insertion in paragraph (d), after the expression "paragraph (c).", of the words "or on such terms as it may deem fit, render financial assistance to the applicant or any such person for the purchase of livestock or other farming requisites,";

(b) by the substitution in the said paragraph for the words "furnished with" of the words "he is furnished with or purchases"; and

(c) by the insertion in the first proviso after the expression "or (d)" of the words "and no financial assistance rendered under paragraph (d)".

5. Section *nine bis* of the principal Act is hereby amended by the addition thereto of the following sub-section: Amendment of section 9bis of Act 48 of 1935, as inserted by section 1 of Act 62 of 1959.

"(3) The Minister of Lands may delegate any power or duty conferred or imposed upon him by this section to any officer of the Department of Lands."

6. Section *ten* of the principal Act is hereby amended— Amendment of
section 10 of
Act 48 of
1935.
- (a) by the substitution in sub-section (1) for the words “is under sequestration or has been” of the words “has been sequestrated or”;
- (b) by the substitution for sub-section (3) of the following sub-section:
 “(3) The meeting shall be convened at the office of the magistrate of the district in which the applicant resides or, if he resides in an area in respect of which an additional or assistant magistrate permanently carries out the functions of a magistrate at a place other than the seat of magistracy of a district, at the office of such additional or assistant magistrate.”;
- (c) by the substitution for sub-section (5) of the following sub-section:
 “(5) The board shall forward to the officer at whose office the meeting is to be held a copy of the application of the applicant, and such copy shall during a period of not less than fourteen days be available for inspection, free of charge, during office hours, to every creditor and debtor of the applicant.”; and
- (d) by the substitution for sub-section (6) of the following sub-section:
 “(6) As soon as may be after the publication of the said notice the board shall deliver or send by post at the address in question mentioned in the application to the applicant and to every creditor disclosed in the application, a copy of the said notice together with particulars of any arrangement which is to be proposed in terms of sub-section (4) of section *twelve*, but a failure so to deliver or send any such copy or particulars shall not invalidate the proceedings under this Act.”.

7. The following section is hereby substituted for section *eleven* of the principal Act: Substitution of
section 11 of
Act 48 of 1935.

“Effect of filing of certificate or publication of notice.

11. (1) As from the filing of a certificate in a court in terms of sub-section (1) of section *seven* or, if no certificate was so filed in respect of an applicant, as from the publication of a notice in respect of him in terms of sub-section (1) of section *ten*, and until the proceedings in terms of this Act in respect of the applicant in question have fallen away or a compromise has been effected with his creditors in terms of this Act—

- (a) no person shall sell any property of the applicant in question which was attached in execution of a judgment of any court unless he does not know and cannot reasonably be expected to know of the filing of the certificate or the publication of the notice, as the case may be;
- (b) the applicant in question shall not pay any of his debts or dispose of or encumber any of his assets, except with the consent in writing of the board; and
- (c) no creditor of the applicant in question shall institute any proceedings in any court for the sequestration of the applicant's estate or to enforce payment of any debt owing by him.

(2) After the filing of such a certificate or the publication of such a notice, as the case may be, any person charged with the execution of a judgment of any court against the applicant in question for the payment of any debt owing by him, shall pay the proceeds of any sale in the execution of such judgment, which were in his possession on the date of the filing of such certificate or the publication of such notice, or which came into his possession at any time thereafter, to the liquidator or trustee of the applicant or, if the proceedings in terms of this Act in respect of the applicant have fallen away, to the person entitled thereto under the judgment: Provided that such person shall not be liable for a

om sodanige opbrings aan so 'n beredderaar of kurator te betaal, indien hy dit betaal het aan die persoon wat daarop geregtig sou gewees het as genoemde sertifikaat nie ingedien of genoemde kennisgewing nie gepubliseer was nie, en hy van die indiening van dié sertifikaat of die publikasie van dié kennisgewing onbewus was en redelikerwys nie daarvan kon geweet het nie, toe hy dié betaling gedoen het.

(3) Indien die betrokke applikant die eenaar van onroerende goed is, kan die raad onder die handtekening van sy voorsitter of onder-voorsitter die betrokke Registrateur van Aktes magtig om op die titelbewys van daardie goed een of meer van die beperkings te registreer wat ingevolge paragrawe (a) en (b) van sub-artikel (1) ten opsigte daarvan van toepassing is.

(4) Die betrokke Registrateur van Aktes moet aan so 'n magtiging gevolg gee op 'n wyse wat hy as die mees uitvoerbare en gerieflike beskou, en elke sodanige beperking is daarna geldig en van krag teenoor alle persone."

Wysiging van artikel 12 van Wet 48 van 1935.

8. Artikel *twaalf* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) die woord „Meester” en die woorde „of spesiale vrederegter” te skrap;

(b) deur die volgende voorbehoudsbepaling by sub-artikel (2) te voeg:

„Met dien verstande dat indien die reëling wat op dié vergadering ingevolge sub-artikel (4) voorgestel gaan word, 'n uitstel van nakoming van al die verpligtings van die applikant teenoor sy skuldeisers beoog, die vorderings teen die applikant soos in sy aansoek vermeld as juis en aldus bewys beskou word tensy die teendeel op die vergadering bewys word.”;

(c) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) Op daardie vergadering kan iemand wat deur die raad daartoe aangestel is, namens die raad 'n reëling voorstel waaronder op die bedinge en voorwaardes daarin uiteengesit oor enige bates van die applikant op 'n bepaalde wyse beskik sal word of die applikant van enige verpligtings teenoor sy skuldeisers in die geheel of gedeeltelik bevry sal word of aan hom uitstel gegee sal word van nakoming van daardie verpligtings.”;

(d) deur in sub-artikel (5) die woord „die”, waar dit die vierde maal voorkom, deur die woord „nie” te vervang;

(e) deur paragraaf (a) van genoemde sub-artikel deur die volgende paragraaf te vervang:

„(a) die meerderheid van daardie skuldeisers—

(i) wie se vorderings ooreenkomstig daardie reëling nie ten volle betaal sal word nie; of

(ii) wat ooreenkomstig daardie reëling uitstel van nakoming van verpligtings teenoor hulle moet verleen,

en wie se vorderings teen die applikant (afgesien van die bedrag van die vordering van enige sodanige skuldeiser) gesamentlik meer bedra as die helfte van die totaal van alle vorderings wat nie ten volle betaal sal word nie of ten opsigte waarvan uitstel van nakoming van verpligtings verleen moet word; of”;

(f) deur in paragraaf (b) van genoemde sub-artikel die woorde „volgens voormelde voorstel” deur die volgende woorde te vervang: „wat volgens voormelde voorstel uitstel van nakoming van verpligtings ten opsigte van dié vordering moet verleen, of ten opsigte daarvan”.

Wysiging van artikel 15 van Wet 48 van 1935.

9. Artikel *vyftien* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woorde „sal word nie” die woorde „of wat ooreenkomstig dié skikking uitstel van nakoming van verpligtings teenoor hulle moet verleen,” in te voeg.

Wysiging van artikel 16 van Wet 48 van 1935.

10. Artikel *sestien* van die Hoofwet word hierby gewysig deur in sub-artikel (3) na die woorde „bewys het” die woorde „of wie se vorderings as bewys beskou word,” in te voeg.

Wysiging van artikel 17 van Wet 48 van 1935.

11. Artikel *sewentien* van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by sub-artikel (2) te skrap.

failure to pay over such proceeds to such liquidator or trustee, if he paid them over to the person who would have been entitled thereto if the said certificate had not been filed or the said notice had not been published, and he did not know and could not reasonably have known of the filing of such certificate or the publication of such notice at the time when he made such payment.

(3) If the applicant in question is the owner of immovable property the board may under the hand of its chairman or deputy-chairman authorize the Registrar of Deeds in question to register against the title deed of that property any one or more of the restrictions which in terms of paragraphs (a) and (b) of sub-section (1) apply in respect of it.

(4) The Registrar of Deeds in question shall give effect to any such authorization in such manner as may to him appear to be most practicable and convenient, and any such restriction shall thereupon be valid and effective against all persons."

8. Section *twelve* of the principal Act is hereby amended— Amendment of section 12 of Act 48 of 1935.
- (a) by the deletion in sub-section (1) of the word "Master" and the words "or special justice of the peace";
- (b) by the addition to sub-section (2) of the following proviso:
 "Provided that if the arrangement which is in terms of sub-section (4) to be proposed at such meeting aims at an extension of time for the fulfilment of all the obligations of the applicant towards his creditors, the claims against the applicant as specified in his application shall be regarded as being correct and having been so proved unless the contrary is proved at such meeting.";
- (c) by the substitution for sub-section (4) of the following sub-section:
 "(4) At such meeting any person appointed by the board for the purpose may, on behalf of the board, propose any arrangement whereunder on such terms and conditions as may be specified therein any asset of the applicant is to be disposed of in a specified manner or the applicant is to be relieved wholly or in part of any of his obligations towards his creditors or is to be granted an extension of time for the fulfilment of those obligations.";
- (d) by the substitution in sub-section (5), in the Afrikaans version, for the word "die", where it occurs for the fourth time, of the word "nie";
- (e) by the substitution for paragraph (a) of the said sub-section of the following paragraph:
 "(a) the majority of those creditors—
 (i) whose claims are, in terms of that arrangement, not to be paid in full; or
 (ii) who, in terms of that arrangement, must grant an extension of time for the fulfilment of obligations towards them, and whose claims against the applicant (irrespective of the amount of the claim of any such creditor) amount, in the aggregate, to more than half of the aggregate of all claims which are not to be paid in full or in respect of which an extension of time for the fulfilment of obligations must be granted; or"; and
- (f) by the substitution in paragraph (b) of the said sub-section for the words "is, in terms of the said proposal," of the words "who, in terms of the said proposal, must grant an extension of time for the fulfilment of obligations in respect of such claim, or is in respect thereof".
9. Section *fifteen* of the principal Act is hereby amended by the insertion in sub-section (1) after the word "compromise", where it occurs for the second time, of the words "or who must, in terms of such compromise, grant an extension of time for the fulfilment of obligations towards them". Amendment of section 15 of Act 48 of 1935.
10. Section *sixteen* of the principal Act is hereby amended by the insertion in sub-section (3) after the word "meeting", where it occurs for the first time, of the words "or whose claims are regarded as having been proved". Amendment of section 16 of Act 48 of 1935.
11. Section *seventeen* of the principal Act is hereby amended by the deletion of the proviso to sub-section (2). Amendment of section 17 of Act 48 of 1935.

Vervanging van artikel 18 van Wet 48 van 1935.

12. Artikel *agtien* van die Hoofwet word hierby deur die volgende artikel vervang:

„Verslag van **18.** Die amptenaar wat voorsit op 'n vergadering ingevolge artikel *tien* belê, moet aan die raad en die aan raad Meester verslag doen van die uitslag van dié vergadering.”

Wysiging van artikel 19 van Wet 48 van 1935.

13. Artikel *negentien* van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die raad kan te eniger tyd, maar voordat onroerende goed getransporeer of met verband beswaar of 'n verband gerojeer is ooreenkomstig die skikking, die skikking intrek indien—

(a) die raad om enige rede nie in staat is om aan die skikking gevolg te gee nie;

(b) die raad van oordeel is dat die applikant met die opset om te bedrieg of aan een skuldeiser bo 'n ander 'n voorkeur te verleen, in sy aansoek of op 'n vergadering ingevolge hierdie Wet of by 'n ondersoek ingevolge artikel *agt*, valse of onvolledige inligting verstrek het;

(c) die raad oortuig is dat die applikant die bepalings van paragraaf (b) van sub-artikel (1) van artikel *elf* oortree het;

(d) die applikant, hetsy vóór of ná die aangaan van die skikking, hom op 'n wyse gedra het, of iets ná die aangaan van die skikking gebeur het, wat dit, volgens die oordeel van die raad, onwenslik maak om aan die skikking gevolg te gee;

(e) die applikant versuim het om 'n beding of voorwaarde van die skikking na te kom; of

(f) in die geval waar die skikking vir die voortsetting van die applikant se boerdery voorsiening maak, die beredderaar iets gedoen of nagelaat het wat, volgens die oordeel van die raad, die suksesvolle voortsetting van dié boerdery onredelik strem,

en by sodanige intrekking van die skikking word die verrigtinge ingevolge hierdie Wet ten opsigte van die applikant tot niet.”

Wysiging van artikel 20 van Wet 48 van 1935.

14. Artikel *twintig* van die Hoofwet word hierby gewysig deur die woorde „of alle verbande gerojeer” deur die woorde „en alle verbande gerojeer en alle sekuriteite verskaf” te vervang.

Wysiging van artikel 22 van Wet 48 van 1935.

15. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (a) van sub-artikel (1) die woord „roerende” deur die woord „onroerende” te vervang; en

(b) deur die volgende sub-artikel daarby te voeg:

„(3) Die raad kan op die wyse in sub-artikel (1) uiteengesit, die betrokke Registrateur van Aktes magtig om so 'n voorwaarde of beperking te rojeer, en dié Registrateur moet aan so 'n magtiging gevolg gee.”

Vervanging van artikel 23 van Wet 48 van 1935.

16. Artikel *drie-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang:

„Toepassing van Wet 37 van 1935 op ooreenkomste ingevolge hierdie Wet. **23.** (1) Indien die raad ingevolge die bepalings van hierdie Wet roerende goed aan iemand verkoop of geldelike hulp aan iemand verleen om roerende goed aan te koop, kan die raad, ondanks die bepalings van artikel *vyf* van die Wet tot Invordering van Staatsvoorskotte, 1935, in die ooreenkoms met so iemand bepaal dat die ooreenkoms aangegaan word ingevolge die bepalings van genoemde artikel, en daarop is die bepalings van dié artikel en van die Bylae by genoemde Wet van toepassing ten opsigte van so 'n verkoping of verlening van geldelike hulp.

(2) So 'n bepaling in so 'n ooreenkoms belet nie die raad om enige voorwaardes ingevolge paragraaf (d) van artikel *nege* van hierdie Wet te stel nie, mits hulle nie in stryd met die bepalings van genoemde artikel *vyf* en Bylae is nie.”

Wysiging van artikel 29 van Wet 24 van 1936.

17. Artikel *nege-en-twintig* van die Insolvensiewet, 1936, word hierby gewysig deur die volgende sub-artikel daarby te voeg:

„(4) By die toepassing van hierdie artikel word 'n tydperk gedurende welke die bepalings van sub-artikel (1) van artikel *elf* van die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), van toepassing was ten opsigte van 'n skuldeenaar as 'n applikant ingevolge genoemde Wet, nie in aanmerking geneem nie by die berekening van 'n tydperk van ses maande.”

Kort titel.

18. Hierdie Wet heet die Wysigingswet op Boerebystand, 1960.

12. The following section is hereby substituted for section *eighteen* of the principal Act: Substitution of section 18 of Act 48 of 1935.
- “Report of meeting to board and Master. 18. The officer presiding at any meeting convened in terms of section *ten* shall report to the board and the Master the result of such meeting.”.
13. Section *nineteen* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section: Amendment of section 19 of Act 48 of 1935.
- “(2) The board may at any time but before any immovable property has been transferred or mortgaged or any mortgage bond cancelled in terms of the compromise, cancel the compromise if—
- the board is for any reason unable to give effect to the compromise;
 - the board is of the opinion that the applicant has with intent to defraud or to prefer any creditor over any other creditor, given false or incomplete information in his application or at any meeting in terms of this Act or at any enquiry in terms of section *eight*;
 - the board is satisfied that the applicant has contravened the provisions of paragraph (b) of sub-section (1) of section *eleven*;
 - the applicant has, whether before or after the effecting of the compromise, conducted himself in a manner, or anything has happened after the effecting of the compromise, which, in the opinion of the board, makes it undesirable to give effect to the compromise;
 - the applicant has failed to comply with any term or condition of the compromise; or
 - in the case where the compromise provides for the continuation of the farming operations of the applicant, the liquidator has done or omitted to do anything which, in the opinion of the board, unreasonably impairs the successful continuation of such farming operations,
- and upon such cancellation of the compromise the proceedings in terms of this Act in respect of the applicant shall fall away.”.
14. Section *twenty* of the principal Act is hereby amended by the substitution for the words “or cancellation of a mortgage bond in terms of a compromise, has been effected” of the words “and cancellation of all mortgage bonds have been effected and all securities furnished in terms of a compromise,”. Amendment of section 20 of Act 48 of 1935.
15. Section *twenty-two* of the principal Act is hereby amended— Amendment of section 22 of Act 48 of 1935.
- by the substitution in paragraph (a) of sub-section (1), in the Afrikaans version, for the word “roerende” of the word “onroerende”; and
 - by the addition thereto of the following sub-section:

“(3) The board may in the manner set out in sub-section (1) authorize the Registrar of Deeds in question to cancel any such condition or restriction, and such Registrar shall give effect to such authorization.”.
16. The following section is hereby substituted for section *twenty-three* of the principal Act: Substitution of section 23 of Act 48 of 1935.
- “Application of Act 37 of 1935 to agreements in terms of this Act. 23. (1) If the board in terms of the provisions of this Act sells any movable property to any person or renders any financial assistance to any person for the purchase of movable property it may, notwithstanding the provisions of section *five* of the State Advances Recoveries Act, 1935, in the agreement with such person declare that the agreement is entered into in terms of the provisions of the said section, and thereupon the provisions of that section and of the Schedule to the said Act shall apply in respect of such sale or such rendering of financial assistance.
- (2) Such a declaration in any such agreement shall not prevent the board from imposing any conditions in terms of paragraph (d) of section *nine* of this Act, provided they are not in conflict with the provisions of the said section *five* and the said Schedule.”.
17. Section *twenty-nine* of the Insolvency Act, 1936, is hereby amended by the addition thereto of the following sub-section: Amendment of section 29 of Act 24 of 1936.
- “(4) For the purposes of this section any period during which the provisions of sub-section (1) of section *eleven* of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935), applied in respect of any debtor as an applicant in terms of the said Act, shall not be taken into consideration in the calculation of any period of six months.”.
18. This Act shall be called the Farmers' Assistance Amendment Act, 1960. Short title.

No. 22, 1960.]

WET

Tot samevatting van die wetsbepalings met betrekking tot die organisasie van en tug en diensvoorwaardes in die Departement van Spoorweë en Hawens van die Unie.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 Maart 1960.)

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

INLEIDENDE BEPALINGS.**Woordbepaling.**

- I.** (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- (i) „Administrasie” of „die Administrasie” die gesag belas met die beheer en bestuur van die spoorweë en hawens van die Unie soos ingestel kragtens die „Zuid-Afrika Wet, 1909”, of ’n wysiging daarvan; (i)
 - (ii) „amptenaar” iemand in die uitsluitende diens van die Administrasie, wat besoldig word by wyse van ’n jaarliks-berekende salaris, in teenstelling met ’n daaglikse of ander skaal van betaling of met ’n ander vorm van besoldiging as ’n jaarlikse salaris; (ix)
 - (iii) „bydraes” die bedrae inbetaal deur ’n lid van die Nuwe Fonds of ’n lid van enige ander fonds in hierdie Wet bedoel, na gelang van die samehang, maar sluit dit nie rente in nie, hetsy deur die lid of deur die Administrasie betaal; (iv)
 - (iv) „die Diens” die Departement van Spoorweë en Hawens; (xxiv)
 - (v) „die Fonds” die „Spoorwegen en Havens Superannuatiefonds” ingestel ingevolge Hoofstuk III van Wet No. 28 van 1912; (xxii)
 - (vi) „die Nuwe Fonds” die „Nieuwe Spoorwegen en Havens Superannuatiefonds” ingestel ingevolge artikel drie van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925); (xxiii)
 - (vii) „dienaar” sowel ’n amptenaar as ’n werksman; (xx)
 - (viii) „Hoofbestuurder” die amptenaar aangestel as hoofbestuurder van die Spoorweë en Hawens van die Unie, of iemand wat wettig in daardie hoedanigheid waarneem, en ook ’n amptenaar wat by regulasie of deur die Administrasie gemagtig is om een of meer van die pligte deur ’n Wet of regulasie aan die hoofbestuurder opgedra, te verrig; (vii)
 - (ix) „inkomste” die inkomste gestort in die Spoorwegen Hawefonds ingestel kragtens artikel *eenhonderd-ensewentien* van die „Zuid-Afrika Wet, 1909”; (xviii)
 - (x) „jaargeld” ’n jaarlikse som betaalbaar gedurende die leeftyd van ’n dienaar wat uit die diens tree of van die weduwee van ’n oorlede dienaar of jaargeldtrekker; (ii)
 - (xi) „loon” die besoldiging van ’n werksman uitgesonderd toelaes; (xxv)
 - (xii) „Minister” die Minister van Vervoer; (viii)
 - (xiii) „ononderbroke diens” die tyd deur ’n dienaar deurgebring in die diens van die Administrasie of in ’n ander diensbetrekking in artikel *dertig* bedoel, hetsy in werklike diens of in oorgang van een betrekking na ’n ander, en bedoelde tyd word nie geag onderbreek te wees nie deur toegestane verlof, deur diensonderbrekings wat as verlof sonder betaling beskou word of wat andersins vir die doeleindes van lidmaatskap van ’n fonds gekondoneer is, of deur tydperke van skorsing gevolg deur herstelling in dieselfde of ’n ander betrekking of pos, maar tydperke van afwesigheid sonder bydraes word nie by die berekening van die totale tydperk van ononderbroke diens in ag geneem nie; (iii)
 - (xiv) „ou Administrasie”—
 - (a) die Sentrale Suid-Afrikaanse Spoorweë soos dit voor die een-en-dertigste dag van Mei 1910 bestaan het, en ook die Imperiale Militêre Spoorweë en enige Militêre Administrasie van die spoorweë in die Transvaal en die Oranjerivierkolonie;

No. 22, 1960.]

ACT

To consolidate the laws relating to the organization of and discipline and conditions of employment in the Department of Railways and Harbours of the Union.

(English text signed by the Governor-General.)
(Assented to 25th March, 1960.)

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. (1) In this Act, unless the context otherwise indicates— **Definitions.**
- (i) "Administration" or "the Administration" means the authority for the control and management of the railways, ports, and harbours of the Union as established under the South Africa Act, 1909, or any amendment thereof; (i)
 - (ii) "annuity" means an annual sum payable during the lifetime of a retiring servant or of the widow of a deceased servant or annuitant; (x)
 - (iii) "continuous employment" means the time spent by a servant in the employment of the Administration or in any other employment referred to in section thirty on actual duty or in transit from one appointment to another, and shall not be regarded as interrupted by authorized leave of absence, by breaks in service regarded as leave of absence without pay or otherwise condoned for the purpose of membership of a fund, or by periods of suspension followed by reinstatement in the same or another office or post, but periods of absence without contributions shall not be taken into account in calculating the total period of continuous employment; (xiii)
 - (iv) "contributions" means the amounts paid in by a member of the New Fund or a member of any other fund referred to in this Act, as the context requires, but does not include interest, whether paid by the member or by the Administration; (iii)
 - (v) "disciplinary infringement" in relation to a servant means—
 - (i) any breach of or failure to comply with any law or rule governing his employment, or any general or specific instruction issued or given by competent authority;
 - (ii) neglect or improper performance of duty, and includes any other act or omission on the part of a servant which is of such a nature that it can justifiably be regarded as misconduct, within the ordinary connotation of that expression, on the part of the servant concerned; (xxiii)
 - (vi) "employee" means any person exclusively employed under the Administration who is remunerated by wages (with or without any local, climatic, or other allowance) calculated at a daily rate or in any manner other than annually; (xxv)
 - (vii) "General Manager" means the officer appointed to be General Manager of the Railways and Harbours of the Union, or any person lawfully acting in that capacity, and includes any officer authorized by regulation or by the Administration to perform any of the duties imposed upon the General Manager by any Act or regulation; (vii)
 - (viii) "Minister" means the Minister of Transport; (xii)
 - (ix) "officer" means any person exclusively employed under the Administration who is remunerated by salary calculated annually, in contradistinction to a daily or other rate of pay or to any form of remuneration other than an annual salary; (ii)
 - (x) "old Administration" means—
 - (a) the Central South African Railways as existing prior to the thirty-first day of May, 1910, and includes the Imperial Military Railways and any Military Administration of the Railways in the Transvaal and Orange River Colony;

- (b) die departement van Spoorweë en Hawens van die Kaapkolonie;
- (c) die departement van die Natalse Staatspoorweë;
- (d) die departement van die Hawens van Natal; (x)
- (xv) „ou superannuasiefonds” die superannuasiefonds ingestel ingevolge Wet No. 41 van 1909 van die Kaapkolonie, of van Hoofstuk III van Wet No. 20 van 1908 van die Transvaal en Hoofstuk III van Wet No. 37 van 1908 van die Oranjerivier-kolonie of van Wet No. 1 van 1910 van Natal vir sover dit betrekking het op dienare voorheen in diens van die spoorweë en hawens van Natal; (xii)
- (xvi) „ou vasgestelde datum” in die geval van dienare wat die keuse gehad het om lede te word van die fonds ingestel kragtens—
- (a) Wet No. 20 van 1908 van die Transvaal of Wet No. 37 van 1908 van die Oranjerivier-kolonie, die eerste dag van Januarie 1909;
- (b) Wet No. 41 van 1909 van die Kaapkolonie, die eerste dag van Januarie 1910;
- (c) Wet No. 1 van 1910 van Natal, die eerste dag van Maart 1910; (xi)
- (xvii) „pensioen” ’n jaargeld of gratifikasie, na gelang van die samehang; (xiii)
- (xviii) „pensioengewende emolumente” die bedrag waarop bydraes betaalbaar is; (xiv)
- (xix) „regulasie” ’n regulasie uitgevaardig en van krag ingevolge hierdie Wet of ’n ander Wet wat bevoegdheid verleen om regulasies wat op dienare betrekking het, uit te vaardig; (xvii)
- (xx) „salaris” die jaarlikse besoldiging van ’n amptenaar, uitgesonderd toelaes; (xix)
- (xxi) „Spoorweg- en Haweraad” die raad ingestel deur artikel *eenhonderd ses-en-twintig* van die „Zuid-Afrika Wet, 1909,” en die „Spoorwegraad Wet, 1916” (Wet No. 17 van 1916); (xvi)
- (xxii) „superannuasie” die bereiking van die leeftyd vasgestel vir aftrede uit die Diens met ’n jaargeld; (xxi)
- (xxiii) „tugoortreding” met betrekking tot ’n dienaar—
- (i) enige oortreding van of versuim om te voldoen aan ’n wetsbepaling of voorskrif wat sy diens reël, of ’n algemene of bepaalde instruksie deur bevoegde gesag uitgereik of gegee;
- (ii) verwaarlosing of onbehoorlike uitvoering van sy dienspligte, asook elke ander handeling of versuim van die kant van ’n dienaar wat van so ’n aard is dat dit tereg as wangedrag, volgens die gewone betekenis van daardie uitdrukking, van die kant van die betrokke dienaar beskou kan word; (v)
- (xxiv) „voorgeskryf” deur hierdie Wet of by regulasie voorgeskryf; (xv)
- (xxv) „werksman” iemand in die uitsluitende diens van die Administrasie, wat besoldig word by wyse van loon (met of sonder ’n plaaslike, klimaats- of ander toelae) bereken teen ’n daaglikse skaal of op enige ander wyse as per jaar. (vi)
- (2) Wanneer ook al ’n verwysing na „wangedrag” of ’n „handeling van wangedrag” in een of ander wetsbepaling voorkom in verband met tugstappe teen dienare, word dit as ’n verwysing na ’n tugoortreding vertolk.

HOOFSTUK I.

AANSTELLING EN ONTSLAG VAN DIENARE.

Oordrag van sekere bevoegdhede deur Goewerneur-generaal.

2. Met inagneming van die regte wat ’n dienaar kragtens ’n spesiale ooreenkoms mag besit, berus die bevoegdhede om dienare aan te stel en te ontslaan en om hul emolumente te vermeerder of te verminder, by die Goewerneur-generaal. Die Goewerneur-generaal kan hierdie bevoegdhede in geheel of ten dele by regulasie oordra.

Vermindering van pensioengewende salaris of loon van dienare.

3. Ondanks andersluidende bepalings van artikel *twee*, mag die pensioengewende salaris of loon van ’n dienaar in vaste diens nie sonder sy toestemming verminder word nie en mag hy nie sonder sy toestemming op ’n laer salaris- of loonskaal geplaas word nie behalwe ten gevolge van—

- (a) ’n beslissing gegee kragtens die bepalings van hierdie Wet en die regulasies wat met betrekking tot tug en onbekwaamheid op die dienaar van toepassing is; of

- (b) the department of the Railways, Ports and Harbours of the Cape Colony;
- (c) the department of the Natal Government Railways;
- (d) the department of the Ports and Harbours of Natal; (xiv)
- (xi) "old fixed date" means in the case of servants who had the option of becoming members of the fund established under—
 - (a) Act No. 20 of 1908 of the Transvaal or Act No. 37 of 1908 of the Orange River Colony, the first day of January, 1909;
 - (b) Act No. 41 of 1909 of the Cape Colony, the first day of January, 1910;
 - (c) Act No. 1 of 1910 of Natal, the first day of March, 1910; (xvi)
- (xii) "old superannuation fund" means the superannuation fund established in terms of Act No. 41 of 1909 of the Cape Colony or of Chapter III of Act No. 20 of 1908 of the Transvaal and Chapter III of Act No. 37 of 1908 of the Orange River Colony or of Act No. 1 of 1910 of Natal so far as it relates to servants formerly employed in the service of the railways, ports and harbours of Natal; (xv)
- (xiii) "pension" means an annuity or gratuity as the context requires; (xvii)
- (xiv) "pensionable emoluments" means the amount on which contributions are payable; (xviii)
- (xv) "prescribed" means prescribed by this Act or by regulation; (xxiv)
- (xvi) "Railways and Harbours Board" means the board established by section *one hundred and twenty-six* of the South Africa Act, 1909, and the Railway Board Act, 1916 (Act No. 17 of 1916); (xxi)
- (xvii) "regulation" means a regulation made and in force under this Act or any other Act containing power to make regulations applicable to servants; (xix)
- (xviii) "revenue" means the revenue paid into the Railway and Harbour Fund established under section *one hundred and seventeen* of the South Africa Act, 1909; (ix)
- (xix) "salary" means the annual pay of an officer, exclusive of allowances; (xx)
- (xx) "servant" includes both an officer and an employee; (vii)
- (xxi) "superannuation" means the attainment of the age fixed for retirement from the Service on an annuity; (xxii)
- (xxii) "the Fund" means the Railways and Harbours Superannuation Fund constituted under Chapter III of Act No. 28 of 1912; (v)
- (xxiii) "the New Fund" means the New Railways and Harbours Superannuation Fund constituted under section *three* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925); (vi)
- (xxiv) "the Service" means the Department of Railways and Harbours; (iv)
- (xxv) "wages" means the pay of an employee exclusive of allowances. (xi)

(2) Whenever in any law a reference occurs to 'misconduct' or an 'act of misconduct' in connection with disciplinary action against servants, it shall be construed as a reference to a disciplinary infringement.

CHAPTER I.

APPOINTMENT AND DISCHARGE OF SERVANTS.

2. Subject to the rights which a servant may have under any special agreement, the powers of appointment and discharge of servants and of increasing or reducing their emoluments shall be vested in the Governor-General. The Governor-General may delegate the whole or a portion of any of these powers by regulation. Delegation of certain powers by the Governor-General.

3. Notwithstanding anything in section *two* contained, the pensionable salary or wages of a servant in permanent employment shall not be reduced without his consent and he shall not be placed on a lower scale of salary or wage without his consent except in pursuance of— Reduction of pensionable salary or wages of servants.

- (a) a decision made under the provisions of this Act and the regulations governing the servant in regard to discipline and inefficiency; or

- (b) 'n Wet waardeur 'n algemene vermindering van pensioengewende emolumente dwarsdeur die Diens gemagtig word.

By die toepassing van hierdie artikel word die uitdrukking „pensioengewende salaris of loon” nie geag 'n som te omvat nie waarop 'n dienaar volgens voorskrif van paragraaf (d) van sub-artikel (1) van artikel *elf* van die „Spoorwegan en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), geregtig is om tot die Nuwe Fonds by te dra.

Kwalifikasies vir aanstelling in die Diens.

4. (1) Na die inwerkingtreding van hierdie Wet mag niemand in 'n vaste hoedanigheid of op proef of in 'n tydelike hoedanigheid in 'n betrekking of pos in die Diens aangestel word tensy so iemand 'n Suid-Afrikaanse burger, 'n burger van 'n statebondsland of 'n burger van die Republiek van Ierland is nie, en tensy so iemand 'n goeie sedelike karakter het en nie aan 'n geestes- of liggaamlike gebrek, siekte of swakheid ly nie wat allig die behoorlike uitvoering van sy pligte sou kon belemmer of sy uitdienstreding vroeër as die voorgeskrewe aftreeleefyd sou noodsaak.

(2) 'n Persoon kan in 'n los hoedanigheid of vir 'n vasgestelde tydperk in diens geneem word sonder geneeskundige ondersoek of ander formaliteit en, ondanks die algemeenheid van enige ander bepaling van hierdie Wet, word die diens van so iemand uitsluitlik gereguleer deur die voorwaardes waarop ten tyde van sy indiensneming ooreengekom word of, vir sover daar nie uitdruklik op sulke voorwaardes ooreengekom is nie, deur die voorwaardes wat van tyd tot tyd deur die Administrasie voorgeskryf of vasgestel word ten opsigte van die bepaalde kategorie van dienare, ingevolge die bepalings van hierdie sub-artikel in diens geneem, waartoe so iemand behoort.

(3) Niemand mag in die Diens aangestel word nie tensy hy vir minstens drie jaar in Suid-Afrika woonagtig was: Met dien verstande dat iemand wat nie vir drie jaar in Suid-Afrika woonagtig was nie, aldus aangestel kan word indien die Minister oortuig is dat dit uit hoofde van vakkundige of tegniese kwalifikasies of om ander spesiale redes nodig is om so 'n aanstelling te doen.

(4) Binne 'n maand na die aanvang van elke Parlementsitting moet die Minister in beide Huise van die Parlement 'n opgawe ter tafel lê waarin aangetoon word—

- (a) die naam van elke persoon wat gedurende die voorafgaande twaalf maande aangestel is en wat nie voor sy aanstelling vir drie jaar in Suid-Afrika woonagtig was nie;
- (b) die betrekking of pos waarin so iemand aangestel is;
- (c) die salaris of loon aan daardie betrekking of pos verbonde; en
- (d) die kwalifikasies of spesiale redes vir die aanstelling.

Wie in vaste diens is.

5. Die ondervermelde dienare word geag in vaste diens te wees:

- (a) Persone wat vóór die eerste dag van Oktober 1912, in vaste diens was; en
- (b) persone wat op of na daardie datum 'n sertifikaat van vaste diens, uitgereik deur die Hoofbestuurder of 'n ander amptenaar wat by regulasie gemagtig is om sertifikate uit te reik, ontvang het.

Alle ander dienare wat nie in 'n los hoedanigheid in diens is nie, word geag in tydelike diens te wees.

Hoe tydelike dienare vaste dienare kan word.

6. (1) Geen sertifikaat van vaste diens mag uitgereik word aan 'n dienaar wat minder as twee jaar ononderbroke diens gehad het nie.

(2) Die uitreiking van so 'n sertifikaat geskied volgens goeddunke van die Hoofbestuurder of ander gemagtigde amptenaar: Met dien verstande dat behalwe met die uitdruklike magtiging van die Minister 'n sertifikaat van vaste diens nie van 'n dienaar met meer as vyf jaar ononderbroke diens weerhou mag word nie: Met dien verstande voorts dat waar so 'n sertifikaat weerhou word vir meer as ses maande na verstryking van die tydperk van twee jaar, 'n dienaar by aansoek geregtig is om skriftelik die redes daarvoor te verneem.

(3) Geen sodanige sertifikaat word aan iemand uitgereik nie tensy hy—

- (a) bewys lewer dat hy die leeftyd van agtien jaar bereik het en, in die geval van 'n vakleerling, dat hy sy vakleerlingskap voltooi het; en
- (b) geslaag het in 'n voorgeskrewe geneeskundige ondersoek na sy liggaamlike geskiktheid; en
- (c) sulke opvoedkundige en ander kwalifikasies as wat voorgeskryf word, besit; en

(b) an Act authorizing a general reduction in pensionable emoluments throughout the Service.

For the purposes of this section the expression "pensionable salary or wages" shall not be deemed to include any sum on which a servant is entitled to contribute to the New Fund in terms of paragraph (d) of sub-section (1) of section *eleven* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925).

4. (1) No person shall after the commencement of this Act be appointed in a permanent capacity or on probation or in a temporary capacity to any office or post in the Service unless such person is a South African citizen, a citizen of a commonwealth country or a citizen of the Republic of Ireland, and is of good character and free from any mental or physical defect, disease, or infirmity which would be likely to interfere with the proper performance of his duty or to render necessary his retirement therefrom earlier than the prescribed age of retirement.

Qualifications for appointment to the Service.

(2) A person may be employed in a casual capacity, or for a fixed period, without medical examination or other formality, and notwithstanding the generality of any other provision of this Act, the employment of any such person shall be regulated exclusively by such conditions as may be agreed upon at the time of his employment or, to the extent to which such conditions have not been expressly agreed upon, by such conditions as may from time to time be laid down or made by the Administration in respect of the particular class of servant, engaged under the provisions of this sub-section, to which such person belongs.

(3) No person shall be appointed to the Service unless he has resided for not less than three years in South Africa: Provided that a person may be so appointed who has not resided for three years in South Africa if the Minister is satisfied that it is necessary to make such appointment on account of professional or technical qualifications or for other special reasons.

(4) Within a month from the commencement of each session of Parliament the Minister shall lay upon the Tables of both Houses of Parliament a return showing—

- (a) the name of every person appointed during the preceding twelve months who has not resided for three years in South Africa before such appointment;
- (b) the office or post to which such person has been appointed;
- (c) the salary or wages attached to such office or post; and
- (d) the qualifications or special reasons for such appointment.

5. The following servants shall be deemed to be in permanent employment:

Who are in permanent employment.

- (a) Persons who were in permanent employment before the first day of October, 1912; and
- (b) persons who on or after that day have received a certificate of permanent employment issued by the General Manager or other officer authorized by regulation to issue certificates.

All other servants not employed in a casual capacity shall be deemed to be in temporary employment.

6. (1) No certificate of permanent employment shall be issued to any servant who has had less than two years' continuous employment.

How temporary servants may become permanent servants.

(2) The issue of such a certificate shall be in the discretion of the General Manager or other authorized officer: Provided that a certificate of permanent employment shall not be withheld from a servant with more than five years' continuous service except on the specific authority of the Minister: Provided further that where such certificate is withheld for more than six months after the period of two years a servant shall upon application be entitled to be given the reason therefor in writing.

(3) No such certificate shall be issued to any person unless he—

- (a) produces evidence that he has attained the age of eighteen years and, in the case of an apprentice, has completed his apprenticeship; and
- (b) has passed a prescribed medical examination of fitness; and
- (c) possesses such educational and other qualifications as are prescribed; and

- (d) 'n bekwame dienaar met 'n goeie sedelike karakter is, en hom op so 'n wyse gedra het dat dit sy vaste aanstelling regverdig; en
- (e) pensioengewende emolumente van minstens vyf sjielings per dag ontvang.

Tydperk van kennisgewing van beëindiging van diens.

7. (1) By die beëindiging van sy diens op ander gronde as 'n tugootreding, is 'n tydelike dienaar geregtig op kennisgewing, of betaling in plaas daarvan, as volg:—

<i>Tydperk van diens.</i>	<i>Tydperk van kennisgewing.</i>
Nie meer as drie maande nie	Een dag.
Langer as drie maande en nie meer as ses maande nie	Sewe dae.
Langer as ses maande en nie meer as twee jaar nie	Veertien dae.
Langer as twee jaar en nie meer as vyf jaar nie	Een-en-twintig dae.
Langer as vyf jaar	Dertig dae.

(2) 'n Dienaar in vaste of tydelike diens mag nie sonder die toestemming van 'n gemagtigde amptenaar die Diens by bedanking verlaat nie tensy hy 'n dergelike tydperk van kennisgewing van sy voorneme om dit te doen, gegee het.

(3) Ondanks die bepalings van sub-artikel (1) of (2), maar met inagneming van die bepalings van sub-artikel (4)—

- (i) is 'n polisiebeampte benede offisersrang wat in tydelike diens is, by die beëindiging van sy diens op ander gronde as 'n tugootreding, geregtig op kennisgewing van negentig dae of betaling in plaas daarvan;
- (ii) mag 'n polisiebeampte benede offisersrang wat in tydelike of vaste diens is, nie sonder die toestemming van 'n gemagtigde amptenaar die Diens by bedanking verlaat nie tensy hy 'n dergelike tydperk van kennisgewing van sy voorneme om dit te doen, gegee het, of tensy hy toegelaat is om sy ontslag ooreenkomstig die voorgeskrewe voorwaardes te koop.

(4) Behalwe met die skriftelike toestemming van 'n gemagtigde amptenaar, het geen polisiebeampte die reg om die Diens by bedanking te verlaat nie—

- (a) te eniger tyd gedurende die eerste drie jaar van sy diens, bereken vanaf die datum van sy attestasie;
- (b) in tyd van oorlog, verstoring van die openbare orde, oproer of ander noodtoestand of gevreesde noodtoestand, of gedurende 'n tydsbestek waarin die Administrasie gewikkel is in so 'n geskil met sy dienare as wat in artikel *agt-en-twintig* bedoel word,

en elke polisiebeampte wat die Diens na bedanking verlaat in stryd met hierdie sub-artikel, of wat andersins uit die Diens dros (hetsy onder die omstandighede in hierdie sub-artikel vermeld al dan nie) is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met beide sodanige boete en sodanige gevangenisstraf.

(5) By die toepassing van sub-artikels (3) en (4) beteken „polisiebeampte” 'n lid van die Spoorweg- en Hawepolisiemag soos omskryf in sub-artikel (9) van artikel *sewe-en-vyftig* van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957).

Taalkwalifikasies.

8. (1) Iemand wat binne vyf jaar na die eerste dag van September 1925 in 'n klerklike pos in die Diens aangestel is en wat nie in beide ampstale by 'n voorgeskrewe eksamen geslaag het nie, ontvang geen verhoging in sy salaris nie bo dié wat hy ontvang het by die verstryking van vyf jaar vanaf die datum van sy eerste aanstelling in daardie pos tensy en totdat hy so 'n eksamen in beide ampstale as wat voorgeskryf word, met welslae aflê. Die standaard van laasbedoelde eksamen moet gelyk wees aan die standaard van eersbedoelde eksamen: Met dien verstande dat indien so iemand by die eersbedoelde eksamen in een van beide die ampstale geslaag het, hy van verdere eksamen in die ampstaal waarin hy aldus geslaag het, vrygestel word: Met dien verstande voorts dat indien die Administrasie oortuig is dat so iemand gedurende bedoelde laasvermelde tydperk van vyf jaar gestasioneer was op plekke waar hy geen geriewe gehad het om 'n kennis op te doen van die taal waarin hy by een van beide die ingeolge hierdie sub-artikel voorgeskrewe eksamens nie geslaag het nie, die Administrasie aan hom so 'n verlenging van bedoelde tydperk as wat hy redelik ag, kan toestaan, maar indien hy in gebreke bly om binne die tydperk van verlenging te kwalifiseer, ontvang hy geen ver-

- (d) is an efficient servant of good character, and has conducted himself in such a manner as to justify his permanent appointment; and
- (e) is in receipt of pensionable emoluments of not less than five shillings per diem.

7. (1) On the termination of his employment on grounds other than a disciplinary infringement, a temporary servant shall be entitled to notice or pay in lieu thereof as follows:—

<i>Period of Employment.</i>	<i>Period of Notice.</i>	<small>Period of notice of termination of employment.</small>
Not exceeding three months	One day.	
Over three months and not exceeding six months	Seven days.	
Over six months and not exceeding two years	Fourteen days.	
Over two years and not exceeding five years	Twenty-one days.	
Over five years	Thirty days.	

(2) A servant in permanent or temporary employment shall not, without the permission of an authorized officer, leave the Service on resignation unless he has given a like period of notice of his intention to do so.

(3) Notwithstanding the provisions of sub-section (1) or (2) but subject to the provisions of sub-section (4)—

- (i) a policeman below the rank of commissioned officer who is in temporary employment shall, on termination of his employment on a ground other than a disciplinary infringement, be entitled to receive ninety days' notice or pay in lieu thereof;
- (ii) a policeman below the rank of commissioned officer who is in temporary or permanent employment shall not, without the permission of an authorized officer, leave the Service on resignation unless he has given a like period of notice of his intention to do so or has been permitted to purchase his discharge in accordance with the prescribed conditions.

(4) No policeman shall, except with the consent in writing of an authorized officer, have the right to leave the Service on resignation—

- (a) at any time during the first three years of his service, reckoned as from the date of his attestation;
- (b) in time of war, disturbance of the public peace, riot or other emergency or apprehended emergency, or during such time as the Administration is involved in any such dispute with its servants as is referred to in section *twenty-eight*,

and any policeman who leaves the Service on resignation in contravention of this sub-section, or who otherwise deserts from the Service (whether or not under the circumstances mentioned in this sub-section) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(5) For the purpose of sub-sections (3) and (4), 'policeman' means a member of the Railways and Harbours Police Force as defined in sub-section (9) of section *fifty-seven* of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957).

8. (1) Any person appointed within five years after the first day of September, 1925, to a clerical post in the Service, who has not passed in both official languages at a prescribed examination, shall not have his salary increased beyond that drawn by him at the expiration of five years from the date of his first appointment to such post unless and until he pass such an examination in both official languages as may be prescribed. The standard of the last-mentioned examination shall be equal to the standard of the first-mentioned examination: Provided that, if such person has passed in either of the official languages at the first-mentioned examination, he shall be exempted from further examination in the official language in which he has so passed: Provided further that if the Administration is satisfied that such person has, during the said last-mentioned period of five years, been stationed in places where he had no facilities for acquiring a knowledge of the language in which he has not passed at either of the examinations prescribed under this sub-section, the Administration may grant him such extension of the said period as it may deem reasonable; but if he fails to qualify within the period of extension, he shall not have his

hoging in salaris bo dié wat hy by die verstryking van die verlenging ontvang het nie tot tyd en wyl hy in die eksamen slaag.

(2) Die bepaling van sub-artikel (1) is ook van toepassing op iemand wat ná die dertigste dag van September 1912 tot die Diens toegetree het en wat tussen daardie datum en die eerste dag van September 1925 in 'n klerklike pos in die Diens aangestel is.

(3) Niemand mag tot 'n klerklike pos in die Diens toegelaat word nie tensy hy by die voorgeskrewe eksamen in beide ampstale geslaag het.

(4) By die aanstelling van iemand in 'n pos in die Diens waarin die kennis van een of beide van die ampstale nodig is, moet die Administrasie hom daarvan oortuig dat so iemand die taalkwalifikasies besit wat vir die doeltreffende vervulling van die pligte van die pos nodig is.

Bevordering.

9. (1) Wanneer 'n vakature in een of ander vertakking van die Diens voorkom, word daar by die vulling van die vakature gelet op die betreklike bekwaamheid van twee of meer dienare wat in aanmerking kom om dit te vul of, indien hul aansprake ten opsigte van bekwaamheid gelyk staan, word hul betreklike voorrang in aanmerking geneem.

(2) 'n Dienaar wat beweer dat 'n vakature gevul is sonder inagneming van die bepaling van sub-artikel (1), kan by die Hoofbestuurder in hoër beroep gaan en, indien hy nie met die beslissing van die Hoofbestuurder tevrede is nie, kan hy hom voorts beroep op die Spoorweg- en Haweraad, wie se beslissing afdoende is.

Ontslag of verlagings op grond van onbekwaamheid.

10. (1) Indien van 'n dienaar in vaste diens gerapporteer word dat hy onbekwaam is, word besonderhede betreffende die aangeleenthede waarin hy beweer word onbekwaam te wees, skriftelik aan hom verstrekkend, en word 'n ondersoek op die voorgeskrewe wyse ingestel.

(2) Die persoon wat die oorspronklike verslag indien waarop 'n klag van onbekwaamheid gegrond is, mag nie aan die ondersoek deelneem nie behalwe as getuie.

(3) Indien die ondersoek aan die lig bring dat die dienaar onbekwaam is en dat sodanige onbekwaamheid te wyte is aan sy eie gewoontes, sorgeloosheid of gebrek aan belangstelling of aan enige ander oorsaak waarvoor hy verantwoordelik is, word daar met die dienaar gehandel asof hy aan 'n tugoortreding skuldig bevind was.

(4) Indien die ondersoek aan die lig bring dat die dienaar onbekwaam is maar dat sodanige onbekwaamheid te wyte is aan veranderende werksomstandighede of aan ander oorsake nie binne die dienaar se eie beheer nie, kan hy uit die Diens verwyder word op grond van reorganisasie kragtens artikel *elf* of kan hy in rang of emolumente of sowel in rang as in emolumente verlaag word: Met dien verstande dat wanneer daar op sodanige verlagings besluit word, hy die reg het om te kies om uit die Diens verwyder te word op grond van reorganisasie volgens voorskrif van hierdie sub-artikel: Met dien verstande voorts dat waar sodanige onbekwaamheid te wyte is aan 'n ongeval wat uit en in die loop van sy werk ontstaan het, sy emolumente nie verminder mag word nie.

(5) 'n Beslissing ingevolge sub-artikel (4) is onderhewig aan die goedkeuring van die Hoofbestuurder. Die dienaar kan teen die beslissing van die Hoofbestuurder in hoër beroep gaan by die Spoorweg- en Haweraad, wie se beslissing afdoende is.

(6) Indien die ondersoek aan die lig bring dat die dienaar geensins onbekwaam is nie, word hy in sy pos herstel of word hy aangestel in 'n ander betrekking of pos, nie van laer rang nie, en in elk geval sonder vermindering van emolumente.

(7) In afwagting van die uitslag van die ondersoek, kan die dienaar van die pligte van sy betrekking of pos geskors word indien die omstandighede geag word sodanige skorsing te regverdig. Die bevel tot skorsing van diens gaan gepaard met die terughouding, van die geskorste dienaar, van die helfte van die emolumente van die betrekking of pos: Met dien verstande dat as die ondersoek aan die lig bring dat die dienaar geensins onbekwaam is nie, die helfte van die emolumente wat gedurende die tydperk van skorsing teruggehou is, aan hom betaal word.

Afdanking.

11. 'n Dienaar in vaste diens kan voor sy superannuasie afgedank word ten gevolge van 'n vermindering of reorganisasie van personeel, in welke geval die volgende bepaling van toepassing is:

salary increased beyond that drawn by him at the expiration of the extension until such time as he passes the examination.

(2) The provisions of sub-section (1) shall also apply to any person who entered the Service after the thirtieth day of September, 1912, and who was appointed to a clerical post in the Service between that date and the first day of September, 1925.

(3) No person shall be admitted to a clerical post in the Service unless he has passed in both official languages at the prescribed examination.

(4) In appointing any person to any post in the Service in which the knowledge of either or both of the official languages is necessary, the Administration shall be satisfied that such person possesses the language qualifications necessary for the efficient discharge of the duties of the post.

9. (1) Whenever a vacancy occurs in any branch of the Service, regard shall be had in filling the vacancy to the relative efficiency of two or more servants eligible to fill it, or, if their claims as regards efficiency are equal, then to their relative seniority. **Promotion.**

(2) Any servant who alleges that a vacancy has been filled without regard to the provisions of sub-section (1) may appeal to the General Manager, and should he be dissatisfied with the decision of the General Manager he may further appeal to the Railways and Harbours Board, whose decision shall be final.

10. (1) If a servant in permanent employment is reported to be inefficient, he shall be supplied in writing with particulars of the matters in which he is alleged to be inefficient, and an inquiry shall be held in the manner prescribed. **Dismissal or reduction on grounds of inefficiency,**

(2) The person who makes the original report on which a charge of inefficiency is based shall not take part in the inquiry except as a witness.

(3) If the inquiry discloses that the servant is inefficient and that such inefficiency is due to his own habits, carelessness or indifference or to any other cause for which he is responsible, the servant shall be dealt with as if he had been found guilty of a disciplinary infringement.

(4) If the inquiry discloses that the servant is inefficient but that such inefficiency is due to changing conditions of work or to other causes not within the servant's own control, he may be removed from the Service on the ground of reorganization under section *eleven* or he may be reduced in rank or emoluments, or be reduced both in rank and emoluments: Provided that where such reduction is decided upon he shall have the right to elect to be removed from the Service on the ground of reorganization as provided for in this sub-section: Provided, further, that where such inefficiency is due to an accident arising out of and in the course of his work his emoluments shall not be reduced.

(5) A decision under sub-section (4) shall be subject to the approval of the General Manager. The servant may appeal against the decision of the General Manager to the Railways and Harbours Board, whose decision shall be final.

(6) If the inquiry discloses that the servant is in no way inefficient, he shall be reinstated or shall be appointed to another office or post, not of lower rank, and in either case without reduction of emoluments.

(7) Pending the result of the inquiry the servant may be suspended from the duties of his office or post if the circumstances are considered such as to warrant suspension. The order for suspension from duty shall involve the withholding of half the emoluments of the office or post from the servant suspended: Provided that if the inquiry discloses that the servant is in no way inefficient the half emoluments which have been withheld during the period of suspension shall be paid to him.

11. The services of a servant in permanent employment may be dispensed with prior to his superannuation in consequence of a reduction in or reorganization of staff, in which case the following provisions shall apply: **Retrenchment.**

- (a) 'n Dienaar wat nie 'n lid van 'n pensioen- of superannuasiefonds is nie ontvang uit inkomste 'n gratifikasie ten opsigte van 'n tydperk van ononderbroke diens wat op die ou vasgestelde datum eindig.
- (b) 'n Dienaar wat 'n lid is van die Fonds of die Nuwe Fonds ontvang uit inkomste 'n gratifikasie gegrond op 'n dienstermyn bereken deur samevoeging van—
- (i) die tydperk van ononderbroke diens, as daar was, wat op die ou vasgestelde datum eindig; en
 - (ii) die tydperk van ononderbroke diens ná die ou vasgestelde datum wat deur bydraes tot die Fonds of die Nuwe Fonds gedek word, plus 'n terugbetaling van al die bydraes wat hy ten opsigte van 'n tydperk voor die ou vasgestelde datum betaal het.
- (c) (i) 'n Amptenaar in paragraaf (b) bedoel wie se ononderbroke diens, met behoorlike inagneming van die bepalinge van paragraaf (e), in die geheel vyftien jaar of langer was, en so 'n amptenaar wie se leeftyd vyf-en-veertig jaar of meer is en wie se ononderbroke diens in die geheel tien jaar of langer was, ontvang uit inkomste, na sy keuse, òf—
- (1) 'n jaargeld gelykstaande met die jaargeld (indien daar een is) wat hy geregtig sou wees om te ontvang uit die fonds waarvan hy 'n lid is by sy uitdienstreding weens slegte gesondheid; òf
 - (2) 'n gratifikasie en 'n terugbetaling van die bydraes (indien daar is) in genoemde paragraaf bedoel.
- (ii) 'n Werksman in paragraaf (b) bedoel wie se ononderbroke diens twintig jaar of langer was, of so 'n werksman wat die leeftyd van vyftig bereik het en wie se ononderbroke diens tien jaar of langer was, ontvang uit inkomste, na sy keuse, òf—
- (1) 'n jaargeld gelykstaande met die jaargeld (indien daar een is) wat hy geregtig sou wees om te ontvang uit die fonds waarvan hy 'n lid is by sy uitdienstreding weens slegte gesondheid; òf
 - (2) 'n gratifikasie en 'n terugbetaling van die bydraes (indien daar is) in genoemde paragraaf bedoel.
- (d) (i) Die gratifikasie in die voorgaande paragrawe bedoel, word bereken op die dienaar se besoldiging op die tydstip wanneer hy die Diens verlaat en volgens ondervermelde skaal, met behoorlike inagneming, by die berekening van die tydperk van ononderbroke diens in die geval van amptenare, van die bepalinge van paragraaf (e)—

Tydperk van ononderbroke diens.

Gratifikasie.

Minder as een jaar	..	Geen.
Een jaar en langer	..	'n Halwe maand se besoldiging.
Twee jaar en langer	..	1 maand se besoldiging.
Drie jaar en langer	..	2 maande se besoldiging.
Vier jaar en langer	..	3 maande se besoldiging.
Vyf jaar en langer	..	4 maande se besoldiging.
Ses jaar en langer	..	5 maande se besoldiging.
Sewe jaar en langer	..	6 maande se besoldiging.
Agt jaar en langer	..	7½ maande se besoldiging.
Nege jaar en langer	..	9 maande se besoldiging.
Tien jaar en langer	..	Een maand se besoldiging vir elke jaar van diens.

- (ii) Vir elke voltooide maand bo en behalwe die voltooide jare wat in aanmerking geneem word, word 'n gedeelte van die gratifikasie betaal. Sodanige gedeelte word bereken volgens die

- (a) A servant who is not a member of any pension or superannuation fund shall receive from revenue a gratuity in respect of a period of continuous employment ending at the old fixed date.
- (b) A servant who is a member of the Fund or the New Fund shall receive from revenue a gratuity based on a period of employment arrived at by adding together—
 - (i) the period of continuous employment, if any, ending at the old fixed date; and
 - (ii) the period of continuous employment after the old fixed date covered by contributions to the Fund or the New Fund,
 plus a refund of the whole of the contributions which he may have paid in respect of any period prior to the old fixed date.
- (c) (i) Any officer referred to in paragraph (b) whose continuous employment, due regard being had to the provisions of paragraph (e), has in the aggregate been fifteen years or more, and any such officer whose age is forty-five years or more and whose continuous employment has in the aggregate been ten years or more, shall receive from revenue, at his option, either—
 - (1) an annuity equal in amount to the annuity (if any) he would be entitled to receive from the fund of which he is a member on his retirement owing to ill-health; or
 - (2) a gratuity and a refund of the contributions, if any, referred to in the said paragraph.
- (ii) Any employee referred to in paragraph (b) whose continuous employment has been twenty years or more, or any such employee who has attained the age of fifty and whose continuous employment has been ten years or more, shall receive from revenue, at his option, either—
 - (1) an annuity equal in amount to the annuity (if any) he would be entitled to receive from the fund of which he is a member on his retirement owing to ill-health; or
 - (2) a gratuity and a refund of the contributions, if any, referred to in the said paragraph.
- (d) (i) The gratuity referred to in the preceding paragraphs shall be calculated on the servant's pay at the time of leaving the Service on the following scale, due regard being had in calculating the period of continuous employment in the case of officers to the provisions of paragraph (e)—

<i>Period of Continuous Service.</i>	<i>Gratuity.</i>
Under one year	Nil.
One year and over	$\frac{1}{2}$ month's pay.
Two years and over	1 month's pay.
Three years and over	2 months' pay.
Four years and over	3 months' pay.
Five years and over	4 months' pay.
Six years and over	5 months' pay.
Seven years and over	6 months' pay.
Eight years and over	$7\frac{1}{2}$ months' pay.
Nine years and over	9 months' pay.
Ten years and over	One month's pay for each year's service.

- (ii) For each completed month over and above the completed years taken into account, a proportion of the gratuity calculated on the scale which was

- skaal wat in aanmerking geneem is by die berekening van die gratifikasie vir die voltooide jare.
- (iii) (1) In die geval van 'n werksman beteken die uitdrukking „maand” soos in die skaal gebesig, ses-en-twintig dae behalwe in die geval van 'n lid van die Nuwe Fonds, in wie se geval daardie uitdrukking dertig dae beteken.
- (2) Die uitdrukking „besoldiging” soos in die skaal gebesig, beteken besoldiging op die datum van diensbeëindiging, en teweens—
- (i) in die geval van 'n dienaar wat 'n lid van 'n superannuasiefonds is, pensioengewende emolumente;
- (ii) in die geval van 'n amptenaar wat nie lid van 'n superannuasiefonds is nie, slegs sy salaris;
- (iii) in die geval van 'n werksman wat nie lid van 'n superannuasiefonds is nie, slegs sy loon.
- (iv) By die toepassing van hierdie paragraaf word diens vóór die leeftyd van agtien jaar en diens ná die ou vasgestelde datum nie by die berekening van die tydperk van ononderbroke diens in ag geneem nie tensy bydraes ten opsigte daarvan gestort is.
- (e) Indien die dienste van 'n amptenaar wat lid van 'n ou superannuasiefonds was en wie se diens vir pensioendoeleindes ononderbroke was, beëindig word vanweë die afskaffing van sy eie of 'n ander betrekking of vanweë 'n vermindering van personeel of reorganisasie in sy departement, word daar tot sy werklike tydperk van diens by die Administrasie en by die ou Administrasie 'n tydperk van vyf jaar toegevoeg of so 'n korter tydperk as wat, indien dit by sy ouderdom ten tyde van sy uitdienstreding gevoeg word, sy leeftyd op die voorgeskrewe aftreeleefyd te staan sou bring, en die tydperk van diens vir die doeleindes van so 'n amptenaar se pensioen word in voormelde geval vasgestel deur so 'n toevoeging tot sy werklike tydperk van diens te doen. Geen bydraes is ten opsigte van 'n tydperk wat aldus toegevoeg word, deur die amptenaar betaalbaar nie.
- (f) Die bedrag wat ooreenkomstig hierdie artikel aan 'n dienaar betaal word, is in geen geval minder as twee maal die bedrag van sy bydraes tot die fonds waarvan hy lid is nie. By die toepassing van hierdie paragraaf word daar, in die geval van 'n dienaar wat 'n in paragraaf (d) van sub-artikel (1) van artikel *sestien* bedoelde betrekking beklee, onder die uitdrukking „bydraes” geag inbegrepe te wees die spesiale bydraes (indien daar is) wat ingevolge paragraaf (a) van sub-artikel (2) van artikel *agt* van die „Spoorwegan en Havens Superannuasie Fonds Wet, 1925” (Wet No. 24 van 1925), namens hom deur die Administrasie betaal is.
- (g) Geen jaargeld kragtens hierdie artikel toegeken, behalwe 'n gedeelte daarvan wat voortvloei uit 'n byvoeging tot die werklike dienstermyn, word uit inkomste betaal nie ten opsigte van 'n tydperk nadat die jaargeldtrekker die vir superannuasie vasgestelde leeftyd bereik het, en 'n jaargeld of gedeelte van 'n jaargeld waarvan die betaling uit inkomste aldus gestaak word, word uit die betrokke superannuasiefonds betaal.

Uitdienstreding van dienare op grond van ernstige liggaamlike letsels, slegte gesondheid of liggaamlike ongeskiktheid.

12. Die dienste van 'n dienaar kan voor die datum van sy superannuasie beëindig word indien daar bevind word—

- (a) dat hy uit hoofde van ernstige liggaamlike letsels ten opsigte waarvan skadeloosstelling ingevolge 'n wet op ongevalle aan hom betaalbaar is; of
- (b) op die voorgeskrewe wyse, dat hy uit hoofde van blywende slegte gesondheid of liggaamlike ongeskiktheid,

onbekwaam is om die aan sy betrekking of pos verbonde pligte na te kom, mits die Administrasie na ondersoek oortuig is dat sodanige onbekwaamheid blywend is of blywend sal word as die dienaar voortgaan om die pligte van sy betrekking of pos, of ander pligte wat die Administrasie aan hom mag opdra, te vervul.

taken into account in computing the gratuity for the completed years, shall be paid.

- (iii) (1) In the case of an employee, the term "month" as used in the scale means twenty-six days except in the case of a member of the New Fund, in whose case that term means thirty days.
- (2) The term "pay" as used in the scale means pay as at the date on which service terminates and means and includes—
- (i) in the case of a servant who is a member of a superannuation fund, pensionable emoluments;
- (ii) in the case of an officer who is not a member of a superannuation fund, his salary only;
- (iii) in the case of an employee who is not a member of a superannuation fund, his wages only.
- (iv) For the purpose of this paragraph, employment before the age of eighteen years and employment subsequent to the old fixed date shall not be taken into account in calculating the period of continuous employment unless contributions have been made in respect thereof.

(e) If the employment of any officer who was a member of an old superannuation fund and whose service for pension purposes has been continuous, be terminated by reason of the abolition of his own or another office or by reason of a reduction of staff or a reorganization in his department, there shall be added to his actual period of employment in the service of the Administration and of the old Administration a period of five years or such lesser period as will, if added to his age at the time of retirement, bring his age up to the prescribed age of retirement, and the period of employment for purposes of such an officer's pension shall, in the event aforesaid, be ascertained by making such an addition to his actual period of employment. No contributions shall be payable by the officer in respect of any period so added.

(f) The amount paid to a servant in accordance with this section shall in no case be less than twice the amount of his contributions to the fund of which he is a member. In the application of this paragraph, the expression "contributions" shall be deemed to include, in the case of a servant holding any position mentioned in paragraph (d) of sub-section (1) of section *sixteen*, any special contributions paid by the Administration on his behalf in terms of paragraph (a) of sub-section (2) of section *eight* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925).

(g) No annuity granted under this section, save any portion thereof resulting from an addition to the actual period of employment, shall be paid from revenue in respect of any period after the annuitant has attained the age fixed for superannuation, and any annuity or portion of annuity which so ceases to be paid from revenue shall be paid from the superannuation fund concerned.

12. The services of a servant may be dispensed with prior to the date of his superannuation if he is found—

- (a) to be incapable by reason of severe bodily injury in respect of which compensation is payable to him under any law relating to workmen's compensation; or
- (b) in manner prescribed to be incapable by reason of permanent ill-health or physical disability,

of discharging the duties of his office or post, provided the Administration is satisfied on inquiry that such incapacity is permanent or will become permanent if the servant continues to perform the duties of his office or post or any other duties the Administration may assign to him.

Retirement of servants on ground of severe bodily injury, ill-health or physical disability.

Jaargeld by
ontslag of bevel
om te bedank.

13. (1) Indien 'n lid van die Fonds of die Nuwe Fonds wat, ten opsigte van 'n tydperk van minstens twintig jaar, bydraes betaal het wat in een van daardie fondse gestort is, uit die Diens ontslaan word of beveel word om te bedank ten gevolge van 'n ander tugoortreding as—

(a) bedrog of ander ernstige tugoortreding waarvan oneerlikheid 'n bestanddeel is;

(b) opsetlike wanverrigting van werk,

kan daar, ondanks andersluidende wetsbepalings, deur die Goewerneur-generaal indien hy deur die Goewerneur-generaal ontslaan of beveel word om te bedank, of deur die Minister indien hy deur enigiemand anders ontslaan of beveel word om te bedank, in plaas van 'n ander voordeel wat uit een van daardie fondse betaalbaar is, so 'n jaargeld aan hom toegeken word as wat die Goewerneur-generaal of die Minister, na gelang van die geval, mag bepaal, maar ten bedrae van hoogstens die helfte van die jaargeld waarop hy op die datum van sy ontslag of bedanking aanspraak sou kon gemaak het indien sy dienste op daardie datum beëindig was ten gevolge van 'n vermindering of reorganisasie van personeel: Met dien verstande dat—

(i) by die vasstelling van so 'n jaargeld geen tydperk bygevoeg word by die tydperk ten opsigte waarvan so 'n lid sulke bydraes gestort het nie;

(ii) behalwe vir die doeleindes van artikel *vier-en-sewentig bis* van die „Spoorwegan en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), geen gedeelte van so 'n jaargeld in 'n kontantbetaling omgesit word nie; en

(iii) alle betalings van so 'n jaargeld wat geskied voordat so 'n lid die vir superannuasie vasgestelde leeftyd bereik het, uit inkomste gedoen word, en alle sodanige betalings wat daarna geskied, gedoen word uit die fonds waarvan die jaargeldtrekker ten tyde van sy ontslag of bedanking 'n lid was.

(2) Indien 'n jaargeld kragtens sub-artikel (1) toegeken in sy geheel omgesit word deur 'n kontantbetaling vir die doeleindes van artikel *vier-en-sewentig bis* van die „Spoorwegan en Havens Superannuatie Fonds Wet, 1925”, mag die kontantbetaling nie minder bedra nie as die totaal van die bydraes deur so 'n lid gestort wat in een van die in daardie sub-artikel vermelde fondse inbetaal is.

(3) By besluit van die Goewerneur-generaal of die Minister, na gelang van die geval, om aan iemand 'n jaargeld kragtens sub-artikel (1) toe te ken, verval so iemand se reg op enige ander voordeel wat uit een van die in daardie sub-artikel vermelde fondse betaalbaar is.

(4) (a) By die oorlye van 'n persoon aan wie 'n jaargeld toegeken is kragtens sub-artikel (1) van hierdie artikel of kragtens sub-artikel (1) van artikel *elf bis* van die „Spoorwegan en Havens Dienst Wet, 1925” (Wet No. 23 van 1925), word daar, behoudens die bepalinge van sub-artikel (5) van hierdie artikel, aan die bevoordeelde (indien daar is) aangewys in of ingevolge artikel *drie-en-dertig* van die „Spoorwegan en Havens Superannuatie Fonds Wet, 1925”, en met inagneming van die bepalinge van daardie artikel, sodanige voordeel betaal as wat hierna in hierdie sub-artikel met betrekking tot die bepaalde kategorie van bevoordeelde voorgeskryf word.

(b) Indien so 'n bevoordeelde die oorlede jaargeldtrekker se weduwee is, word daar, onderworpe aan die bepalinge van paragraaf (d), aan haar 'n jaargeld betaal bereken volgens voorskrif van paragraaf (c).

(c) Daar word vasgestel watter van die somme onderskeidelik in sub-paragraaf (i) of (ii) van hierdie paragraaf vermeld, die grootste is, naamlik—

(i) die jaarlikse gemiddelde van die oorlede persoon se pensioengewende emolumente gedurende die sewe jaar wat die datum van sy ontslag of bedanking, na gelang van die geval, onmiddellik voorafgegaan het, met byvoeging van vyf persent van sodanige jaarlikse gemiddelde ten opsigte van elke voltooidde jaar ten opsigte waarvan hy bygedra het; of

(ii) die totaal van die bydraes deur die oorlede persoon gestort in een of ander van die fondse in sub-artikel (1) bedoel.

Die som wat aldus bevind word die grootste te wees, word verhoog deur toevoeging van 'n bedrag gelykstaande met tien persent daarvan, en die jaargeld aan die weduwee word bereken deur elke honderd pond, of

13. (1) If a member of the Fund or the New Fund who had made contributions, which have been paid into either fund, in respect of a period of at least twenty years, is dismissed from the Service or ordered to resign as a result of a disciplinary infringement other than—

Annuity on dismissal or order to resign.

(a) fraud or other serious disciplinary infringement of which dishonesty is an element;

(b) deliberate mal-performance of work,

he may, notwithstanding anything in any other law contained, be granted by the Governor-General if he is dismissed or ordered to resign by the Governor-General, or by the Minister if he is dismissed or ordered to resign by any other person, in lieu of any other benefit payable from either of these funds, such annuity, not exceeding one-half of the annuity which he could have claimed upon the date of his dismissal or resignation if his services had upon that date been dispensed with in consequence of a reduction in or reorganization of staff, as the Governor-General or the Minister, as the case may be, may determine: Provided that—

(i) for the purpose of determining such annuity no addition of any period shall be made to the period in respect of which such member has made such contributions;

(ii) no portion of such annuity shall, except for the purposes of section *seventy-four bis* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), be commuted by a cash payment; and

(iii) all payments of any such annuity which are made before such member has attained the age fixed for superannuation shall be made out of revenue, and all such payments which are made thereafter, shall be made out of the fund of which the annuitant was a member at the date of his dismissal or resignation.

(2) If the whole of any annuity granted under sub-section (1) is commuted by a cash payment for the purposes of section *seventy-four bis* of the Railways and Harbours Superannuation Fund Act, 1925, the cash payment shall not be less than the aggregate of the contributions made by such member, which have been paid into either fund referred to in the said sub-section.

(3) Upon the decision of the Governor-General or the Minister, as the case may be, to grant to any person an annuity under sub-section (1), such person's right to any other benefit payable from either fund referred to in the said sub-section, shall lapse.

(4) (a) Upon the death of a person to whom an annuity has been granted under sub-section (1) of this section or under sub-section (1) of section *eleven bis* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), there shall, subject to the provisions of sub-section (5) of this section, be paid to the beneficiary (if any) specified in or under section *thirty-three* of the Railways and Harbours Superannuation Fund Act, 1925, and subject to the provisions of that section, such benefit as is hereinafter in this sub-section provided for in relation to the particular class of beneficiary concerned.

(b) If such beneficiary is the deceased annuitant's widow there shall, subject to the provisions of paragraph (d), be paid to her an annuity calculated in accordance with the provisions of paragraph (c).

(c) There shall be ascertained which of the sums respectively mentioned in sub-paragraph (i) or (ii) of this paragraph is the greater, namely—

(i) the annual average of the deceased person's pensionable emoluments for the seven years immediately preceding the date of his dismissal or resignation, as the case may be, plus five per cent. of such annual average in respect of each complete year in respect of which he contributed; or

(ii) the total amount of the contributions paid by the deceased person to either fund mentioned in sub-section (1).

The sum which is thus found to be the greater shall be increased by adding thereto an amount equal to ten per cent. thereof, and the annuity to the widow shall be calculated by multiplying each one hundred

breuk daarvan, van sodanige verhoogde som (hierna in hierdie sub-artikel die „basiese som” genoem) te vermenigvuldig met die toepaslike faktor aangegee in die Tabel wat voorkom in sub-artikel (4) van artikel *een-en-dertig* van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925”, welke faktor geag word daardie een te wees wat van toepassing is op die leeftyd van die weduwee op die datum waarop haar oorlede eggenoot ontslaan is of bedank het, na gelang van die geval: Met dien verstande dat—

- (1) indien 'n gedeelte van die oorlede persoon se jaargeld ingevolge artikel *vier-en-sewentig bis* van genoemde Wet omgesit is, die basiese som by die berekening van die jaargeld aan die weduwee geag word verminder te wees in die verhouding waarin die omgesitte gedeelte van sy jaargeld tot die volle jaargeld staan;
 - (2) indien die jaargeld aan die oorlede persoon toegeken minder was as die helfte van die jaargeld waarop hy op die datum van sy ontslag of bedanking aanspraak sou kon gemaak het indien hy ten gevolge van 'n vermindering of reorganisasie van personeel op daardie datum afgedank was (hierna die „jaargeld by reorganisasie” genoem), die in sub-paragraaf (i) van hierdie paragraaf bedoelde bedrag by die vasstelling van die basiese som geag word verminder te wees in dieselfde verhouding as dié waarin die werklik toegekende jaargeld tot die helfte van die jaargeld by reorganisasie staan.
- (d) Indien 'n jaargeld bereken volgens voorskrif van paragraaf (c) van hierdie sub-artikel minder as ses-en-dertig pond bedra, word die basiese som in plaas van 'n jaargeld aan die weduwee betaal.
- (e) By die oorlye van 'n weduwee aan wie 'n jaargeld ooreenkomstig hierdie sub-artikel betaalbaar is, word daar aan sodanige ander verwant van die oorlede jaargeldtrekker as wat ingevolge artikel *drie-en-dertig* van bedoelde „Spoorwegen en Havens Superannuatie Fonds Wet, 1925”, geregtig sou gewees het om by die dood van so 'n jaargeldtrekker 'n voordeel te ontvang as daar geen weduwee was nie, die oorskot (as daar is) betaal wat oorbly nadat die gesamentlike bedrae wat deur onderskeidelik die oorlede jaargeldtrekker en die oorlede weduwee by wyse van jaargeld ontvang is, van die basiese som afgetrek is; en indien daar geen sodanige ander verwant is nie, word die oorskot (as daar is) wat oorbly nadat die gesamentlike bedrae deur onderskeidelik die oorlede jaargeldtrekker en die oorlede weduwee by wyse van jaargeld ontvang, afgetrek is van die totaalbedrag van die bydraes deur die oorlede jaargeldtrekker gestort in een of ander van die fondse in sub-artikel (1) bedoel, uitbetaal aan die persoon wat wettig die boedel van die oorlede weduwee beheer: Met dien verstande dat as 'n deel van die jaargeld van die oorlede jaargeldtrekker omgesit is, sodanige bydraes geag word verminder te wees in die verhouding waarin die omgesitte gedeelte van die jaargeld tot die volle jaargeld staan.
- (f) Indien die bevoordeelde in paragraaf (a) bedoel, iemand anders as die oorlede jaargeldtrekker se weduwee is, word daar aan hom 'n som betaal gelykstaande met die basiese som, verminder met die gesamentlike bedrae deur die oorlede jaargeldtrekker by wyse van jaargeld ontvang.
- (5) Indien 'n in sub-artikel (1) bedoelde lid ontslaan word of beveel word om te bedank deur iemand anders as die Goewerneur-generaal of die Minister, ten gevolge van 'n tugoortreding wat nie die toekenning van 'n jaargeld kragtens daardie sub-artikel uitsluit nie, moet so iemand, wanneer hy so 'n lid ontslaan of hom beveel om te bedank, aan die Minister 'n aanbeveling voorlê of aan so 'n lid 'n jaargeld toegeken behoort te word al dan nie, en moet hy die lid van sy aanbeveling verwittig.
- (6) (a) Sub-artikel (4) is van toepassing met betrekking tot die dood van iedereen aan wie 'n jaargeld toegeken is kragtens sub-artikel (1) van hierdie artikel of kragtens sub-artikel (1) van artikel *elf bis* van die „Spoorwegen en Havens Dienst Wet, 1925”, wie se ontslag of bedanking na die eerste dag van Maart 1956 van krag geword het en wie se dood op of na die een-en-dertigste dag van Maart 1959 plaasgevind het.

pounds, or fraction thereof, of such increased sum (hereinafter in this sub-section referred to as the "basic sum") by the appropriate factor appearing in the Table set forth in sub-section (4) of section *thirty-one* of the Railways and Harbours Superannuation Fund Act, 1925, which factor shall be taken to be the one applicable to the widow's age at the date of her deceased husband's dismissal or resignation, as the case may be: Provided that—

- (1) if any portion of the deceased person's annuity was commuted under section *seventy-four bis* of the said Act, the basic sum shall, for the purpose of calculating the annuity to the widow, be deemed to be reduced in the proportion which the commuted portion of his annuity bears to the full annuity;
 - (2) if the annuity granted to the deceased person was less than one-half of the annuity which he could have claimed upon the date of his dismissal or resignation if his services had upon that date been dispensed with in consequence of a reduction in or reorganization of staff (hereinafter referred to as "the reorganization annuity") the amount referred to in sub-paragraph (i) of this paragraph shall, for the purpose of determining the basic sum, be deemed to be reduced in the same proportion as the annuity actually awarded bears to one-half of the reorganization annuity.
- (d) If an annuity calculated in accordance with paragraph (c) of this sub-section amounts to less than thirty-six pounds, the basic sum shall be paid to the widow in lieu of an annuity.
- (e) Upon the death of a widow to whom an annuity is payable in accordance with this sub-section, there shall be paid to such other relative of the deceased annuitant as would have been entitled in terms of section *thirty-three* of the said Railways and Harbours Superannuation Fund Act, 1925, to receive a benefit upon the death of such annuitant had there been no widow, the balance (if any) remaining after deducting from the basic sum, the aggregate of the amounts received by the deceased annuitant and the deceased widow respectively, by way of annuity; and if there is no such other relative there shall be paid to the person lawfully administering the estate of the deceased widow, the balance (if any) remaining after deducting from the total amount of the contributions paid by the deceased annuitant to either fund mentioned in sub-section (1) the aggregate of the amounts received by the deceased annuitant and the deceased widow, respectively, by way of annuity: Provided that if any part of the annuity of the deceased annuitant was commuted, such contributions shall be deemed to be reduced in the proportion which the commuted portion of the annuity bears to the full annuity.
- (f) If the beneficiary referred to in paragraph (a) is a person other than the deceased annuitant's widow, there shall be paid to him a sum equal to the basic sum, reduced by the aggregate of the amounts received by the deceased annuitant by way of annuity.
- (5) If a member referred to in sub-section (1) is dismissed or ordered to resign by any person other than the Governor-General or the Minister, as a result of a disciplinary infringement which does not preclude the grant of an annuity under the said sub-section, such person shall, when he dismisses such member or orders him to resign, submit to the Minister a recommendation as to whether or not such member should be granted an annuity, and notify such member of his recommendation.
- (6) (a) Sub-section (4) shall apply in relation to the death of every person to whom an annuity was granted under sub-section (1) of this section or under sub-section (1) of section *eleven bis* of the Railways and Harbours Service Act, 1925, whose dismissal or resignation took effect after the first day of March, 1956, and whose death occurred on or after the thirty-first day of March, 1959.

- (b) Met betrekking tot die dood van elke ander persoon aan wie 'n jaargeld kragtens sub-artikel (1) van genoemde artikel *elf bis* toegeken is—
- (i) wie se ontslag of bedanking op of voor die ses-en-twintigste dag van Julie 1951 van krag geword het, bly sub-artikel (4) van genoemde artikel *elf bis*, soos oorspronklik aangeneem, van toepassing;
 - (ii) wie se ontslag of bedanking na die ses-en-twintigste dag van Julie 1951, maar op of voor die eerste dag van Maart 1956 van krag geword het, bly genoemde sub-artikel (4), soos vervang deur artikel *tien* van die Wysigingswet op Spoorweg- en Hawewette, 1951 (Wet No. 63 van 1951), van toepassing: Met dien verstande dat in die geval van so 'n persoon wie se dood op of na die een-en-dertigste dag van Maart 1959 plaasgevind het, paragraaf (c) van genoemde sub-artikel (4) vertolk word asof die volgende woorde na die woorde „naar gelang van welke de hoogste is” ingevoeg was: „en de som die aldus bevonden wordt de hoogste te zijn, wordt, nadat dezelve verhoogd is door toevoeging van een bedrag gelijkstaande met tien percent ervan,”;
 - (iii) wie se ontslag of bedanking na die eerste dag van Maart 1956 van krag geword het en wie se dood voor die een-en-dertigste dag van Maart 1959 plaasgevind het, bly genoemde sub-artikel (4), soos gewysig deur artikel *vier* van die Wysigingswet op Spoorweg- en Hawewette, 1956 (Wet No. 15 van 1956), van toepassing.

Betaling by uitdienstreding in plaas van opgelope verlof.

14. (1) 'n Dienaar wat afgedank word ten gevolge van die afskaffing van sy betrekking, vermindering of reorganisasie van personeel, of op grond van superannuasie, slegte gesondheid, ernstige liggaamlike letsels of liggaamlike ongeskiktheid, is by uitdienstreding geregtig om van die Administrasie betaling van sy emolumente te ontvang ten opsigte van 'n tydperk van vakansieverlof van hoogstens ses maande wat ten tyde van sy uitdienstreding aan hom verskuldig is: Met dien verstande dat indien hy te eniger tyd gedurende die twaalf maande wat op bedoelde datum eindig, met vakansieverlof was vir 'n tydperk wat drie maande oorskry, of vir tydperke wat tesame drie maande oorskry, bedoelde maksimum tydperk van ses maande verminder word in die mate waarin drie maande aldus oorskry word.

(2) 'n Dienaar wie se dienste beëindig word om ander redes as dié in sub-artikel (1) vermeld, of wat bedank, is by beëindiging van sy diens geregtig om van die Administrasie betaling te ontvang van sy emolumente ten opsigte van 'n tydperk van nie-oplopbare vakansieverlof wat hy op die datum waarop sy diens eindig, tot sy krediet het: Met dien verstande dat daar van die dienaar verlang kan word om sodanige verlof in geheel of ten dele te benuttig tydens die duur van 'n tydperk van kennisgewing wat die beëindiging van sy diens voorafgaan.

(3) 'n Vroulike dienaar wat vir 'n ononderbroke tydperk van minstens vyf jaar in die Diens werksaam was en wat, omdat sy in die huwelik getree het, geag word uit die Diens te bedank het of wat met die oog op haar huwelik vrywillig uit die Diens bedank en binne drie maande daarna in die huwelik tree, is geregtig om van die Administrasie betaling te ontvang van haar emolumente ten opsigte van 'n tydperk van vakansieverlof van hoogstens drie maande wat onmiddellik voor die beëindiging van haar diens aan haar verskuldig was: Met dien verstande dat bedoelde maksimum tydperk van drie maande verminder word met enige vakansieverlof wat sy gedurende die laaste dertig dae van haar diens benuttig het, en indien sy gedurende die twaalf maande wat eindig op die dag onmiddellik voorafgaande aan die beëindiging van haar diens, met vakansieverlof was vir 'n langer tydperk as die verlof waarmee sy jaarliks gekrediteer word, of vir tydperke wat tesame langer is as die verlof waarmee sy jaarliks gekrediteer word, bedoelde maksimum tydperk verminder word in die mate waarin die jaarlikse verlof aldus oorskry word.

Dienaar word nie sonder sy toestemming afgedank terwyl hy met verlof is nie.

15. Geen dienaar in vaste diens aan wie verlof vir 'n tydperk van minstens twaalf dae toegestaan is, mag sonder sy skriftelike toestemming uit die Diens afgedank word ten gevolge van 'n vermindering of reorganisasie van personeel, gedurende die tydperk van sodanige verlof of binne twee maande na die afloop daarvan nie. Die bepalinge van hierdie artikel is nie van toepassing nie op verlof wat na kennisgewing van afdanking toegestaan is.

- (b) In relation to the death of every other person to whom an annuity was granted under sub-section (1) of the said section *eleven bis*—
- (i) whose dismissal or resignation took effect on or before the twenty-sixth day of July, 1951, sub-section (4) of the said section *eleven bis*, as originally enacted, shall continue to apply;
 - (ii) whose dismissal or resignation took effect after the twenty-sixth day of July, 1951, but on or before the first day of March, 1956, the said sub-section (4), as substituted by section *ten* of the Railways and Harbours Acts Amendment Act, 1951 (Act No. 63 of 1951), shall continue to apply: Provided that in the case of any such person whose death occurred on or after the thirty-first day of March, 1959, paragraph (c) of the said sub-section (4) shall be construed as if after the words "whichever is the greater" there were inserted the words "and the sum which is thus found to be the greater shall, after having been increased by adding thereto an amount equal to ten per cent. thereof, be";
 - (iii) whose dismissal or resignation took effect after the first day of March, 1956, and whose death occurred before the thirty-first day of March, 1959, the said sub-section (4), as amended by section *four* of the Railways and Harbours Acts Amendment Act, 1956 (Act No. 15 of 1956), shall continue to apply.

14. (1) A servant whose services are dispensed with owing to abolition of office, reduction in or reorganization of staff, or on the ground of superannuation, ill-health, severe bodily injury or physical disability shall, on retirement, be entitled to payment by the Administration of his emoluments in respect of a period of vacation leave due to him at the date of his retirement not exceeding six months: Provided that the said maximum period of six months shall, if he has at any time during the twelve months ending upon the said date, been on vacation leave for any period in excess of three months or for any periods which in the aggregate exceed three months, be reduced by the extent of such excess.

Payment on retirement in lieu of accumulated leave.

(2) A servant whose services are dispensed with for reasons other than those mentioned in sub-section (1) or who resigns shall, on termination of his service, be entitled to payment by the Administration of his emoluments in respect of any period of non-accumulative vacation leave which may, at the date upon which his service terminates, be standing to his credit: Provided that the servant may be required to take the whole or any portion of such leave during the currency of any period of notice preceding the termination of his service.

(3) A female servant whose period of continuous employment in the Service is not less than five years and who, on account of her having married, is regarded as having resigned from the Service, or who voluntarily resigns from the Service in contemplation of marriage and marries within three months thereafter, shall be entitled to payment by the Administration of her emoluments in respect of any period of vacation leave up to a maximum of three months due to her immediately prior to the termination of her employment: Provided that the said maximum period of three months shall be reduced by any vacation leave taken by her during the last thirty days of her service, and if she has, during the twelve months ending upon the day immediately preceding the termination of her employment, been on vacation leave for any period in excess of the leave with which she is credited annually, or for periods which in the aggregate are in excess of the leave with which she is credited annually, the said maximum period shall be reduced by the extent of such excess.

15. No servant in permanent employment who has been granted leave of absence for a period of not less than twelve days shall, without his written consent during the period of such leave or within two months after the expiration thereof, be discharged from the Service owing to a reduction in or reorganization of staff. The provisions of this section shall not apply to leave granted after notification of retirement.

Servant not to be retrenched while on leave without his consent.

Afdanking van
dienare by
bereiking van
leeftydgrens.

16. (1) Met inagneming van die bepalings van sub-artikels (5) en (7) van hierdie artikel en van artikel twee van die Wysigingswet op die Spoorweg- en Hawediens en -superannuasie, 1955 (Wet No. 50 van 1955), word 'n dienaar uit die Diens afgedank by bereiking van die leeftyd van—

- (a) drie-en-sestig jaar; of
- (b) sestig jaar, indien hy onmiddellik voor die bereiking van daardie leeftyd die betrekking beklee het van 'n polisiebeampte (welke uitdrukking by die toepassing van hierdie paragraaf beteken 'n lid van die Spoorwegpolisiesmag, soos omskryf in artikel sewe-en-veertig van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957)); of
- (c) agt-en-veertig jaar, indien hy onmiddellik voor die bereiking van daardie leeftyd die betrekking beklee het van—
 - (i) 'n telegrafis; of
 - (ii) 'n drywer, geslaagde stoker, geslaagde drywers-assistent, stoker of drywersassistent van 'n lokomotief; of
- (d) drie-en-veertig jaar, indien hy onmiddellik voor die bereiking van daardie leeftyd die betrekking beklee het van vlootkaptein, senior kaptein, kaptein, hoofvlieginstrukteur, senior vlieginstrukteur, vlieginstrukteur, eerste offisier, senior offisier-navigator of offisier-navigator in die lugdiensdepartement van die Diens, of 'n ander betrekking in daardie departement, van die bekleër waarvan daar verlang word of kan word om dienste aan boord van 'n vliegtuig in vlug te verrig, waarop die Minister by kennisgewing in die *Staatskoerant* bedoelde aftreeleeftyd van toepassing verklaar het. 'n Betrekking wat in so 'n kennisgewing genoem word, word geag uitdruklik in hierdie paragraaf vermeld te gewees het.

(2) 'n Denaar wat 'n in paragraaf (b), (c) of (d) van sub-artikel (1) bedoelde betrekking beklee, word nie geag op 'n bepaalde tydstip op te gehou het om daardie betrekking te beklee nie uit hoofde daarvan dat hy op daardie tydstip in 'n ander betrekking diens gedoen het in 'n waarnemende hoedanigheid of ten gevolge van 'n tugstraf van verlaging in rang vir 'n bepaalde tydperk.

(3) Indien 'n dienaar op die datum waarop 'n kennisgewing ingevolge paragraaf (d) van sub-artikel (1) deur die Minister gepubliseer word, reeds 'n in die kennisgewing vermelde betrekking beklee, is die bepalings van daardie paragraaf slegs dan op so 'n dienaar van toepassing as hy binne 'n tydperk van ses maande na genoemde datum of binne so 'n verdere tydperk as wat die Administrasie onder spesiale omstandighede toestaan, maar in elk geval voordat hy die leeftyd van vyftig jaar bereik, skriftelik ingestem het dat die aftreeleeftyd in daardie paragraaf vermeld, op hom toegepas kan word.

(4) 'n Denaar op wie die bepalings van paragraaf (d) van sub-artikel (1) van toepassing is, kan, ondanks bedoelde bepalings, deur die Minister uit die Diens afgedank word te eniger tyd nadat hy die leeftyd van vyf-en-veertig jaar bereik het, indien hy onmiddellik voor die datum van sy afdanking deur die Minister, een van die in bedoelde paragraaf vermelde betrekking beklee het. 'n Jaargeld wat toegeken word aan iemand wat ingevolge hierdie sub-artikel afgedank is, word uit inkomste betaal totdat die betrokke jaargeldtrekker die leeftyd bereik waarop hy met pensioen afgedank sou gewees het as hy nie soos voormeld ontydig afgedank was nie, en daarna uit die Nuwe Fonds.

(5) Behalwe met die goedkeuring van die Minister of ander voorgeskrewe gesag, mag geen dienaar ná bereiking van die in sub-artikel (1) voorgeskrewe aftreeleeftyd in die Diens aangehou word nie.

(6) 'n Opgaaf van alle dienare wat kragtens sub-artikel (5) aangehou is ná bereiking van die aftreeleeftyd in sub-artikel (1) voorgeskryf, word binne veertien dae na die aanvang van elke gewone sitting in beide Huise van die Parlement ter Tafel gelê.

(7) (a) 'n Denaar wat nie 'n lid van die Fonds is nie en wat in 'n tydelike of 'n vaste hoedanigheid in ononderbroke diens was vanaf 'n datum vóór die nege-en-twintigste dag van Junie, 1955, word uit die Diens afgedank by bereiking van die leeftyd van—

- (i) sestig jaar, indien, as dit nie vir die bepalings van hierdie sub-artikel was nie, die aftreeleeftyd vermeld in paragraaf (a) van sub-artikel (1) in sy geval van toepassing sou gewees het; of

16. (1) Subject to the provisions of sub-sections (5) and (7) of this section and of section *two* of the Railways and Harbours Service and Superannuation Amendment Act, 1955 (Act No. 50 of 1955), a servant shall be retired from the Service on attaining the age of—

Retirement of servants on attaining age limit.

- (a) sixty-three years; or
- (b) sixty years, if immediately prior to the attainment of that age he held the position of a policeman (which expression shall for the purposes of this paragraph mean a member of the Railway Police Force as defined in section *fifty-seven* of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957)); or
- (c) fifty-eight years, if immediately prior to the attainment of that age he held the position of—
 - (i) a telegraphist; or
 - (ii) a driver, passed fireman, passed driver's assistant, fireman or driver's assistant of a locomotive; or
- (d) fifty-three years, if immediately prior to the attainment of that age he held the position of fleet captain, senior captain, captain, chief flying instructor, senior flying instructor, flying instructor, first officer, senior navigation officer or navigation officer in the airways department of the Service, or any other position in the said department, the incumbent whereof is or may be required to perform duties on board an aircraft in flight, to which the Minister has by notice in the *Gazette* declared the said age of retirement to apply. Any position mentioned in any such notice shall be deemed to have been specifically mentioned in this paragraph.

(2) A servant who holds any position mentioned in paragraph (b), (c) or (d) of sub-section (1) shall not be deemed to have ceased to hold such position at any particular time by reason of the fact that at that time he was employed in another position in an acting capacity or in consequence of a disciplinary punishment of reduction in rank for a specified period.

(3) If at the date of publication by the Minister of a notice in terms of paragraph (d) of sub-section (1), a servant already holds any position mentioned in such notice, the provisions of that paragraph shall apply to such servant only if he has, within a period of six months after the said date, or within such further period as the Administration may under special circumstances allow, but in any event before he attains the age of fifty years, agreed in writing to the application to him of the age of retirement laid down in the said paragraph.

(4) A servant to whom the provisions of paragraph (d) of sub-section (1) apply may, notwithstanding the said provisions, be retired from the Service by the Minister at any time after he has attained the age of forty-five years, if immediately prior to the date of his retirement by the Minister he held any such position as is mentioned in the said paragraph. Any annuity granted to a person who has been retired in terms of this sub-section shall be paid from revenue until the annuitant concerned attains the age at which, but for his premature retirement as aforesaid, he would have been retired on pension, and thereafter from the New Fund.

(5) No servant shall, except with the approval of the Minister or other prescribed authority, be retained in the Service beyond the retiring age prescribed in sub-section (1).

(6) A return of all servants who have been retained, in terms of sub-section (5), beyond the retiring age prescribed in sub-section (1), shall be laid upon the Tables of both Houses of Parliament within fourteen days after the commencement of each ordinary session.

(7) (a) A servant, other than a member of the Fund, who has been in continuous employment in a temporary or a permanent capacity from a date prior to the twenty-ninth day of June, 1955, shall be retired from the Service on attaining the age of—

- (i) sixty years if, but for the provisions of this sub-section, the age of retirement specified in paragraph (a) of sub-section (1) would have applied in his case; or

- (ii) vyf-en-vyftig jaar, indien hy onmiddellik voor die bereiking van daardie leeftyd 'n in paragraaf (c) van sub-artikel (1) vermelde betrekking beklee het, tensy hy die keuse waarvoor in paragraaf (c) van hierdie sub-artikel voorsiening gemaak word, uitgeoefen het en sodanige keuse nie ingevolge paragraaf (e) van hierdie sub-artikel deur die Administrasie afgekeur is nie.
- (b) 'n Dienaar op wie die bepalings van paragraaf (d) van sub-artikel (1) van toepassing is, wat voor die eerste dag van Januarie 1959 vir die eerste maal aangestel is in 'n betrekking wat in daardie paragraaf vermeld word of geag word vermeld te wees en wat op daardie datum nog in die Diens was, word uit die Diens afgedank by bereiking van die leeftyd van vyftig jaar tensy hy die keuse waarvoor in paragraaf (c) van hierdie sub-artikel voorsiening gemaak word, uitgeoefen het, en sodanige keuse nie ingevolge paragraaf (e) van hierdie sub-artikel deur die Administrasie afgekeur is nie.
- (c) 'n Dienaar in paragraaf (a) of (b) bedoel, het die reg om te kies, onderworpe aan die bepalings van paragraaf (d), om uit die Diens afgedank te word by bereiking van die leeftyd vermeld in paragraaf (a), (c) of (d) van sub-artikel (1), na gelang van watter in sy geval van toepassing is.
- (d) Die keuse waarvoor in paragraaf (c) voorsiening gemaak word, moet uitgeoefen word op so 'n tydstop of binne so 'n tydperk en op so 'n wyse as wat voorgeskryf word deur regulasies kragtens artikel *twee-enderdertig* uitgevaardig. Tot tyd en wyl sodanige regulasies aldus uitgevaardig word, word daar bescou dat die regulasies uitgevaardig kragtens artikel *twaalf* van die Wysigingswet op die Spoorweg- en Hawediens en -superannuasie, 1955, en op die datum van inwerking-treding van hierdie Wet van krag, ook regulasies is wat kragtens bedoelde artikel *twee-enderdertig* uitgevaardig is.
- (e) Die Administrasie het die reg om volkome volgens eie goeiddunke 'n keuse wat deur 'n dienaar ingevolge paragraaf (c) uitgeoefen is om op die daarin vermelde hoër leeftyd uit die Diens afgedank te word, af te keur, en indien hy dit aldus afkeur, moet hy die dienaar van sy beslissing verwittig binne eenhonderd-en-tagtig dae na die datum waarop kennisgewing van die uitoefening van die keuse ontvang is.
- (f) Indien 'n dienaar die keuse waarvoor in paragraaf (c) voorsiening gemaak word om uit die Diens afgedank te word op 'n hoër leeftyd as sestig, vyf-en-vyftig of vyftig jaar, na gelang van die geval, behoorlik op die voorgeskrewe wyse uitgeoefen het, word hy nie toegelaat om so 'n keuse terug te trek nie.

Sekere dienare word geag werksmanne te wees. Vergoeding weens besering op diens in geval van dienare werksaam buite die Unie.

17. (1) 'n Dienaar wie se verdienste, bereken volgens voorskrif van artikel *een-en-veertig* van die Ongevallewet, 1941 (Wet No. 30 van 1941), meer bedra as die som vermeld in paragraaf (b) van sub-artikel (2) van artikel *drie* van daardie Wet, word ondanks die bepalings van bedoelde sub-artikel geag 'n werksman volgens die bedoeling van daardie Wet te wees.

(2) Indien 'n ongeval wat uit en in die loop van sy diens by die Administrasie ontstaan, 'n dienaar buite die Unie tref en die arbeidsongeskiktheid of dood van so 'n dienaar tot gevolg het—

(a) mag geen regsgeding, hetsy volgens die gemeenreg of ingevolge 'n wet van krag in die gebied waar die ongeval plaasgevind het, vir die verhaal van skadevergoeding of skadeloosstelling ten opsigte van sodanige arbeidsongeskiktheid of dood deur so 'n dienaar of een van sy afhanklikes teen die Administrasie ingestel word nie; en

(b) betaal die Administrasie aan so 'n dienaar of, ingeval van sy dood, aan sy afhanklikes, skadeloosstelling ooreenkomstig bedoelde Ongevallewet, 1941.

(3) In sub-artikel (2) beteken „dienaar” 'n amptenaar of werksman soos in artikel *een* omskryf, maar omvat dit nie iemand wat ingevolge die bepalings van sub-artikel (2) van artikel *vier* in diens geneem is, of iemand wat nie 'n werksman is nie volgens die bedoeling van bedoelde Ongevallewet, 1941, ooreenkomstig sub-artikel (1) van hierdie artikel vertolk.

- (ii) fifty-five years if, immediately prior to the attainment of that age he held a position specified in paragraph (c) of sub-section (1), unless he has exercised the election provided for in paragraph (c) of this sub-section and such election has not been disapproved by the Administration under paragraph (e) of this sub-section.
- (b) A servant to whom the provisions of paragraph (d) of sub-section (1) apply, who was first appointed to a position mentioned or deemed to be mentioned in that paragraph prior to the first day of January, 1959, and who was still in the Service on that date, shall be retired from the Service on attaining the age of fifty years unless he has exercised the election provided for in paragraph (c) of this sub-section and such election has not been disapproved by the Administration under paragraph (e) of this sub-section.
- (c) A servant referred to in paragraph (a) or (b) shall have the right to elect, subject to the provisions of paragraph (d), to be retired from the Service on attaining the age specified in paragraph (a), (c) or (d) of sub-section (1), whichever may be applicable in his case.
- (d) The election provided for in paragraph (c) shall be exercised at such time or within such period and in such manner as may be prescribed by regulations made under section *thirty-two*. Until such regulations are so made, the regulations made under section *twelve* of the Railways and Harbours Service and Superannuation Amendment Act, 1955, and in force at the date of commencement of this Act, shall be deemed also to be regulations made under the said section *thirty-two*.
- (e) The Administration shall have the right in its entire discretion to disapprove an election made by a servant in terms of paragraph (c) to be retired at the higher age therein referred to, and if it does so, it shall notify the servant of its decision within one hundred and eighty days after the date on which notification of the exercise of the election was received.
- (f) If a servant has duly exercised, in manner prescribed, the election provided for in paragraph (c) to be retired at an age higher than sixty, fifty-five or fifty years, as the case may be, he shall not be permitted to withdraw such election.

17. (1) A servant whose earnings, calculated in the manner set forth in section *forty-one* of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), exceed the sum mentioned in paragraph (b) of sub-section (2) of section *three* of that Act shall, notwithstanding the provisions of the said sub-section, be deemed to be a workman within the meaning of that Act.

Certain servants deemed to be workmen. Compensation for injury on duty in case of servants employed outside the Union.

(2) If an accident to a servant arising out of and in the course of his employment under the Administration, happens outside the Union and results in such servant's disablement or death—

- (a) no action, whether at common law or under any statute in force in the territory where the accident happened, shall be brought against the Administration by such servant or any dependant of his, for the recovery of damages or compensation in respect of such disablement or death; and
- (b) the Administration shall pay to such servant or, if he dies, to his dependants, compensation in accordance with the said Workmen's Compensation Act, 1941.

(3) In sub-section (2) "servant" means an officer or employee as defined in section *one*, but does not include any person employed under the provisions of sub-section (2) of section *four*, or any person who is not a workman within the meaning of the said Workmen's Compensation Act, 1941, construed in accordance with sub-section (1) of this section.

HOOFSTUK II.

TUG EN APPÈLE.

Tugoortredings
deur dienaar.

18. (1) 'n Denaar wat hom aan 'n tugoortreding skuldig maak, kan daarvoor gestraf word soos hierna bepaal. Die oortreding word, na gelang van die feite en omstandighede, as 'n geringe of 'n ernstige tugoortreding beskou.

(2) Voordat hy weens 'n geringe tugoortreding gestraf word, moet 'n dienaar in eenvoudige bewoording in kennis gestel word van die handeling of versuim wat beweerd word sodanige tugoortreding uit te maak, en moet daar aan hom 'n geleentheid gebied word om enige verduideliking wat hy nodig ag, te verstrek.

(3) Voordat hy weens 'n ernstige tugoortreding gestraf word, moet 'n dienaar skriftelik in kennis gestel word van die handeling of versuim wat beweerd word sodanige tugoortreding uit te maak, en moet daar aan hom 'n geleentheid gegee word om te erken of te ontken dat hy daardie handeling begaan of hom aan daardie versuim skuldig gemaak het, of om enige skriftelike verduideliking te verstrek wat hy verlang om te gee.

(4) Geen straf word teen 'n dienaar aangeteken nie tensy hy skriftelik daarvan in kennis gestel is.

(5) Hangende 'n beslissing oor 'n aanklag van tugoortreding of oor 'n strafregtelike aanklag deur die Kroon aanhangig gemaak, of hangende die uitslag van 'n appèl teen so 'n beslissing, kan 'n dienaar tydelik van diens geskors word indien die omstandighede sodanig geag word dat dit skorsing regverdig. Skorsing moet so spoedig moontlik skriftelik bevestig word en gaan gepaard met verlies van emolumente vir die tydperk van skorsing tensy—

(a) die amptenaar wat met die saak handel, besluit om onder spesiale omstandighede volle of gedeeltelike betaling van emolumente toe te staan; of

(b) die betaling van volle of gedeeltelike emolumente voorgeskryf word.

(6) Indien 'n dienaar aan 'n tugoortreding skuldig bevind word, moet die amptenaar wat met die saak handel, besluit om verlies van emolumente gedurende skorsing in geheel of gedeeltelik volgehou moet word al dan nie, bo en behalwe of in plaas van die straf. Indien die aangeklaagde dienaar vrygespreek word, word alle emolumente wat gedurende die tydperk van skorsing ingehou is, aan hom betaal.

Prosedure wat
by aanklagte
van
tugoortreding
gevolg moet word.

19. (1) Indien 'n dienaar beskuldig word van 'n handeling of versuim wat as 'n tugoortreding beskou word, in verband waarmee hy terselfdertyd strafregtelik vervolgd word, word daar nie met die departementele tugstappe voortgegaan nie totdat die hof finaal oor die kriminele saak beslis het of die vervolging teruggetrek is, tensy die dienaar binne veertien dae na die ontvangs van die departementele tugaanklag skriftelik te kenne gee dat hy verlang dat daar met die tugstappe voortgegaan moet word. Indien die dienaar kies dat die departementele beslissing gegee word sonder om die beslissing van die hof af te wag, word hy toegelaat om 'n appèl wat hy teen sodanige departementele beslissing mag wil aanteken, agterweë te hou tot veertien dae nadat die hof oor die strafregtelike aanklag beslis het of die vervolging teruggetrek is.

(2) Geen verklaring gedoen of beslissing gegee by of ten gevolge van 'n departementele ondersoek na 'n tugoortreding, word deur die Administrasie geopenbaar in verband met 'n strafregtelike aanklag wat voortspruit uit die omstandighede wat die onderwerp van die ondersoek uitgemaak het nie.

(3) Indien 'n dienaar om een of ander rede deur die polisie in hegtenis geneem word, kan hy van diens en die emolumente van sy betrekking geskors word, en kan die skorsing voortgesit word totdat die vervolging teruggetrek of die beslissing van die hof (met inbegrip van 'n beslissing op appèl) gegee is en die saak finaal departementeel beslis is, tensy die omstandighede volgens mening van die hoof of onderhoof van sy departement sodanig is dat dit die opheffing van die skorsing regverdig.

(4) (a) Indien 'n dienaar tot gevangenisstraf sonder die keuse van 'n boete veroordeel word, word hy geag vanaf die datum van sy skorsing uit die Diens ontslaan te gewees het.

(b) Indien 'n dienaar deur 'n hof op 'n strafregtelike aanklag skuldig bevind word en 'n ligter straf as gevangenisstraf sonder die keuse van 'n boete (met inbegrip van 'n opgeskorte vonnis) opgelê word, word hy nie vir die tydperk onder skorsing betaal nie tensy die omstandighede volgens die mening van die

CHAPTER II.

DISCIPLINE AND APPEALS.

18. (1) A servant who is guilty of a disciplinary infringement shall be liable to punishment therefor as hereinafter provided. The offence shall, according to the facts and circumstances, be regarded as a minor or a serious disciplinary infringement. Disciplinary infringements by servants.

(2) Before being punished for a minor disciplinary infringement, a servant shall be informed in plain terms of the act or omission alleged to constitute such disciplinary infringement, and shall be afforded an opportunity of offering any explanation he may think necessary.

(3) Before being punished for a serious disciplinary infringement, a servant shall be notified in writing of the act or omission alleged to constitute such disciplinary infringement, and he shall be given an opportunity of admitting or denying the commission by him of such act or that he has been guilty of such omission, or of offering any explanation in writing which he may desire to make.

(4) No punishment shall be placed on record against a servant unless he has been notified in writing thereof.

(5) Pending decision on a charge of disciplinary infringement or on a criminal charge at the instance of the Crown, or pending the result of an appeal against any such decision, a servant may be suspended temporarily from duty if the circumstances are considered such as to warrant such suspension. Suspension shall be confirmed in writing as soon as possible and shall be with loss of emoluments for the period of suspension unless—

- (a) the officer dealing with the case decides to allow full or part emoluments under special circumstances; or
- (b) the payment of full or part emoluments is prescribed.

(6) If a servant is found guilty of a disciplinary infringement, the officer dealing with the case shall decide whether or not loss of emoluments during suspension is to be maintained wholly or in part in addition to or in lieu of any punishment. If the servant charged is acquitted, any emoluments withheld during the period of suspension shall be paid to him.

19. (1) If a servant is accused of an act or omission regarded as a disciplinary infringement in connection with which he is at the same time being criminally prosecuted, departmental disciplinary action shall not be proceeded with until the court has finally decided the criminal case or the prosecution is withdrawn, unless the servant intimates in writing within fourteen days after the receipt of the departmental disciplinary charge his desire that disciplinary action shall be proceeded with. If the servant elects to take the departmental decision without waiting for the decision of the court, he shall be allowed to postpone any appeal he may desire to make against such departmental decision until fourteen days after the court has decided the criminal case or the prosecution is withdrawn. Procedure to be followed on charges of disciplinary infringement.

(2) No statement made or decision given at or in consequence of a departmental inquiry into a disciplinary infringement shall be disclosed by the Administration in connection with any criminal charge arising out of the circumstances which were the subject of the inquiry.

(3) If a servant is placed under police arrest for any cause he may be suspended from duty and the emoluments of his office, and the suspension may be continued until the prosecution is withdrawn or the decision of the court (including any decision on an appeal) is given and the case is finally decided departmentally, unless in the opinion of the head or sub-head of his department the circumstances are such as to warrant the withdrawal of the suspension.

- (4) (a) If a servant is sentenced to imprisonment without the option of a fine he shall be deemed to have been dismissed from the Service as from the date of his suspension.
- (b) If a servant is convicted by a court on a criminal charge and a punishment less severe than imprisonment without the option of a fine (including a suspended sentence) is imposed, he shall not be paid for the period under suspension unless the circumstances are

hoof of onderhoof van die departement sodanig is dat dit betaling aan hom regverdig.

- (c) Indien 'n dienaar deur die hof vrygespreek word of die strafregtelike aanklag teruggetrek word, word hy vir die tydperk van skorsing betaal tensy daar ooreenkomstig sub-artikel (5) met hom gehandel word of die hoof of onderhoof van die departement volgens goedge-dunke besluit dat die tydperk van skorsing in geheel of ten dele beskou moet word as afwesigheidsverlof op rekening van enige verlof met betaling wat aan die dienaar verskuldig mag wees, of as verlof sonder betaling wat nie as 'n tydperk van skorsing beskou sal word nie.
- (5) (a) Teen 'n dienaar in vaste diens wat deur 'n hof op 'n aanklag van 'n strafregtelike misdryf vrygespreek is, mag daar nie weens dieselfde misdryf tugstappe gedoen word nie, maar, behalwe soos in paragraaf (b) bepaal, is hy dientengevolge nie in verband met dieselfde voorval vrygestel van departementele optrede weens oortreding of verontagsaming van 'n regulasie, voorskrif of instruksie of 'n handeling of versuim wat op 'n tugoortreding neerkom nie.
- (b) 'n Denaar in vaste diens wat strafregtelik vervolg is weens 'n oortreding ingevolge artikel *drie-en-twintig*, *vier-en-twintig* of *vyf-en-twintig* van hierdie Wet of ingevolge artikel *sewe-en-dertig* van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), en deur die hof vrygespreek is, is van 'n tugaanklag of tugstraf weens dieselfde oortreding vrygestel.
- (6) By departementele optrede na skuldigbevinding of vryspreking op 'n strafregtelike aanklag, moet die strawwe of onbevoegdheid deur die dienaar gely ten gevolge van die strafregtelike vervolging in sy saak, in aanmerking geneem word wanneer daar tot 'n beslissing geraak word.

Hoe daar met tugoortreding gehandel kan word.

20. (1) Een of meer van die ondervermelde strawwe kan weens 'n tugoortreding opgelê word:

- (a) Weens 'n geringe tugoortreding—
- (i) 'n waarskuwing of 'n berisping, wat nie aange-teken word nie;
 - (ii) 'n boete (wat nie aangeteken word nie) van hoogstens twee pond, verhaalbaar by wyse van aftrekking van emolumente; of
- (b) weens 'n ernstige tugoortreding—
- (i) 'n waarskuwing of 'n berisping wat op skrif gestel en aangeteken word; of
 - (ii) 'n boete wat aangeteken word, verhaalbaar in paaielemente of andersins, by wyse van aftrekking van emolumente; of
 - (iii) terughouding van skaalverhogings in emolumente vir 'n bepaalde tydperk; of
 - (iv) vermindering van emolumente vir 'n bepaalde tydperk; of
 - (v) verlaging in rang, graad of klas, met of sonder vermindering van emolumente, vir 'n bepaalde tydperk; of
 - (vi) verlaging in rang, graad of klas, met of sonder vermindering van emolumente, vir 'n onbepaalde tydperk; of
 - (vii) gedwonge bedanking, waaronder verstaan word outomatiese diensbeëindiging vanaf die datum vermeld in die bevel om te bedank; of
 - (viii) ontslag vanaf die datum van die tugoortreding of 'n later datum.

(2) 'n Aangetekende straf van 'n waarskuwing of berisping, of van 'n boete van hoogstens twee pond, hetsy vóór of ná die inwerkingtreding van hierdie Wet opgelê, word uit die dienaar se dienskaart gerojêer tensy binne 'n tydperk van drie jaar na die datum waarop hy skuldig bevind is aan die tugoortreding ten opsigte waarvan sodanige straf opgelê is, 'n aangetekende straf hom weer eens opgelê is: Met dien verstande dat, ten einde te bepaal of 'n dienaar wat 'n lid is van die Spoorwegpolisie-mag, soos omskryf in artikel *sewe-en-vyftig* van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), in alle opsigte 'n geskikte persoon is wat in aanmerking kan kom vir die toekenning van 'n medalje of dekorasie wat gebruikelikerwys volgens goedge-dunke van die Hoofbestuurder aan sulke dienare toegeken word ter erkenning van lang en getroue diens en voorbeeldige gedrag, so 'n straf wat aldus gerojêer is nietemin in aanmerking geneem kan word, en vir daardie doel (maar vir geen ander nie) 'n aantekening

considered by the head or sub-head of the department to be such as to warrant his being paid.

- (c) If a servant is acquitted by the court or the criminal charge is withdrawn, he shall be paid for the period of suspension unless he is dealt with in accordance with sub-section (5) or the head or sub-head of the department in his discretion decides that the whole or any part of the period of suspension shall be regarded as leave of absence as against any leave with pay which may be due to the servant, or as leave without pay not to be regarded as a period of suspension.
- (5) (a) No servant in permanent employment who has been acquitted by a court on a charge of a criminal offence shall be dealt with as for a disciplinary infringement for the same offence, but, except as provided in paragraph (b), he shall not thereby be exempt from being dealt with for a contravention or non-observance of a regulation, rule or instruction or an act or omission amounting to a disciplinary infringement in connection with the same incident.
- (b) Any servant in permanent employment criminally prosecuted for an offence under section *twenty-three*, *twenty-four* or *twenty-five* of this Act or under section *thirty-seven* of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), and acquitted by the court, shall be exempt from a disciplinary charge or punishment for the same offence.
- (6) In departmental action after conviction or acquittal on a criminal charge, regard shall be had in arriving at a decision to any penalties or disabilities suffered by the servant in consequence of the legal proceedings in his case.
20. (1) One or more of the following punishments may be imposed for a disciplinary infringement:
- (a) For a minor disciplinary infringement—
- (i) a caution or a reprimand, which shall not be recorded;
- (ii) a fine (which shall not be recorded) not exceeding two pounds, recoverable by deduction from emoluments; or
- (b) for a serious disciplinary infringement—
- (i) a caution or a reprimand which shall be written and recorded; or
- (ii) a fine which shall be recorded, recoverable in instalments or otherwise, by deduction from emoluments; or
- (iii) stoppage of increments in emoluments for a specified period; or
- (iv) reduction of emoluments for a specified period; or
- (v) reduction in rank, grade or class, with or without reduction of emoluments, for a specified period; or
- (vi) reduction in rank, grade or class, with or without reduction of emoluments, for an unspecified period; or
- (vii) enforced resignation, which shall mean the automatic termination of service from the date stated in the order to resign; or
- (viii) dismissal from the date of the disciplinary infringement or any subsequent date.
- (2) A recorded punishment of a caution or reprimand, or of a fine not exceeding two pounds, whether imposed before or after the commencement of this Act, shall be expunged from the servant's record unless within a period of three years after the date on which he was found guilty of the disciplinary infringement in respect of which such punishment was imposed, a recorded punishment has again been imposed upon him: Provided that for the purpose of determining whether a servant who is a member of the Railway Police Force, as defined in section *fifty-seven* of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), is in all respects a fit and proper person who is eligible to be awarded any medal or decoration which is customarily awarded, in the discretion of the General Manager, to such servants in recognition of long and faithful service and exemplary conduct, any such punishment which has been so expunged may nevertheless be taken into account, and for that purpose (but for no other) a memorandum thereof, separate

How disciplinary
infringement
may be dealt
with.

daarvan, afsonderlik van die dienaar se diensstaat, gehou kan word op die wyse en onderworpe aan die voorsorgsmaatreëls deur die Hoofbestuurder voorgeskryf.

(3) By die bepaling van die straf word vorige diens en gedrag in aanmerking geneem.

(4) Gevalle van tugoortreding moet met redelike spoed afgehandel word.

(5) (a) Geen dienaar in vaste diens wat geag word skuldig te wees aan 'n ernstige oortreding wat hy nie skriftelik erken het nie, word uit die Diens ontslaan of in rang of emolumente verlaag sonder dat 'n ondersoek op die voorgeskrewe wyse gehou is nie.

(b) Indien so 'n dienaar sy skuld erken, word 'n ondersoek slegs gehou indien hy dit verlang.

(c) Die dienaar is geregtig om gedurende die hele ondersoek aanwesig te wees en daar moet aan hom 'n geleentheid gegee word om redes teen die ontslag of verlaging aan te voer.

(d) Geen dienaar wat die tugoortreding aangemeld het, mag aan 'n ondersoek deelneem nie, behalwe as getuie.

(e) Met 'n ondersoek ingevolge hierdie sub-artikel moet 'n aanvang gemaak word nie later nie as twee maande nadat die dienaar aangekla is: Met dien verstande dat in die geval van 'n dienaar wat nie ingevolge sub-artikel (1) van artikel *negentien* sy begeerte te kenne gegee het dat daar met die tugstappe voortgegaan moet word nie, die ondersoek 'n aanvang moet neem nie later nie as twee maande nadat die vervolging teruggetrek of die beslissing van die hof in die strafsak (met inbegrip van 'n beslissing op appèl) gegee is: Met dien verstande voorts dat waar 'n dienaar aangekla word terwyl hy met goedgekeurde verlof is, die ondersoek 'n aanvang moet neem nie later nie as twee maande vanaf die datum waarop die dienaar diens hervat het.

(6) Die amptenaar wat met 'n geval van tugoortreding handel, moet in die prosedure en sy beslissing 'n billike diskresie uitoefen en hom deur die meriete van die geval wat van wesenlike betekenis is, laat lei.

**Appèlle teen
tugstraf.**

21. (1) (a) 'n Dienaar in vaste diens wat 'n straf weens 'n tugoortreding opgelê is wat teen hom aangeteken is, kan binne veertien dae na die ontvangs van die beslissing, regstreeks na die tugappèlraad vir sy distrik appelleer teen die beslissing waarvolgens hy aan die tugoortreding skuldig bevind is, of teen die opgelegde straf, of teen 'n bevel verleen betreffende die betaling of terughouding van emolumente gedurende die geheel of 'n gedeelte van 'n tydperk van skorsing, of teen twee of meer sulke aangeleenthede.

(b) So spoedig doenlik na die ontvangs van die kennisgewing van appèl neem die tugappèlraad die saak in hersiening en hoor hy sulke verdere toepaslike getuies as wat hy nodig ag of as wat aangebied mag word deur die appellant of ter ondersteuning van die klag en die beslissing van die amptenaar wat met die saak gehandel het. Die betrokke dienaar is geregtig om gedurende die verhoor van sy appèl aanwesig te wees en hy word toegelaat om getuies onder kruisverhoor te neem.

(c) 'n Tugappèlraad moet in sy prosedure en sy bevinding 'n billike diskresie uitoefen en hom deur die meriete van die geval wat van wesenlike betekenis is, laat lei.

(2) Nadat hy die appèl volgens voorskrif van sub-artikel (1) verhoor het, rapporteer die tugappèlraad aan die voorgeskrewe amptenaar of, as die saak in die eerste instansie deur die Hoofbestuurder behandel is, aan die Spoorweg- en Haweraad deur bemiddeling van die Hoofbestuurder, sy bevinding betreffende sodanige van die ondervermelde aangeleenthede as wat by die appèl ter sake is:

(a) Of die appellant skuldig is al dan nie aan die tugoortreding waarvan hy aangekla is;

(b) of, onder die veronderstelling dat die appellant skuldig is—

(i) die opgelegde straf passend is en, indien nie, op watter wyse of in watter mate dit versag of verskerp behoort te word;

(ii) 'n bevel verleen betreffende die betaling of terughouding van emolumente gedurende die geheel of 'n gedeelte van 'n tydperk van skorsing gereg-

from the servant's service record, may be kept in such manner and subject to such safeguards as the General Manager may direct.

(3) In assessing punishment regard shall be had to previous service and record.

(4) Cases of disciplinary infringement shall be dealt with with reasonable dispatch.

(5) (a) No servant in permanent employment who is considered to be guilty of a serious offence which he has not admitted in writing shall be dismissed from the Service or reduced in rank or emoluments without an inquiry being held in manner prescribed.

(b) If such servant admits his guilt an inquiry shall only be held if he so desires.

(c) The servant shall be entitled to be present during the whole of such inquiry and shall be afforded an opportunity of showing cause against the dismissal or reduction.

(d) No servant reporting the disciplinary infringement shall take any part in an inquiry except as a witness.

(e) An inquiry under this sub-section shall be commenced not later than two months after a servant has been charged: Provided that in the case of a servant who has not in terms of sub-section (1) of section *nineteen* intimated his desire that disciplinary action should be proceeded with, the inquiry shall be commenced not later than two months after the prosecution is withdrawn or the decision of the court in the criminal case (including any decision on an appeal) has been given: Provided, further, that where a servant is charged whilst on authorized leave the inquiry shall commence not later than two months from the date of the return of the servant to duty.

(6) The officer dealing with a case of disciplinary infringement shall, in his procedure and finding, exercise an equitable discretion and shall be guided by the substantial merits of the case.

21. (1) (a) Any servant in permanent employment upon whom punishment for a disciplinary infringement has been imposed and placed on record against him may, within fourteen days of the receipt of the decision, appeal direct to the disciplinary appeal board for his district against the decision finding him guilty of the disciplinary infringement or against the punishment imposed, or against any order made regarding the payment or withholding of emoluments during the whole or any part of a period of suspension, or against any two or more of such matters.

Appeals against disciplinary punishment.

(b) As soon as practicable after receipt of the notice of appeal, the disciplinary appeal board shall review the case and hear such further relevant evidence as it may deem necessary or as may be tendered by the appellant or in support of the charge and the decision of the officer who dealt with the case. The servant concerned shall be entitled to be present during the hearing of his appeal and shall be allowed to cross-examine witnesses.

(c) A disciplinary appeal board shall, in its procedure and its finding, exercise an equitable discretion and shall be guided by the substantial merits of the case.

(2) After having heard the appeal as in sub-section (1) provided, the disciplinary appeal board shall report to the prescribed officer, or, if the case was dealt with by the General Manager in the first instance, to the Railways and Harbours Board through the General Manager, its finding as to such of the following matters as are in issue in the appeal:

(a) Whether or not the appellant is guilty of the disciplinary infringement with which he was charged;

(b) whether, on the supposition that the appellant is guilty—

(i) the punishment imposed is appropriate and, if not, in what manner or to what extent it should be reduced or increased;

(ii) any order made regarding the payment or withholding of emoluments during the whole or any part of a period of suspension is justified and, if

verdig is en, indien nie, in watter mate sagter of skerper behandeling verdien word.

(3) Die amptenaar aan wie die tugappèlraad verslag doen, of die Spoorweg- en Haweraad, na gelang van die geval, beslis, na oorweging van die bevinding van die raad, of die appellant skuldig is al dan nie aan die tugoortreding waarvan hy aangekla is, en indien hy beslis dat die appellant skuldig is, kan hy die straf asook 'n bevel verleen betreffende die betaling of terughouding van emolumente gedurende die geheel of 'n gedeelte van 'n tydperk van skorsing bekragtig, of kan hy sulke ligter of swaarder straf of vorm van straf ople, of so 'n bevel (hetsy dit ligter of swaarder behandeling behels) verleen betreffende die betaling of terughouding van emolumente gedurende die geheel of 'n gedeelte van 'n tydperk van skorsing, as wat die amptenaar wat met die saak gehandel het, sou kon opgelê of verleen het; en in 'n geval waar die appellant nog onder skorsing is of onder skorsing was te eniger tyd ná die datum waarop die straf aanvanklik opgelê is, moet die voorgeskrewe amptenaar of bedoelde raad, na gelang van die geval, daarbenewens so 'n bevel verleen as wat hy goed vind met betrekking tot die betaling of terughouding van emolumente gedurende die tydperk van skorsing ná bedoelde datum: Met dien verstande dat geen straf opgelê of bevel verleen betreffende die betaling of terughouding van emolumente gedurende skorsing, verskerp of meer beswarend in sy uitwerking gemaak word indien daar nie teen sodanige straf of so 'n bevel geappelleer is nie, of indien die appèl uitsluitend gegrond is op 'n betwiste vertolking van 'n bepaling van hierdie Wet of 'n statutêre regulasie of 'n instruksie deur bevoegde gesag uitgereik of gegee.

(4) Die beslissing van die voorgeskrewe amptenaar ingevolge sub-artikel (3) is afdoende indien dit in ooreenstemming is met die eenparige bevinding van die appèlraad aangaande alle aangeleenthede in paragrafe (a) en (b) van sub-artikel (2) vermeld.

(5) Ondanks die bepalings van sub-artikel (3) is die voorgeskrewe amptenaar verplig om 'n eenparige bevinding van die appèlraad te aanvaar met betrekking tot—

- (a) 'n aangeleentheid vermeld in paragraaf (a) of in sub-paragraaf (ii) van paragraaf (b) van sub-artikel (2);
- (b) die aangeleentheid in sub-paragraaf (i) van paragraaf (b) van daardie sub-artikel vermeld, in iedere geval waar die straf waarteen geappelleer word, nie swaarder as 'n boete van vyf pond is nie.

(6) Die bevinding van die appèlraad word aan die appellant meegedeel wanneer die beslissing van die voorgeskrewe amptenaar aan hom bekend gemaak word.

(7) In elke geval waar die appèlraad sy bevinding aan 'n voorgeskrewe amptenaar gerapporteer het, kan die betrokke dienaar, indien hy ontevrede is met die beslissing van bedoelde amptenaar betreffende een of ander aangeleentheid in paragrafe (a) en (b) van sub-artikel (2) vermeld, waaromtrent—

- (a) sodanige beslissing nie met die eenparige bevinding van die appèlraad ooreenstem nie; of
- (b) die bevinding van bedoelde raad nie eenparig was nie, op die voorgeskrewe wyse teen sodanige beslissing na die Hoofbestuurder verder appelleer, en indien hy met die beslissing van die Hoofbestuurder ontevrede is, kan hy binne veertien dae na die ontvangs van die beslissing, versoek dat die saak na die Spoorweg- en Haweraad verwys word.

(8) By die behandeling van 'n appèl ingevolge sub-artikel (7) kan die Hoofbestuurder of die Spoorweg- en Haweraad, na gelang van die geval, met inagneming van die voorbehoudsbepaling by sub-artikel (3) (wat geag word ook 'n voorbehoudsbepaling by hierdie sub-artikel te wees) so 'n beslissing gee of so 'n bevel verleen betreffende enige aangeleentheid wat die onderwerp van die appèl uitmaak, of betreffende die betaling of terughouding van emolumente gedurende 'n tydperk van skorsing ná die datum waarop straf aanvanklik opgelê is, as wat die voorgeskrewe amptenaar sou kon gegee of verleen en, volgens die mening van die Hoofbestuurder of die Spoorweg- en Haweraad, moes gegee of verleen het.

(9) Waar 'n dienaar by die Spoorweg- en Haweraad in hoër beroep gaan teen 'n straf van ontslag of gedwonge bedanking, het hy die reg om persoonlik voor die Raad te verskyn.

(10) Wanneer die voorgeskrewe amptenaar of die Spoorweg- en Haweraad, handelende ingevolge sub-artikel (3), of die Hoofbestuurder of genoemde Raad, handelende ingevolge sub-artikel (8), die straf wat opgelê is deur die amptenaar wat met die saak gehandel het, verskerp deur dit te vervang deur een of ander van die strawe vermeld in sub-paragrafe (iii) tot en met (viii) van paragraaf (b) van sub-artikel (1) van artikel

not, to what extent more lenient or more severe treatment is merited.

(3) The officer to whom the disciplinary appeal board reports or the Railways and Harbours Board, as the case may be, shall, after considering the finding of the board, decide whether or not the appellant is guilty of the disciplinary infringement with which he was charged, and if he or it decides that the appellant is guilty, he or it may confirm the punishment, including any order made regarding the payment or withholding of emoluments during the whole or any part of a period of suspension, or may impose such less or more severe punishment or form of punishment, or make such order (whether involving less or more severe treatment) in relation to the payment or withholding of emoluments during the whole or any part of a period of suspension, as the officer who dealt with the case could have imposed or made; and in any case where the appellant is still under suspension or was under suspension at any time subsequent to the date on which punishment was first imposed, the prescribed officer, or the said Board, as the case may be, shall, in addition, make such order as to him or it seems proper with regard to the payment or withholding of emoluments during the period of suspension subsequent to the said date: Provided that no punishment imposed or order made regarding the payment or withholding of emoluments during suspension, shall be increased or rendered more severe in its effect if no appeal has been made against such punishment or order, or if the appeal is based solely on a disputed interpretation of any provision of this Act or any statutory regulation or any instruction issued or given by competent authority.

(4) The decision of the prescribed officer under sub-section (3) shall be final if it is in accord with the unanimous finding of the appeal board on all matters mentioned in paragraphs (a) and (b) of sub-section (2).

(5) Notwithstanding the provisions of sub-section (3), the prescribed officer shall be obliged to accept a unanimous finding of the appeal board as to—

- (a) any matter referred to in paragraph (a) or in sub-paragraph (ii) of paragraph (b) of sub-section (2);
- (b) the matter referred to in sub-paragraph (i) of paragraph (b) of that sub-section in any case where the punishment appealed against is not more severe than a fine of five pounds.

(6) The finding of the appeal board shall be communicated to the appellant when the decision of the prescribed officer is made known to him.

(7) In any case where the appeal board has reported its finding to a prescribed officer the servant concerned may, if he is dissatisfied with the decision of the said officer on any matter referred to in paragraphs (a) and (b) of sub-section (2) on which—

- (a) such decision is not in accord with the unanimous finding of the appeal board; or

(b) the finding of the said board has not been unanimous, appeal further in the manner prescribed, to the General Manager against such decision, and if he is dissatisfied with the decision of the General Manager, he may, within fourteen days of the receipt of the decision, ask that the case be referred to the Railways and Harbours Board.

(8) In dealing with an appeal under sub-section (7), the General Manager or the Railways and Harbours Board, as the case may be, may, subject to the proviso to sub-section (3) (which shall be deemed also to form a proviso to this sub-section) give such decision or make such order with respect to any matter forming the subject of the appeal, or with respect to the payment or withholding of emoluments during any period of suspension subsequent to the date on which punishment was first imposed, as could have, and, in his or its opinion should have, been given or made by the prescribed officer.

(9) Where a servant appeals to the Railways and Harbours Board against a punishment of dismissal or enforced resignation, he shall have the right to appear before the Board in person.

(10) Whenever the prescribed officer or the Railways and Harbours Board, acting in terms of sub-section (3), or the General Manager or the said Board, acting in terms of sub-section (8), increases the punishment imposed by the officer who dealt with the case, by substituting therefor any of the punishments mentioned in sub-paragraphs (iii) to (viii) inclusive of paragraph (b) of sub-section (1) of section *twenty*, the sub-

twintig, kan die vervange straf verklaar word vanaf die datum van die oorspronklike straf of vanaf 'n later datum in werking te tree.

(11) 'n Dienaar wat weens 'n tugoortreding gestraf is, is geregtig om skriftelik afstand te doen van sy reg van appèl na 'n appèlraad en om in plaas daarvan by die hoof van sy departement of ander voorgeskrewe amptenaar en daarna, indien hy ontevrede is, op die voorgeskrewe wyse by die Hoofbestuurder en die Spoorweg- en Haweraad in hoër beroep te gaan.

(12) By die behandeling van 'n appèl ingevolge sub-artikel (11) het die hoof van die dienaar se departement of ander voorgeskrewe amptenaar *mutatis mutandis* dieselfde bevoegdhede wat deur sub-artikel (3) aan 'n voorgeskrewe amptenaar verleen word, en het die Hoofbestuurder en die Spoorweg- en Haweraad onderskeidelik dieselfde bevoegdhede, *mutatis mutandis*, as wat deur sub-artikel (8) aan hom verleen word met betrekking tot 'n appèl ingevolge sub-artikel (7).

(13) 'n Tugappèlraad bestaan uit een dienaar deur die Administrasie benoem en een dienaar gekies uit die klas van dienare waartoe die appellant behoort en die distrik waarin hy gestasioneer is. 'n Amptenaar wat oor 'n saak beslis of 'n dienaar wat 'n tugoortreding rapporteer, kan nie as lid van 'n appèlraad wat so 'n saak behandel, optree nie.

(14) Vir die doel van die verkiesing van verteenwoordigers van die personeel op 'n appèlraad, word distrikte voorgeskryf, asook die wyse waarop verteenwoordigers en hul plaasvervangers verkies word. Die ampstermyn van verkose verteenwoordigers is hoogstens twee jaar.

(15) Benewens die behandeling van tugappèlle moet 'n tugappèlraad ook verslag doen oor enige aangeleentheid wat deur die Minister of die Hoofbestuurder aan hom voorgelê word.

(16) Iedere persoon of liggaam wat ingevolge hierdie artikel of ingevolge 'n regulasie gemagtig is om met 'n appèl teen straf weens 'n tugoortreding te handel, is bevoeg om die versuim van die appellant om sy appèl in te dien binne die toepaslike tydperk in hierdie Wet of in 'n regulasie voorgeskryf, te kondoneer, mits daar na sy oordeel redelike gronde bestaan om sodanige tegemoetkoming te verleen.

Bystand by
ondersoeke
en appèlle.

22. (1) By 'n ondersoek of appèl ingevolge artikel *tien* of ingevolge sub-artikel (5) van artikel *twintig* of by 'n appèl ingevolge artikel *een-en-twintig* waarby 'n dienaar die reg het om aanwesig te wees, word hy toegelaat om bygestaan te word deur òf—

- (a) 'n amptenaar van 'n personeel- of vakvereniging wat van dienare verteenwoordigend is, waarvan hy lid is; òf
- (b) 'n deur hom gekose dienaar wat gewillig is om op te tree en wat gestasioneer is op of naby die plek waar hy in diens is of waar die ondersoek gehou word, vir watter doel sulke reisgeriewe as wat voorgeskryf word, toegestaan kan word.

(2) 'n Dienaar wat 'n ander dienaar by 'n in sub-artikel (1) bedoelde ondersoek of appèl bystaan, ontvang sy betaling vir die tyd noodsaaklikerwys deurgebring by so 'n ondersoek of appèl of op reis van en na die plek of plekke waar so 'n ondersoek gehou of so 'n appèl verhoor word: Met dien verstande dat in die geval van 'n appèl die straf opgelê ingevolge die beslissing waarteen geappelleer word, een of ander van die volgende is—

- (a) 'n boete van meer as vyf pond; of
- (b) terughouding van skaalverhogings in emolumente vir 'n tydperk van ses maande of langer; of
- (c) verlaging in rang of emolumente of beide; of
- (d) gedwonge bedanking; of
- (e) ontslag.

Die Administrasie is nie aanspreeklik vir enige ander onkoste wat in verband met die bywoning van so 'n dienaar aangegaan word nie.

Dienare wat
diens doen
terwyl hulle
onder invloed van
drank of narkotiese
middels verkeer.

23. 'n Dienaar wat onder die invloed van sterk drank of narkotiese middels verkeer—

- (a) terwyl hy 'n lokomotief of ander masjien onder sy beheer het, of terwyl hy werksaam is as 'n drywer of stoker, of as 'n kaartjiesonderzoeker of kondukteur, of as stasiemeester, stasievoorman, rangeerder, oorgangbediende of seinwagter, of as 'n telegrafis of telefonis wat berigte afstuur of ontvang in verband met die

stituted punishment may be expressed to take effect as from the date of the original punishment or from any subsequent date.

(11) A servant who has been punished for a disciplinary infringement shall be entitled to waive in writing his right of appeal to an appeal board and to appeal instead to the head of his department or other prescribed officer and thereafter, if he is dissatisfied, to the General Manager and the Railways and Harbours Board in the manner prescribed.

(12) In dealing with an appeal under sub-section (11), the head of the servant's department or other prescribed officer shall have the same powers, *mutatis mutandis*, as are vested in a prescribed officer by sub-section (3), and the General Manager and the Railways and Harbours Board shall respectively have the same powers, *mutatis mutandis*, as are vested in him or it by sub-section (8) in relation to an appeal under sub-section (7).

(13) A disciplinary appeal board shall consist of one servant nominated by the Administration and one servant elected from the class of servant to which the appellant belongs and the district in which he is stationed. An officer who decides a case or a servant who reports a disciplinary infringement may not act as a member of an appeal board dealing with such case.

(14) For the purpose of the election of staff representatives on an appeal board, districts shall be prescribed, as also the manner of election of representatives and alternates. The period of office of elected representatives shall not exceed two years.

(15) A disciplinary appeal board shall, in addition to dealing with disciplinary appeals, report upon any subject submitted to it by the Minister or the General Manager.

(16) It shall be competent for any person or body empowered to deal with an appeal against punishment for a disciplinary infringement under this section or under any regulation, to condone the failure of the appellant to submit his appeal within the relevant period specified in this Act or in any regulation, if in his or its opinion there are reasonable grounds for granting such indulgence.

22. (1) At any inquiry or appeal under section *ten* or under sub-section (5) of section *twenty* or at an appeal under section *twenty-one* at which a servant is entitled to be present, he shall be allowed to have the assistance of either—

Assistance at inquiries and appeals.

- (a) an official of any staff association or trades union representative of servants, of which he is a member; or
- (b) any servant willing to act, chosen by him, and who is stationed at or near the place at which he is employed or where the inquiry is held, for which purpose such travelling facilities as may be prescribed, may be granted.

(2) A servant assisting another servant at any inquiry or appeal referred to in sub-section (1) shall be paid for time necessarily spent at such an inquiry or appeal or travelling to and from the place or places at which such inquiry is held or such appeal is heard: Provided that in the case of an appeal the punishment imposed in the decision appealed against is either—

- (a) a fine exceeding five pounds; or
- (b) stoppage of increments in emoluments for a period of six months or more; or
- (c) a reduction in rank or emoluments or both; or
- (d) enforced resignation; or
- (e) dismissal.

The Administration shall not be liable for any other expenses incurred in connection with the attendance of such servant.

23. Any servant who is under the influence of intoxicating liquor or narcotic drugs—

Servants on duty while under the influence of liquor or drugs.

- (a) while in charge of a locomotive or other engine, or while serving as engine driver or fireman, or as a ticket examiner or guard, or as officer in charge of a station, station foreman, shunter, crossing attendant or signaller, or as a telegraph or telephone operator transmitting or receiving messages in relation to the

beweging van treine, of as 'n loods, kraandrywer of persoon belas met die toesig oor 'n regeringsvaartuig of -skeepsmasjien; of

- (b) terwyl hy in 'n ander hoedanigheid as een van dié in paragraaf (a) vermeld, op diens is, en wie se verrigting van sy dienspligte terwyl hy in daardie toestand verkeer, allig die veiligheid van persone wat op spoorweg- of hawe-eiendom reis of hulle daarop bevind, in gevaar kan bring,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of met sodanige gevangenisstraf sonder die keuse van 'n boete, of met beide sodanige boete en sodanige gevangenisstraf.

In gevaar bring van die veiligheid van persone deur dienare.

24. 'n Dienaar wat, terwyl hy op diens is, die veiligheid van een of ander persoon in gevaar bring—

- (a) deur verontagsaming van 'n regulasie; of
 (b) deur verontagsaming van 'n voorskrif of bevel wat nie met 'n regulasie in stryd is nie en wat die dienaar volgens die voorwaardes van sy diens verplig was om te gehoorsaam en waarvan hy kennis gehad het; of
 (c) deur 'n onbesonne of nalatige handeling of versuim, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met beide sodanige boete en sodanige gevangenisstraf.

Bestrafing van dienare wat meer vra as wat verskuldig is.

25. 'n Dienaar wat met die opset om te bedrieg, 'n groter som vra of ontvang as wat volgens wet geoorloof is en bepaal word deur die tarief op daardie tydperk van krag vir die vervoer van passasiers of goedere of vir enige ander dienste verrig of goedere gelewer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig pond of met gevangenisstraf vir 'n tydperk van hoogstens drie maande, of met beide sodanige boete en sodanige gevangenisstraf.

Dienare wat die Diens verlaat moet hul dienswoning en artikels van diensklleding en -uitrusting oorhandig.

26. (1) Wanneer 'n dienaar die Diens om enige rede verlaat of te sterwe kom, moet hy of sy gesin, na gelang van die geval, die besit van 'n perseel van die Administrasie waarin hy of hulle voorheen gewoon het, opgee wanneer skriftelik deur die Administrasie daartoe verlang, en indien hy of hulle versuim om sodanige besit op te gee soos in die kennisgewing versoek, kan enige landdros van die distrik, by bewys van bestelling van die kennisgewing en versuim om daaraan te voldoen, by 'n lasbrief deur hom onderteken 'n polisie-offisier of -konstabel of ander in die lasbrief genoemde persoon gelas om bedoelde perseel binne te gaan (indien nodig, met geweld) en om so 'n dienaar of enigiemand anders wat onregmatig besit daarvan behou, daaruit te verwyder, tesame met alle aldaar gevonde goedere of artikels wat nie aan die Administrasie behoort nie. Alle aldaar gevonde besittings of toerusting wat aan die Administrasie behoort, moet aan die Administrasie oorhandig word: Met dien verstande dat in die geval van die oorlye van 'n dienaar, sy gesin nie versoek word om sodanige perseel te ontruim nie tot na die verstryking van een maand na die dood van daardie dienaar.

(2) Wanneer 'n dienaar uit die Diens ontslaan is of die Diens by bedanking verlaat, oorhandig hy terstond elke artikel hetsy van klleding, uitrusting of ander soort wat aan hom verskaf is vir gebruik in die vervulling van sy pligte of wat uit hoofde van sy amp in sy besit gekom het. Indien so 'n artikel nie oorhandig word nie, of by oorhandiging bevind word onbehoorlik gebruik of beskadig te wees, kan die Administrasie 'n som wat voldoende is om die skade te herstel of, indien nodig, 'n dergelyke artikel aan te skaf, aftrek van gelde wat aan die dienaar verskuldig is.

Instelling van Versoeningsraad.

27. (a) Die Goewerneur-generaal stel 'n permanente raad van beroep in, bekend te staan as die Versoeningsraad, wat bestaan uit 'n gelyke aantal dienare deur die Administrasie benoem en dienare deur die personeel verkies.
 (b) Die Versoeningsraad oorweeg aangeleenthede rakende die personeel wat op die voorgeskrewe wyse na hom verwys word, en doen aan die Minister verslag daaroor.
 (c) Onderworpe aan die goedkeuring van die Goewerneur-generaal kan die Administrasie regulasies uitvaardig

movement of trains, or as a pilot, crane driver or person in charge of any Government craft or marine engine; or

- (b) while on duty in any capacity other than one of those mentioned in paragraph (a) and whose performance of his duty while in such condition would be likely to endanger the safety of any person travelling or being on railway or harbour property,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or, in default of payment, to imprisonment for a period not exceeding twelve months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

24. Any servant who, when on duty, endangers the safety of any person— Endangering the safety of persons by servants.

- (a) by disobeying any regulation; or
- (b) by disobeying any rule or order which is not inconsistent with a regulation and which the servant was bound by the terms of his employment to obey and of which he had notice; or
- (c) by any rash or negligent act or omission,

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

25. Any servant who, with intent to defraud, asks or receives a greater sum than is allowed by law and is provided by the tariff then in force for the conveyance of passengers or transport of goods or for any other services rendered or goods supplied, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty pounds or to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment. Penalty on servants for demanding more than is due.

26. (1) Whenever any servant leaves the Service from any cause or dies, he or his family, as the case may be, shall give up possession of any premises of the Administration in which he or they have previously resided, when required in writing by the Administration, and if he or they fail to give up such possession as is required in the notice, any magistrate of the district may, upon proof of service of the notice and of failure to comply therewith, by warrant under his hand direct any police officer or constable or other person named in the warrant to enter (by force if necessary) the premises aforesaid, and to remove therefrom any such servant or any other person wrongfully retaining possession, together with any goods or articles there found not belonging to the Administration. Any property or equipment found there belonging to the Administration shall be handed over to the Administration: Provided that in the case of the death of a servant his family shall not be required to quit the premises aforesaid until one month has expired from the date of the death of that servant. Servants on leaving Service to quit official dwelling and deliver up articles of official dress and equipment.

(2) When any servant has been discharged from the Service, or leaves the Service on resignation, he shall forthwith deliver up every article whether of dress, equipment or other kind which has been supplied to him for use in the discharge of his duties or has come into his possession by virtue of his office. If any such article is not delivered up or, when delivered up, is found to have been improperly used or damaged, the Administration may deduct from any moneys due to the servant a sum sufficient to make good the damage or, if necessary, to supply another such article.

27. (a) The Governor-General shall establish a permanent board of reference to be known as the Conciliation Board, which shall consist of an equal number of servants nominated by the Administration and of servants elected by the staff. Establishment of Conciliation Board.

- (b) The Conciliation Board shall consider such matters affecting the staff as may be referred to it in manner prescribed and shall report thereon to the Minister.
- (c) The Administration may, subject to the approval of the Governor-General, make regulations not incon-

wat nie met hierdie artikel onbestaanbaar is nie, betreffende die instelling, funksies en prosedure van die Raad.

Geskille tussen Administrasie en dienare.

28. (1) Wanneer 'n geskil tussen die Administrasie en 'n aansienlike aantal van sy dienare met betrekking tot diensvoorwaardes ontstaan, en die geskil nie op vriendskaplike voet deur bemiddeling van die Versoeningsraad of andersins besleg kan word nie, en dit ernstige ontwrigting in die eksploitasie van die spoorweë of hawens veroorsaak of waarskynlik sal veroorsaak, moet die Administrasie die aangeleentheid aan die Goewerneur-generaal rapporteer.

(2) By ontvangs van die verslag in sub-artikel (1) bedoel, moet die Goewerneur-generaal, tensy die geskil reeds op ander wyse besleg is, 'n kommissie bestaande uit onpartydige persone aanstel om die oorsaak van die geskil te ondersoek en om aanbevelings daaromtrent te doen.

(3) Wanneer 'n versoekskrif onderteken deur minstens een vyfde van die totale aantal van elke graad van die daarby betrokke dienare aan die Administrasie voorgelê word, waarin versoek word dat 'n kommissie van onpartydige persone aangestel word om ondersoek in te stel na 'n aangeleentheid in geskil wat hulle met betrekking tot hul diens raak, moet die Administrasie die aangeleentheid aan die Goewerneur-generaal rapporteer, en laasgenoemde kan volgens goeddunke die in sub-artikel (2) bedoelde kommissie aanstel om die aangeleentheid wat in die versoekskrif vermeld word te ondersoek en aanbevelings daaromtrent te doen.

(4) 'n Kommissie wat kragtens hierdie artikel aangestel word, bestaan uit minstens drie en hoogstens vyf persone (wat nie dienare van die Administrasie is nie) en een van die lede van die kommissie, wat die voorsitter sal wees, moet indien doenlik 'n regter of voormalige regter van die Hooggeregshof van Suid-Afrika wees.

(5) Die verslag en aanbevelings van die kommissie of van enige lid daarvan moet in die *Staatskoerant* gepubliseer en in beide Huise van die Parlement ter Tafel gelê word.

Appèlle teen vertolking van regulasies.

29. 'n Dienaar wat ontevrede is met 'n vertolking van 'n regulasie kan deur die gewone kanale by die Hoofbestuurder en daarna by die Spoorweg- en Haweraad in hoër beroep gaan. Indien die Hoofbestuurder of die Spoorweg- en Haweraad van mening is dat die aangeleentheid belangrik genoeg is, kan dit vir 'n aanbeveling na die Versoeningsraad verwys word. Die beslissing van die Spoorweg- en Haweraad oor die appèl is afdoende.

HOOFSTUK III.

ALGEMEEN.

Sekere tydperke van diens word geag ononderbroke te wees.

30. Alle tydperke van diens van 'n dienaar—

- (a) by die Administrasie;
- (b) by die ou Administrasie;
- (c) in die staatsdiens van 'n Suid-Afrikaanse regering waarvan die Unie-regering die opvolger is;
- (d) in die „South African Constabulary”;
- (e) in 'n departement bestuur deur of met die advies van die Interkoloniale Raad van die Kolonies Transvaal en Oranjerivier;
- (f) in die spoorwegpolisie van die Kolonies Transvaal en Oranjerivier; en
- (g) in enige ander diens, vir sover enige gedeelte van sodanige diens vir pensioendoeleindes toegelaat is, word, indien nie onderbreek nie, geag een tydperk van ononderbroke diens te wees: Met dien verstande dat 'n dienaar wat—
 - (i) uit die Diens ontslaan is in verband met die opstand van 1914; en
 - (ii) na die opstand in die Diens heropgeneem is, daarop geregtig is dat sy diens vóór die opstand vir alle doeleindes van bevordering in aanmerking geneem moet word.

Voorbehoud met betrekking tot personeel van ouditeur.

31. Geen bepaling van hierdie Wet is van toepassing op die personeel wat in verband met die wettlike ouditering van die rekenings van die Administrasie werksaam is nie.

Regulasies.

32. (1) Onderworpe aan die goedkeuring van die Goewerneur-generaal kan die Administrasie regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig met betrekking tot een of meer van die ondervermelde aangeleenthede—

- (a) die afneem en onderwerpe van eksamens wat dien as kwalifikasie vir toelating tot of bevordering in die ver-

sistent with this section with respect to the constitution, functions and procedure of the Board.

28. (1) Whenever a dispute arises between the Administration and a considerable number of its servants as to any conditions of employment, and the dispute cannot be amicably settled through the Conciliation Board or otherwise, and is causing or likely to cause serious disorganization in the working of the railways, ports or harbours, the Administration shall report the matter to the Governor-General.

Disputes between Administration and servants.

(2) On receipt of the report referred to in sub-section (1) the Governor-General shall, unless the dispute be otherwise previously settled, appoint a commission of impartial persons to investigate the cause of dispute and to make recommendations in reference thereto.

(3) Whenever there is presented to the Administration a petition signed by not less than one-fifth of the total number of each grade of the servants affected, praying for the appointment of a commission of impartial persons to investigate any matter in dispute affecting them in relation to their service, the Administration shall report the matter to the Governor-General who may, in his discretion, appoint the commission referred to in sub-section (2) to investigate the matter referred to in the petition and to make recommendations in reference thereto.

(4) Any commission appointed under this section shall consist of not less than three nor more than five persons (not being servants of the Administration) and one of the members of the commission, who shall be chairman, shall if practicable be a judge or ex-judge of the Supreme Court of South Africa.

(5) The report and recommendations of the commission or of any member thereof shall be published in the *Gazette* and shall be laid upon the Tables of both Houses of Parliament.

29. Any servant who is dissatisfied with an interpretation of a regulation may appeal through the usual channels to the General Manager and thereafter to the Railways and Harbours Board. If the General Manager or the Railways and Harbours Board is of opinion that the matter is of sufficient importance, it may be referred to the Conciliation Board for a recommendation. The decision of the Railways and Harbours Board on the appeal shall be final.

Appeals against interpretation of regulations.

CHAPTER III.

GENERAL.

30. Any periods of employment of any servant—

- (a) under the Administration;
- (b) under the old Administration;
- (c) in the public service of any South African Government of which the Union Government is the successor;
- (d) in the South African Constabulary;
- (e) in any department administered by or on the advice of the Inter-Colonial Council of the Transvaal and Orange River Colonies;
- (f) in the railway police of the Transvaal and Orange River Colonies; and
- (g) in any other service to the extent of any portion of such employment admitted for pension purposes,

Certain periods of employment to be deemed continuous.

shall, if uninterrupted, be deemed to be one period of continuous employment: Provided that a servant who—

- (i) was discharged from the Service on account of the rebellion of 1914; and
- (ii) was re-admitted to the Service after the said rebellion,

shall be entitled to have his service before the rebellion taken into account for all purposes of promotion.

31. Nothing in this Act shall apply to the staff engaged in the statutory audit of the accounts of the Administration.

Saving as to staff of auditor.

32. (1) The Administration may, subject to the approval of the Governor-General, make regulations not inconsistent with this Act with respect to all or any of the following matters—

Regulations.

- (a) the conduct and subjects of examinations qualifying for admission to or promotion in the several branches

skillende vertakkings van die Diens, vir bepaalde kategorieë van aanstellings daarin, of vir enige ander doel;

- (b) die gradering, klassifisering, besoldiging, bevordering, oorpasing, tug, gedrag, bevoegdhede, pligte, diensure en verlof van dienare en die diensvoorwaardes in die Diens;
- (c) die skale van betaling vir oortyd en van reis-, verblyfs-, klimaats- en plaaslike of ander toelaes, en die omstandighede waaronder sodanige toelaes betaal word;
- (d) die omstandighede waaronder geneeskundige ondersoeke vereis word;
- (e) die sekerheidstelling wat van bepaalde klasse van dienare verlang kan word, en die bedrag en vorm daarvan;
- (f) die prosedure wat met die ondersoek en behandeling van aanklagte van onbekwaamheid of tugoortreding gevolg moet word, en die amptenare deur wie die voorgeskrewe strawwe opgelê kan word;
- (g) die instelling van 'n siekefonds en die bestuur daarvan, die vorm waarin en wyse waarop die rekenings daarvan gehou moet word, die skaal van bydraes en die wyse waarop bydraes deur dienare aan so 'n fonds betaal moet word;
- (h) die omstandighede waaronder en die persoon by wie in hoër beroep gegaan kan word, en die wyse waarop so 'n appèl voortgesit moet word;
- (i) die prosedure wat met die verkiesing van verteenwoordigers van die personeel in komitees en rade gevolg moet word;
- (j) die metode waarvolgens een of ander fonds beheer word, en die vorm waarin en wyse waarop die rekenings daarvan gehou moet word;
- (k) die wyse waarop bydraes in een of ander fonds deur die lede daarvan gestort moet word;
- (l) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word,

en oor die algemeen vir die doeltreffende verwesenliking van die oogmerke en doelstellings van hierdie Wet, in dié sin dat die algemene strekking van hierdie bepaling nie beperk word deur die aangeleenthede wat bepaaldelik in hierdie sub-artikel vermeld word nie.

(2) Verskillende regulasies kan uitgevaardig word om by die wisselende vereistes van bepaalde soorte werk in die Diens te pas.

(3) Veranderings in by regulasie voorgeskrewe diensvoorwaardes wat deur die Administrasie goedgekeur word, kan in werking gestel word vanaf 'n datum deur die Administrasie bepaal en by wyse van omsendbrief bekend gemaak in afwagting van die goedkeuring deur die Goewerneur-generaal van gewysigde regulasies: Met dien verstande dat sodanige goedkeuring verkry moet word binne drie maande na die datum van bekendmaking aan die personeel.

Betaling aan ander persoon van bedrag betaalbaar aan amptenaar of werksman.

33. Die bepalings van artikel *vier-en-dertig bis* van die „Spoorwegaan en Havens Superannuatiefonds Wet, 1925” (Wet No. 24 van 1925), is *mutatis mutandis* van toepassing ten opsigte van 'n bedrag wat deur die Administrasie aan 'n amptenaar of werksman betaalbaar is.

Aanwending van boetes en onopgeëiste salaris en loon ten bate van sekere fondse.

34. Alle boetes deur die Administrasie ingevolge die bepalings van hierdie Wet ontvang, of onopgeëiste salaris of loon aan dienare verskuldig, word deur die Administrasie in gelyke dele aan die Hulpfonds en die Spoorweg-instituutfonds betaal, en kan aangewend word vir die doeleindes van daardie fondse soos van tyd tot tyd deur die Administrasie bepaal: Met dien verstande dat sodanige betaling nie 'n dienaar wie se salaris of loon nie opgeëis is nie, verhinder om dit volgens wet van die Administrasie te vorder nie, en indien sy vordering bewys word, kan die verskuldigde bedrag aan hom betaal en afgetrek word van die restant van enige onopgeëiste salaris of loon wat dan of daarna in die hande van die Administrasie is. By die toepassing van hierdie artikel omvat die uitdrukking „salaris of loon” ook toelaes van watter aard ook al.

Administrasie kan sekere toekennings en toelaes gee.

35. Die Administrasie kan, met inagneming van die regulasies, aan 'n dienaar 'n toekening maak of 'n bonus of toelae betaal vir spesiale dienste, voorbeeldige gedrag by besondere geleenthede of vir die verskaffing van werktuie van watter aard ook al vir doeltreffender eksplorasie.

of the Service, for particular classes of appointments thereto or for any other purpose;

- (b) the grading, classification, remuneration, promotion, transfer, discipline, conduct, powers, duties, hours of attendance and leave of absence of servants and the conditions of employment in the Service;
- (c) the rates of overtime payments and of any travelling, subsistence, climatic and local or other allowances and the circumstances under which any such allowance shall be made;
- (d) the circumstances in which medical examinations shall be required;
- (e) the security which may be required to be given by particular classes of servants and the amount and form thereof;
- (f) the procedure to be observed in investigating and dealing with charges of inefficiency or disciplinary infringement and the officers by whom the prescribed penalties may be imposed;
- (g) the establishment of a sick fund and the working of the same, the form and manner in which the accounts thereof shall be kept, the scale of contributions and the manner in which contributions shall be made to any such fund by servants;
- (h) the circumstances in which and the person to whom an appeal shall lie and the manner in which such an appeal shall be prosecuted;
- (i) the procedure to be followed in the election of representatives of the staff to committees and boards;
- (j) the mode of administering any fund and the form and manner in which the accounts thereof shall be kept;
- (k) the manner in which contributions shall be made to any fund by its members;
- (l) any matters which under this Act are required or permitted to be prescribed,

and generally for the efficient carrying out of the objects and purposes of this Act, the generality of this provision not being limited by the matters specifically mentioned in this sub-section.

(2) Different regulations may be made to suit the varying requirements of particular classes of employment in the Service.

(3) Changes approved by the Administration in conditions of employment prescribed by regulation may be brought into operation from a date specified by the Administration and notified by circular pending approval by the Governor-General of amended regulations: Provided that such approval shall be obtained within three months from the date of notification to the staff.

33. The provisions of section *thirty-four bis* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), shall *mutatis mutandis* apply in respect of any amount payable by the Administration to any officer or employee.

Payment to other person of amount payable to officer or employee.

34. Any fines received by the Administration under the provisions of this Act or any unclaimed salary or wages due to servants shall be paid by the Administration to the Benevolent Fund and the Railway Institutes Fund in equal proportions and may be used for the purpose of those funds as determined from time to time by the Administration: Provided that such payment shall not prevent a servant whose salary or wages shall not have been claimed from recovering the same from the Administration according to law, and if his claim is established the amount due may be paid to him and may be deducted from any balance of unclaimed salary or wages then or thereafter in the hands of the Administration. For the purposes of this section the expression "salary or wages" includes allowances of whatever kind.

Appropriation of fines and unclaimed salary and wages to certain funds.

35. The Administration may, subject to the regulations, make any grant or give any bonus or allowance to any servant for special services, exemplary conduct on special occasions or for the provision of appliances of any kind for more efficient working.

Administration may make certain grants and allowances.

Herroeping van wette.

36. Onderworpe aan artikel *sewe-en-dertig* word die wette in die Bylae by hierdie Wet vermeld hierby herroep vir sover in die derde kolom van daardie Bylae aangedui word.

Bestaande regulasies, ens. bly van krag.

37. Alle regulasies, aanstellings, keuses, kennisgewings, sertifikate, beslissings of strawwe uitgevaardig, gemaak, gepubliseer, uitgeoefen, gegee, uitgereik of opgelê, en alle ander handelings wettig verrig ingevolge een of ander bepaling van 'n wet wat deur hierdie Wet herroep word, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet uitgevaardig, gemaak, gepubliseer, uitgeoefen, gegee, uitgereik, opgelê of verrig te gewees het.

Toepassing van hierdie Wet op Suidwes-Afrika.

38. Hierdie Wet is van toepassing op die Gebied Suidwes-Afrika.

Kort titel.

39. Hierdie Wet heet die Wet op Spoorweg- en Hawediens, 1960.

Bylae.

WETTE HERROEP.

No. en jaar van wet.	Kort titel.	Omvang van herroeping.
Wet No. 23 van 1925.	„Spoorwegen en Havens Dienst Wet, 1925.”	Die <i>geheel</i> .
Wet No. 30 van 1926.	Spoorweg- en Hawediens en Superannuasiefonds Wette Wysigingswet, 1926.	Artikel <i>een</i> .
Wet No. 7 van 1928.	Spoorweë- en Hawensdiens en Superannuasie Wysigings Wet, 1928.	Artikel <i>een</i> .
Wet No. 27 van 1930.	Spoorweg- en Hawediens- en Superannuasiefondswette Wysigings Wet, 1930.	Artikels <i>twee</i> en <i>drie</i> .
Wet No. 18 van 1938.	Wysigingswet op die Wette op Spoorweë en Hawens, 1938.	Artikels <i>vier</i> en <i>vyf</i> .
Wet No. 15 van 1940.	Wysigingswet op Spoorweë en Hawens (Pensioene en Diens), 1940.	Artikels <i>vier</i> tot en met <i>sewe</i> en <i>nege</i> .
Wet No. 23 van 1944.	Wysigingswet op die Spoorweg- en Hawewette, 1944.	Artikel <i>twee</i> .
Wet No. 16 van 1945.	Wysigingswet op die Spoorweg- en Hawewette, 1945.	Artikel <i>twee</i> .
Wet No. 11 van 1946.	Wysigingswet op Spoorweg- en Hawediens en -superannuasie, 1946.	Artikel <i>vier</i> .
Wet No. 49 van 1949.	Wysigingswet op Spoorweg- en Hawewette, 1949.	Artikels <i>elf</i> tot en met <i>dertien</i> .
Wet No. 63 van 1951.	Wysigingswet op Spoorweg- en Hawewette, 1951.	Artikels <i>aght</i> tot en met <i>tien</i> .
Wet No. 45 van 1952.	Wysigingswet op Spoorweg- en Hawewette, 1952.	Artikel <i>drie</i> .
Wet No. 40 van 1953.	Wysigingswet op Spoorweg- en Hawewette, 1953.	Artikel <i>vier</i> .
Wet No. 49 van 1955.	Wysigingswet op Spoorweg- en Hawewette, 1955.	Artikels <i>vier</i> tot en met <i>aght</i> .
Wet No. 50 van 1955.	Wysigingswet op die Spoorweg- en Hawediens en -superannuasie, 1955.	Artikels <i>drie</i> en <i>vier</i> .
Wet No. 15 van 1956.	Wysigingswet op Spoorweg- en Hawewette, 1956.	Artikels <i>vier</i> en <i>vyf</i> .
Wet No. 34 van 1957.	Wysigingswet op Spoorweg- en Hawewette, 1957.	Artikels <i>vier</i> tot en met <i>ses</i> .
Wet No. 44 van 1959.	Wysigingswet op Spoorweg- en Hawewette, 1959.	Artikels <i>vyf</i> tot en met <i>twalf</i> en <i>vyf-en-dertig</i> .

36. Subject to section *thirty-seven* the laws specified in the Schedule to this Act are hereby repealed to the extent set out in the third column of that Schedule. **Repeal of laws.**

37. Any regulation, appointment, election, notice, certificate, decision or punishment made, published, exercised, given, issued or imposed, and any other action validly taken under any provision of a law repealed by this Act, shall be deemed to have been made, published, exercised, given, issued, imposed or taken under the corresponding provision of this Act. **Saving as to existing regulations, etc.**

38. This Act shall apply to the Territory of South-West Africa. **Application of this Act to South-West Africa.**

39. This Act shall be called the Railways and Harbours Service Act, 1960. **Short title.**

Schedule.

LAWS REPEALED.

No. and year of law.	Short title.	Extent of repeal.
Act No. 23 of 1925.	Railways and Harbours Service Act, 1925.	The whole.
Act No. 30 of 1926.	Railways and Harbours Service and Superannuation Fund Acts Amendment Act, 1926.	Section <i>one</i> .
Act No. 7 of 1928.	Railways and Harbours Service and Superannuation (Amendment) Act, 1928.	Section <i>one</i> .
Act No. 27 of 1930.	Railways and Harbours Service and Superannuation Fund Acts Amendment Act, 1930.	Sections <i>two</i> and <i>three</i> .
Act No. 18 of 1938.	Railways and Harbours Acts Amendment Act, 1938.	Sections <i>four</i> and <i>five</i> .
Act No. 15 of 1940.	Railways and Harbours (Pension and Service) Amendment Act, 1940.	Sections <i>four</i> to <i>seven</i> , inclusive, and <i>nine</i> .
Act No. 23 of 1944.	Railways and Harbours Acts Amendment Act, 1944.	Section <i>two</i> .
Act No. 16 of 1945.	Railways and Harbours Acts Amendment Act, 1945.	Section <i>two</i> .
Act No. 11 of 1946.	Railways and Harbours Service and Superannuation (Amendment) Act, 1946.	Section <i>four</i> .
Act No. 49 of 1949.	Railways and Harbours Acts Amendment Act, 1949.	Sections <i>eleven</i> to <i>thirteen</i> , inclusive.
Act No. 63 of 1951.	Railways and Harbours Acts Amendment Act, 1951.	Sections <i>eight</i> to <i>ten</i> , inclusive.
Act No. 45 of 1952.	Railways and Harbours Acts Amendment Act, 1952.	Section <i>three</i> .
Act No. 40 of 1953.	Railways and Harbours Acts Amendment Act, 1953.	Section <i>four</i> .
Act No. 49 of 1955.	Railways and Harbours Acts Amendment Act, 1955.	Sections <i>four</i> to <i>eight</i> , inclusive.
Act No. 50 of 1955.	Railways and Harbours Service and Superannuation Amendment Act, 1955.	Sections <i>three</i> and <i>four</i> .
Act No. 15 of 1956.	Railways and Harbours Acts Amendment Act, 1956.	Sections <i>four</i> and <i>five</i> .
Act No. 34 of 1957.	Railways and Harbours Acts Amendment Act, 1957.	Sections <i>four</i> to <i>six</i> , inclusive.
Act No. 44 of 1959.	Railways and Harbours Acts Amendment Act, 1959.	Sections <i>five</i> to <i>twelve</i> , inclusive, and <i>thirty-five</i> .

No. 23, 1960.]

WET**Om voorsiening te maak vir die beheer van die wattelbasnywerheid en ander aangeleenthede wat daarmee in verband staan.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 Maart 1960.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—Woordom-
omskrywing.**1.** In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—

- (i) "hierdie Wet" ook 'n regulasie daarkragtens uitgevaardig; (x)
- (ii) "kommersiële wattelbome" bome van die spesie *Acacia mollissima Willd* (algemeen bekend as swartwattel), *Acacia decurrens Willd* (algemeen bekend as groenwattel) of *Acacia Pycnantha Benth* (algemeen bekend as gouewattel); (ii)
- (iii) "kweker" iemand wat wattelbas produseer vir verwerking deur 'n vervaardiger of meulenaar; (iii)
- (iv) "meulenaar" iemand wat wattelbas vir verkoop kap of maal en saampers en baal of in sakke stop; (v)
- (v) "Minister" die Minister van Bosbou; (vi)
- (vi) "raad" die raad in sub-artikel (2) van artikel twee vermeld; (i)
- (vii) "Sekretaris" die Sekretaris van Bosbou; (ix)
- (viii) "vervaardiger" iemand wat wattlekstrak vir verkoop vervaardig; (iv)
- (ix) "verwerkte wattelprodukte" wattelbas wat gekap of gemaal en saamgepers en gebaal of in sakke gestop is, of wattlekstrak; (viii)
- (x) "voorgeskrewe" deur of kragtens hierdie Wet voorgeskryf; (vii)
- (xi) "wattelbas" die bas van kommersiële wattelbome; (xi)
- (xii) "wattlekstrak" enige ekstrak uit wattelbas vervaardig. (xii)

Ooreenkoms
tussen kwekers,
vervaardigers en
meulenaars.**2.** (1) Indien na die oordeel van die Minister—

- (a) 'n vereniging van kwekers voldoende verteenwoordigend van kwekers is en bevoeg is om die belange van alle kwekers te behartig;
- (b) 'n vereniging van vervaardigers voldoende verteenwoordigend van vervaardigers is en bevoeg is om die bemerking van wattlekstrak te behartig; en
- (c) 'n vereniging van meulenaars voldoende verteenwoordigend van meulenaars is en bevoeg is om die bemerking te behartig van wattelbas wat gekap of gemaal en saamgepers en gebaal of in sakke gestop is,

kan hy daardie verenigings versoek om 'n ooreenkoms namens kwekers, vervaardigers en meulenaars vir doeleindes van hierdie Wet aan te gaan.

(2) So 'n ooreenkoms kan voorsiening maak vir enige aangeleentheid wat die wattelbasnywerheid raak, en moet voorsiening maak—

- (a) vir 'n formule, wat hoofsaaklik op die heersende pryse van verwerkte wattelprodukte gebaseer is, om die pryse te bepaal wat deur vervaardigers en meulenaars vir wattelbas volgens graad betaal moet word;
- (b) vir die regulering en beperking van die produksie en verkoop van wattelbas deur kwekers, met inagneming van die aanvraag na verwerkte wattelprodukte, die grootte van plantasies kommersiële wattelbome van individuele kwekers en die ouderdomme van sodanige bome in sodanige plantasies;
- (c) vir die instel ten opsigte van wattelbas en verwerkte wattelprodukte van 'n heffing, wat in die belang van die wattelbasnywerheid aangewend moet word op die wyse wat in die ooreenkoms bepaal word;
- (d) vir die instelling van 'n raad om aan die ooreenkoms gevolg te gee en vir die verrigting deur die raad van die werksaamhede wat aan hom ingevolge die ooreenkoms of ingevolge hierdie Wet toegewys word;

No. 23, 1960.]

ACT

To provide for the control of the wattle bark industry and other incidental matters.

(Afrikaans text signed by the Governor-General.)
(Assented to 25th March, 1960.)

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. In this Act, unless the context otherwise indicates— Definitions.

- (i) "board" means the board referred to in sub-section (2) of section two; (vi)
- (ii) "commercial wattle trees" means trees of the species *Acacia mollissima Willd* (commonly known as black wattle), *Acacia decurrens Willd* (commonly known as green wattle) or *Acacia Pycnantha Benth* (commonly known as golden wattle); (ii)
- (iii) "grower" means any person who produces wattle bark for processing by a manufacturer or miller; (iii)
- (iv) "manufacturer" means any person who manufactures wattle extract for sale; (viii)
- (v) "miller" means any person who chops or grinds wattle bark and presses and bales or bags it for sale; (iv)
- (vi) "Minister" means the Minister of Forestry; (v)
- (vii) "prescribed" means prescribed by or under this Act; (x)
- (viii) "processed wattle products" means wattle bark which has been chopped or ground and pressed and baled or bagged, or wattle extract; (ix)
- (ix) "Secretary" means the Secretary for Forestry; (vii)
- (x) "this Act" includes any regulation made thereunder; (i)
- (xi) "wattle bark" means the bark of commercial wattle trees; (xi)
- (xii) "wattle extract" means any extract made from wattle bark. (xii)

2. (1) If in the opinion of the Minister—

- (a) an association of growers is sufficiently representative of growers and qualified to promote the interests of all growers; Agreement
between growers,
manufacturers
and millers.
- (b) an association of manufacturers is sufficiently representative of manufacturers and qualified to promote the marketing of wattle extract; and
- (c) an association of millers is sufficiently representative of millers and qualified to promote the marketing of wattle bark which has been chopped or ground and pressed and baled or bagged,

he may request such associations to enter into an agreement on behalf of growers, manufacturers and millers, for purposes of this Act.

(2) Such agreement may provide for any matter affecting the wattle bark industry, and shall provide—

- (a) for a formula for determining the prices to be paid according to grade for wattle bark by manufacturers and millers, such formula to be based mainly on the ruling prices of processed wattle products;
- (b) for the regulation and restriction of the production and sale of wattle bark by growers, having regard to the demand for processed wattle products, the size of plantations of commercial wattle trees of individual growers and the ages of such trees in such plantations;
- (c) for the imposition of a levy in respect of wattle bark and processed wattle products, to be utilized in the interests of the wattle bark industry in such manner as may be determined in such agreement;
- (d) for the establishment of a board for the purpose of giving effect to the agreement and for the performance by the board of such functions as may be assigned to it under the agreement or under this Act;

- (e) vir die samestelling van genoemde raad op 'n wyse wat voorsiening maak vir gelyke verteenwoordiging van kwekers aan die een kant en vervaardigers en meulenaars aan die ander kant, vir die verkiesing van verteenwoordigers van kwekers op 'n streeksbasis en by geheime stembriefie, en vir die aanstelling deur die Minister van 'n voorsitter wat nie 'n kweker, vervaardiger of meulenaar is nie en wat nie op vergaderings van die raad mag stem nie;
- (f) vir die regulering en beheer, op die in die ooreenkoms vermelde wyse, van die bemaking van verwerkte wattelprodukte deur 'n komitee deur die raad aangestel en wat so saamgestel word dat die meerderheid van die lede van die komitee verteenwoordigers van vervaardigers en meulenaars is;
- (g) vir die prosedure wat ten opsigte van vergaderings van genoemde raad en genoemde komitee gevolg moet word;
- (h) vir enige deur die Minister bepaalde aangeleentheid wat die wattelbasnywerheid raak.

(3) Indien die Minister oortuig is dat 'n ooreenkoms ingevolge hierdie artikel aangegaan, in die belang van die wattelbasnywerheid sal wees, kan hy die ooreenkoms in die *Staatskoerant* afkondig.

(4) 'n Ooreenkoms ingevolge hierdie artikel aangegaan, kan te eniger tyd met goedkeuring van die Minister gewysig word deur die verenigings wat dit aangegaan het of deur soortgelyke verenigings en die Minister kan die wysigingsooreenkoms in die *Staatskoerant* afkondig.

(5) By afkondiging in die *Staatskoerant* van die ooreenkoms of 'n wysigingsooreenkoms, is dit bindend vir elke kweker, vervaardiger en meulenaar asof die kweker, vervaardiger of meulenaar 'n party by die ooreenkoms of wysigingsooreenkoms was.

Vasstelling van bepalinge van ooreenkoms deur Minister.

3. (1) Die Minister kan—

- (a) indien geen ooreenkoms kragtens sub-artikel (3) van artikel twee afgekondig is nie en hy dit in belang van die wattelbasnywerheid ag, by kennisgewing in die *Staatskoerant* die bepalinge van 'n ooreenkoms tussen kwekers, vervaardigers en meulenaars vasstel, waarin voorsiening gemaak word vir die aangeleentheid in sub-artikel (2) van artikel twee vermeld;
- (b) 'n vasstelling aldus gedoen, by soortgelyke kennisgewing wysig of intrek.

(2) So 'n vasstelling of wysiging is bindend vir elke kweker, vervaardiger en meulenaar asof dit 'n ooreenkoms of wysigingsooreenkoms was waarby die kweker, vervaardiger of meulenaar 'n party geword het.

Beheer oor vandiehandsetting van wattelbas.

4. (1) Geen kweker mag wattelbas aan 'n vervaardiger of meulenaar vir verwerkingsdoeleindes verkoop of anders van die hand sit nie, behalwe op gesag van 'n permit deur die raad uitgereik.

(2) Geen vervaardiger of meulenaar mag wattelbas van 'n kweker vir verwerkingsdoeleindes verkry nie, behalwe op gesag van 'n permit deur die raad uitgereik.

(3) Geen vervaardiger of meulenaar mag wattelbas deur homself geproduseer, verwerk nie, behalwe op gesag van 'n permit deur die raad uitgereik.

Opmeting van en besonderhede met betrekking tot wattelplantasies.

5. (1) Elke kweker wat kommersiële wattelbome kweek in plantasies van of groter as 'n voorgeskrewe grootte, moet op die voorgeskrewe tye en wyse sodanige plantasies opmeet, kaarte daarvan opstel en aan die raad afskrifte van sodanige kaarte verstrek.

(2) Elke sodanige kweker moet op die voorgeskrewe tye aan die raad die voorgeskrewe besonderhede met betrekking tot sodanige plantasies verstrek.

(3) Die raad kan, in die mate deur hom vermeld, 'n kweker wie se plantasies by die inwerkingtrede van hierdie Wet opgemeet is, van die bepalinge van sub-artikel (1) vrystel.

Vervaardigers en meulenaars moet permitte hê.

6. (1) Niemand mag as vervaardiger of meulenaar handel dryf nie, behalwe op gesag van 'n permit deur die Minister uitgereik.

(2) Die Minister kan so 'n permit uitreik—

- (a) aan iemand wat op 9 November 1959 as vervaardiger of meulenaar handel gedryf het;
- (b) aan iemand anders, na oorlegpleging met die raad, indien hy dit in belang van die wattelbasnywerheid ag.

- (e) for the constitution of the said board in a manner which provides for equal representation of growers on the one hand and manufacturers and millers on the other hand, for the election of representatives of growers on a regional basis and by secret ballot, and for the appointment by the Minister of a chairman who is not a grower, manufacturer or miller and who shall have no vote at meetings of the board;
- (f) for the regulation and control, in such manner as may be specified in the agreement, of the marketing of processed wattle products by a committee appointed by the board, to be so constituted that the majority of the members of the committee shall be representatives of manufacturers and millers;
- (g) for the procedure to be adopted in respect of meetings of the said board and the said committee;
- (h) for any matter affecting the wattle bark industry, determined by the Minister.

(3) If the Minister is satisfied that an agreement entered into under this section will be in the interests of the wattle bark industry he may publish such agreement in the *Gazette*.

(4) An agreement entered into under this section may at any time with the approval of the Minister be amended by the associations which entered into the agreement or by any similar associations and the Minister may publish the amending agreement in the *Gazette*.

(5) On the publication in the *Gazette* of the agreement or an amending agreement, it shall be binding upon every grower, manufacturer and miller, as if such grower, manufacturer or miller were a party to the agreement or amending agreement.

3. (1) The Minister may—

- (a) if no agreement has been published under sub-section (3) of section two and if he deems it to be in the interests of the wattle bark industry, by notice in the *Gazette* determine the terms of an agreement between growers, manufacturers and millers in which provision is made for the matters referred to in sub-section (2) of section two;
- (b) amend or revoke by like notice any determination so made.

Determination of terms of agreement by Minister.

(2) Any such determination or amendment shall be binding upon every grower, manufacturer and miller as if it were an agreement or amending agreement to which such grower, manufacturer or miller had become a party.

4. (1) No grower shall sell or otherwise dispose of wattle bark to a manufacturer or miller, for the purpose of processing, except under authority of a permit issued by the board.

Control of disposal of wattle bark.

(2) No manufacturer or miller shall acquire any wattle bark from any grower for the purpose of processing, except under authority of a permit issued by the board.

(3) No manufacturer or miller shall process any wattle bark produced by him, except under authority of a permit issued by the board.

5. (1) Every grower who grows commercial wattle trees in plantations of or above a prescribed extent shall at such times and in such manner as may be prescribed, survey such plantations, compile maps thereof and furnish the board with copies of such maps.

Survey of and particulars relating to wattle plantations.

(2) Every such grower shall at such times as may be prescribed, furnish the board with such particulars relating to such plantations as may be prescribed.

(3) The board may, to the extent specified by it, exempt from the provisions of sub-section (1), any grower whose plantations have been surveyed at the commencement of this Act.

6. (1) No person shall carry on the business of a manufacturer or miller, except under authority of a permit issued by the Minister.

Manufacturers and millers to hold permits.

(2) The Minister may issue such a permit—

- (a) to any person who carried on the business of a manufacturer or miller on the 9th November, 1959;
- (b) to any other person, after consultation with the board, if he deems it to be in the interests of the wattle bark industry.

(3) Die Minister kan enige permit kragtens hierdie artikel uitreik behoudens die voorwaardes wat hy na oorlegpleging met die raad in elke geval bepaal.

(4) Die Minister kan na oorlegpleging met die raad te eniger tyd die voorwaardes verbonde aan so 'n permit wysig.

(5) Die Minister kan 'n permit aan 'n vervaardiger of meulenaar kragtens hierdie artikel uitgereik, intrek indien hy oortuig is dat die vervaardiger of meulenaar versuim het om 'n voorwaarde verbonde aan die permit na te kom of indien die vervaardiger of meulenaar aan 'n misdryf ingevolge hierdie Wet skuldig bevind is.

Misdrywe en
strawwe.

7. Iemand wat—

- (a) 'n bepaling van hierdie Wet of 'n voorwaarde verbonde aan 'n permit kragtens artikel ses uitgereik of 'n bepaling met betrekking tot die betaling van 'n heffing, vervat in 'n ooreenkoms, vasstelling of wysiging daarvan wat ingevolge hierdie Wet vir elke kweker, vervaardiger en meulenaar bindend is, oortree of versuim om dit na te kom;
 - (b) by die verstrekking van inligting by die toepassing van 'n bepaling van hierdie Wet, inligting verstrek wat vals is;
 - (c) iemand by die verrigting van 'n handeling wat hy uit hoofde van hierdie Wet gemagtig is om te verrig, op enige wyse belemmer of hinder of intimideer; of
 - (d) weier om aan iemand op sy versoek enigiets in sy besit of bewaring te oorhandig om ondersoek, gradeer, of getoets te word of om 'n monster daarvan te neem, as so iemand uit hoofde van hierdie Wet gemagtig is om dit te ondersoek, gradeer of toets of om 'n monster daarvan te neem,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

Regulasies.

8. Die Minister kan regulasies uitvaardig—

- (a) wat die minimumgrootte van plantasies kommersiële wattelbome voorskryf, ten opsigte waarvan die bepaling van artikel vyf van toepassing is;
- (b) wat die tye en wyse voorskryf waarop plantasies kommersiële wattelbome opgemeet en afskrifte van kaarte daarvan aan die raad verstrek moet word;
- (c) wat die tye voorskryf waarop besonderhede met betrekking tot plantasies kommersiële wattelbome aan die raad verstrek moet word en die aard van daardie besonderhede;
- (d) wat die besonderhede voorskryf wat van tyd tot tyd aan die Sekretaris deur iemand wat as 'n vervaardiger of meulenaar handel dryf, ten opsigte van sy besigheid verstrek moet word;
- (e) wat 'n kweker verbied om 'n bepaalde klas of soort wattelbas vir verwerking deur 'n vervaardiger of meulenaar te verkoop of anders daarvoor te beskik;
- (f) wat 'n vervaardiger of meulenaar verbied om 'n bepaalde klas of soort wattelbas vir verwerkingsdoeleindes van 'n kweker te verkry;
- (g) wat 'n vervaardiger of meulenaar verbied om 'n bepaalde klas of soort wattelbas deur hom geproduseer, te verwerk;
- (h) wat die grade en wyse van gradering volgens gehalte van wattelbas vir verwerking deur 'n vervaardiger of meulenaar bestem, voorskryf;
- (i) wat voorsiening maak vir die aanstelling van inspekteurs om plantasies kommersiële wattelbome, die besigheidspersele, fabriek of meule van vervaardigers en meulenaars, en enige wattelbas op sodanige persele, fabriek of meule te inspekteer, en wat die bevoegdhede en pligte van sodanige inspekteurs en die gelde betaalbaar ten opsigte van dienste deur hulle gelewer, voorskryf;
- (j) wat die gebruik van die bas van ander wattelbome as kommersiële wattelbome vir bepaalde doeleindes verbied of wat die uitvoer van sodanige bas verbied of beperk;
- (k) wat die grade en wyse van gradering volgens gehalte van verwerkte wattelprodukte vir uitvoer bestem, voorskryf;
- (l) wat vir die inspeksie van verwerkte wattelprodukte vir uitvoer bestem, en vir die gelde ten opsigte van so 'n inspeksie betaalbaar, voorsiening maak;

(3) The Minister may issue any permit under this section subject to such conditions as he may in each case determine after consultation with the board.

(4) The Minister may, after consultation with the board, at any time amend the conditions of any such permit.

(5) The Minister may withdraw any permit issued to any manufacturer or miller under this section, if he is satisfied that the manufacturer or miller has failed to comply with any condition of such permit or if the manufacturer or miller has been convicted of an offence under this Act.

7. Any person who—

Offences and penalties.

- (a) contravenes or fails to comply with any provision of this Act or any condition of a permit issued under section *six* or any provision relating to the payment of a levy, contained in an agreement, determination or amendment thereof which in terms of this Act is binding upon every grower, manufacturer and miller;
- (b) when furnishing any information for the purposes of any provision of this Act furnishes information which is false;
- (c) in any manner obstructs or hinders or intimidates any person in the performance of any act which he is authorized to perform by virtue of this Act; or
- (d) refuses to deliver to any person, at his request, for examination, grading, sampling or testing anything in his possession or custody which such person is by virtue of this Act, empowered to examine, grade, sample or test,

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

8. The Minister may make regulations—

Regulations.

- (a) prescribing the minimum extent of plantations of commercial wattle trees in respect of which the provisions of section *five* shall apply;
- (b) prescribing the times at which and the manner in which plantations of commercial wattle trees shall be surveyed and copies of maps thereof shall be furnished to the board;
- (c) prescribing the times at which particulars relating to plantations of commercial wattle trees shall be furnished to the board and the nature of such particulars;
- (d) prescribing particulars to be furnished from time to time to the Secretary by any person carrying on the business of a manufacturer or miller, in regard to his business;
- (e) prohibiting any grower from selling or otherwise disposing of wattle bark of a specified class or kind for processing by a manufacturer or miller;
- (f) prohibiting any manufacturer or miller from acquiring any wattle bark of a specified class or kind from any grower for the purpose of processing;
- (g) prohibiting any manufacturer or miller from processing any wattle bark of a specified class or kind produced by him;
- (h) prescribing the grades and manner of grading according to quality of wattle bark intended for processing by a manufacturer or miller;
- (i) providing for the appointment of inspectors for the purpose of inspecting plantations of commercial wattle trees, the business premises, factories or mills of manufacturers and millers, and any wattle bark on such premises, factories or mills, and prescribing the powers and duties of such inspectors and the fees payable in respect of services rendered by them;
- (j) prohibiting the use of the bark of wattle trees other than commercial wattle trees for specified purposes or prohibiting or restricting the export of such bark;
- (k) prescribing the grades and manner of grading according to quality of processed wattle products intended for export;
- (l) providing for the inspection of processed wattle products intended for export and for the fees payable in respect of such inspection;

(m) wat voorskryf dat die raad aan die Sekretaris bepaalde besonderhede met betrekking tot die verrigting van sy werksaamhede of tot die wattelbasnywerheid moet verstrek,

en oor die algemeen met betrekking tot alle aangeleenthede wat volgens hierdie Wet voorgeskryf moet of kan word of wat die Minister nodig of dienstig ag om voor te skryf ten einde die belange van die wattelbasnywerheid te bevorder.

Toepassing van artikels 4, 5 en 6.

9. Die bepalings van artikels vier, vyf en ses is nie van toepassing nie gedurende 'n tydperk wanneer geen ooreenkoms of vaststelling ingevolge hierdie Wet vir elke kweker, vervaardiger en meulenaar bindend is nie.

Kort titel en inwerking-treding.

10. Hierdie Wet heet die Wet op die Wattelbasnywerheid, 1960, en tree in werking op 'n datum deur die Goewerneur-generaal by kennisgewing in die *Staatskoerant* bepaal.

(m) prescribing that the board shall furnish to the Secretary specified particulars relating to the performance of its functions or to the wattle bark industry, and generally with regard to all matters which by this Act are required or permitted to be prescribed or which the Minister considers it necessary or expedient to prescribe in order to promote the interests of the wattle bark industry.

9. The provisions of sections *four*, *five* and *six* shall not apply during any period when no agreement or determination is in terms of this Act binding upon every grower, manufacturer and miller. Application of sections 4, 5 and 6.

10. This Act shall be called the Wattle Bark Industry Act, 1960, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*. Short title and commencement.

No. 24, 1960.]

WET**Tot wysiging van die Wet op die Suid-Afrikaanse Reserwebank, 1944.***(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 Maart 1960.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van artikel 3 van Wet 29 van 1944.

1. Artikel *drie* van die Wet op die Suid-Afrikaanse Reserwebank, 1944 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (1) die woord „elf” deur die woord „twaalf”, en die woorde „’n Vise-president” deur die woorde „twee Vise-presidente” te vervang.

Wysiging van artikel 4 van Wet 29 van 1944, soos gewysig by artikel 1 van Wet 45 van 1956.

2. Artikel *vier* van die Hoofwet word hierby gewysig deur in sub-artikels (1), (3) en (5) die woord „Vise-president”, waar dit ook al voorkom, deur die woord „Vise-presidente” te vervang.

Wysiging van artikel 5 van Wet 29 van 1944.

3. Artikel *vyf* van die Hoofwet word hierby gewysig—
(a) deur in paragraaf (a) van sub-artikel (1) die woord „Vise-president” deur die woorde „’n Vise-president” te vervang; en
(b) deur in sub-artikel (2) die woorde „’n President of Vise-president” deur die woorde „die President of ’n Vise-president” te vervang.

Wysiging van artikel 6 van Wet 29 van 1944.

4. Artikel *ses* van die Hoofwet word hierby gewysig—
(a) deur in sub-artikel (1) die woord „Vise-president” te vervang deur die woorde „Vise-president deur die President aangewys: Met dien verstande dat die Goewerneur-generaal ’n ander direkteur kan aanwys om vir solank dit die Goewerneur-generaal behaag as voorsitter van die raad op te tree en dat daardie direkteur in daardie hoedanigheid op sodanige vergaderings waarby hy aanwesig is, presideer.”;
(b) deur in sub-artikel (2) die woorde „Indien sowel die President as die Vise-president” te vervang deur die woorde „Indien die voorsitter van die raad, waar ’n direkteur as sodanig aangewys is, sowel as die President en die Vise-presidente”; en
(c) deur in sub-artikel (5) die woord „President” deur die woorde „persoon wat op ’n vergadering presideer” te vervang.Wysiging van artikel 6*bis* van Wet 29 van 1944, soos ingevoeg by artikel 2 van Wet 45 van 1956.**5.** Artikel *ses bis* van die Hoofwet word hierby gewysig deur die woorde „die Vise-president” deur die woorde „’n Vise-president” te vervang.

Wysiging van artikel 19 van Wet 29 van 1944, soos gewysig by artikel 5 van Wet 45 van 1956.

6. Artikel *negentien* van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (1) die woorde „die Vise-president” deur die woorde „’n Vise-president” te vervang.

Kort titel.

7. Hierdie Wet heet die Wysigingswet op die Suid-Afrikaanse Reserwebank, 1960.

No. 24, 1960.]

ACT

To amend the South African Reserve Bank Act, 1944.

(English text signed by the Governor-General.)
(Assented to 25th March, 1960.)

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 *three* of the South African Reserve Bank Act, 1944 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (1) for the word "eleven" of the word "twelve", and for the words "a Deputy-Governor" of the words "two Deputy-Governors". Amendment of section 3 of Act 29 of 1944.
2. Section *four* of the principal Act is hereby amended by the substitution in sub-sections (1), (3) and (5) for the word "Deputy-Governor", wherever it occurs, of the word "Deputy-Governors". Amendment of section 4 of Act 29 of 1944, as amended by section 1 of Act 45 of 1956
3. Section *five* of the principal Act is hereby amended— Amendment of section 5 of Act 29 of 1944.
 - (a) by the substitution in paragraph (a) of sub-section (1) for the word "Deputy-Governor" of the words "a Deputy-Governor"; and
 - (b) by the substitution in sub-section (2) for the word "Deputy-Governor" of the words "a Deputy-Governor".
4. Section *six* of the principal Act is hereby amended— Amendment of section 6 of Act 29 of 1944.
 - (a) by the substitution in sub-section (1) for the words "shall preside" of the words "designated by the Governor shall preside: Provided that the Governor-General may designate any other director to act as chairman of the board during the Governor-General's pleasure and that such director shall in that capacity preside at such meetings at which he is present.";
 - (b) by the substitution in sub-section (2) for the words "If both the Governor and the Deputy-Governor" of the words "If the chairman of the board, where a director has been designated as such, as well as the Governor and the Deputy-Governors"; and
 - (c) by the substitution in sub-section (5) for the word "Governor" of the words "person presiding at any meeting".
5. Section *six bis* of the principal Act is hereby amended by the substitution for the words "the Deputy-Governor" of the words "any Deputy-Governor". Amendment of section 6bis of Act 29 of 1944, as inserted by section 2 of Act 45 of 1956.
6. Section *nineteen* of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (1) for the words "the Deputy-Governor" of the words "any Deputy-Governor". Amendment of section 19 of Act 29 of 1944, as amended by section 5 of Act 45 of 1956.
7. This Act shall be called the South African Reserve Bank Amendment Act, 1960. Short title.

No. 25, 1960.]

WET

Tot aanwending van 'n verdere som vir die diens van die Unie vir die boekjaar wat op die een-en-dertigste dag van Maart 1959 geëindig het, tot bestryding en dekking van sekere ongemagtigde uitgawes.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 Maart 1960.)

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

Skatkisrekening
belas met
£24,870. 7s. 1d.

1. Die Skatkisrekening van die Unie word hierby belas met die som van vier-en-twintigduisend agthonderd-en-sewentig pond sewe sjielings en een pennie tot dekking van sekere uitgawes bo en behalwe die bedrae beskikbaar gestel vir die diens van die Unie vir die boekjaar wat op die een-en-dertigste dag van Maart 1959 geëindig het. Hierdie uitgawes word uitengesit in die Bylae by hierdie Wet en word nader omskryf op bladsye 8 en 9 van die (aan die Parlement voorgelegde) Verslag van die Kontroleur en Ouditeur-generaal oor die rekenings vir voormelde boekjaar en in die Eerste Verslag van die Gekose Komitee oor Openbare Rekenings, 1960.

Kort titel.

2. Hierdie Wet heet die Wet op Ongemagtigde Uitgawes (1958-'59), 1960.

Bylae.

No. van Begrotingspos.	Titel van Begrotingspos.	Bedrag.
(Op Inkomsterekening.)		
		£ s. d.
6	Gevangenis en Tronke	28 10 0
17	Kleurlingsake	95 2 2
18	Verdediging	1,239 2 4
33	Handel en Nywerheid	323 11 6
36	Volkswelsyn	151 2 6
39	Onderwys, Kuns en Wetenskap	8 18 0
40	Nywerheidskole en Verbeteringshuise	658 7 5
42	Gesondheid (Unie): Hospitale en Inrigtings	5,929 4 3
		£8,433 18 2
(Op Leningsrekening.)		
E	Waterwese	7,378 2 11
L	Vervoer	9,058 6 0
		£16,436 8 11
	Totaal	£24,870 7 1

No. 25, 1960.]

ACT

To apply a further sum of money towards the service of the Union for the financial year ended on the thirty-first day of March, 1959, for the purpose of meeting and covering certain unauthorized expenditure.

(Afrikaans text signed by the Governor-General.)
(Assented to 25th March, 1960.)

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 Exchequer Account of the Union is hereby charged with the sum of twenty-four thousand eight hundred and seventy pounds seven shillings and one penny to meet certain expenditure over and above the amounts appropriated for the service of the Union for the financial year which ended on the thirty-first day of March, 1959. Such expenditure is set forth in the Schedule to this Act and is more particularly specified on pages 8 and 9 of the Report (which has been submitted to Parliament) of the Controller and Auditor-General on the accounts for the said financial year and in the First Report of the Select Committee on Public Accounts, 1960.

Exchequer
Account
charged with
£24,870. 7s. 1d.

2. This Act shall be known as the Unauthorized Expenditure Short title. (1958-'59) Act, 1960.

Schedule.

No. of Vote.	Title of Vote.	Amount.
(On Revenue Account.)		
		£ s. d.
6	Prisons and Gaols	28 10 0
17	Coloured Affairs	95 2 2
18	Defence	1,239 2 4
33	Commerce and Industries	323 11 6
36	Social Welfare	151 2 6
39	Education, Arts and Science	8 18 0
40	Industrial Schools and Reformatories	658 7 5
42	Health (Union): Hospitals and Institutions	5,929 4 3
		£8,433 18 2
(On Loan Account.)		
E	Water Affairs	7,378 2 11
L	Transport	9,058 6 0
		£16,436 8 11
	Total	£24,870 7 1

No. 26, 1960.]

WET**Tot wysiging van die Wet op Mate en Gewigte, 1958.***(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 Maart 1960.)***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 13 van 1958.**1.** Artikel *een* van die Wet op Mate en Gewigte, 1958 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „verkoop” deur die volgende omskrywing te vervang:

„,verkoop’ as werkwoord, ook vir verkoop aanbied, adverteer, hou, uitstal, versend, vervoer, lewer of voorberei of verruil of teen enige vergoeding hoegenaamd van die hand sit of ingevolge ’n verkoping of verruiling of so ’n vandiehandsetting versend, vervoer of aflewer en die woorde ,verkoper’ en ,verkoop’ as selfstandige naamwoord het ’n ooreenstemmende betekenis;”.

Wysiging van
artikel 3 van
Wet 13 van 1958.**2.** Artikel *drie* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (1) die woord „Goewerneur-generaal” deur die woord „Minister” te vervang;

(b) deur die volgende sub-artikel aan die end daarvan by te voeg:

„(3) Die lede van die raad wat nie in die voltydse diens van die Staat is nie, ontvang die besoldiging en toelaes wat die Minister in oorleg met die Minister van Finansies bepaal.”.

Wysiging van
artikel 4 van
Wet 13 van 1958.**3.** Artikel *vier* van die Hoofwet word hierby gewysig deur na die woord „vyf” die woorde „en die wette met betrekking tot die staatsdiens” in te voeg.Herroeping van
artikel 6 van
Wet 13 van 1958.**4.** Artikel *ses* van die Hoofwet word hierby herroep.Invoeging van
artikel 7bis in
Wet 13 van 1958.**5.** Die volgende artikel word hierby in die Hoofwet na artikel *sewe* ingevoeg:„Aanstelling van inspekteurs. **7bis.** Die Minister kan, behoudens die wette met betrekking tot die staatsdiens, inspekteurs aanstel om die werksaamhede van inspekteurs ingevolge hierdie Wet te verrig.”.Wysiging van
artikel 21 van
Wet 13 van 1958.**6.** Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel aan die end daarvan by te voeg:„(8) Die superintendent vra ten opsigte van ’n ondersoek en toets ingevolge hierdie artikel, gelde ooreenkomstig ’n tarief deur die Minister in oorleg met die Minister van Finansies bepaal en by kennisgewing in die *Staatskoerant* afgekondig.”.Vervanging van
artikel 24 van
Wet 13 van 1958.**7.** Artikel *vier-en-twintig* van die Hoofwet word hierby deur die volgende artikel vervang:„Gelde deur yk-beamptes gevra. **24.** ’n Ykbeampte vra—

(a) ten opsigte van die verifikasie of vergelyking met of toets deur middel van standarde, of die yk of heryk van weeg- of meetinstrumente, mate of gewigte, en

(b) ten opsigte van die regstel van mate of gewigte, indien deur die superintendent gemagtig om mate of gewigte reg te stel,

gelde ooreenkomstig ’n tarief deur die Minister in oorleg met die Minister van Finansies bepaal en by kennisgewing in die *Staatskoerant* afgekondig.”.Wysiging van
artikel 28 van
Wet 13 van 1958.**8.** Artikel *agt-en-twintig* van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (a) van sub-artikel (2) al die woorde na die woorde „verkoop word” te skrap;

(b) deur in paragraaf (b) van genoemde sub-artikel die woorde „of aflewering aan ’n koper” te skrap;

(c) deur in paragraaf (c) van genoemde sub-artikel die woorde „of aflewering” te skrap.

No. 26, 1960.]

ACT

To amend the Weights and Measures Act, 1958.

(English text signed by the Governor-General.)
(Assented to 25th March, 1960.)

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 Weights and Measures Act, 1958 (herein-
after referred to as the principal Act), is hereby amended by the
substitution for the definitions of "sale" and "sell" of the
following definition: Amendment of
section 1 of
Act 13 of 1958.

"'sell' includes to offer, advertise, keep, expose, transmit,
convey, deliver or prepare for sale or to exchange
or to dispose of for any consideration whatever or to
transmit, convey or deliver in pursuance of a sale,
exchange or disposal as aforesaid and the words
'seller', 'selling', 'sale' and 'sold' have a corresponding
meaning;"

2. Section *three* of the principal Act is hereby amended— Amendment of
section 3 of
Act 13 of 1958.
(a) by the substitution in sub-section (1) for the word
"Governor-General" of the word "Minister";

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

"(3) The members of the board who are not in the
full-time employment of the State, shall receive such
remuneration and allowances as the Minister, in
consultation with the Minister of Finance, may
determine."

3. Section *four* of the principal Act is hereby amended by the Amendment of
section 4 of
Act 13 of 1958.
insertion after the word "*five*" of the words "and to the laws
relating to the public service".

4. Section *six* of the principal Act is hereby repealed. Repeal of
section 6 of
Act 13 of 1958.

5. The following section is hereby inserted in the principal Insertion of
section 7bis in
Act 13 of 1958.
Act after section *seven*:

"Appoint- *7bis.* The Minister may, subject to the laws re-
ment of lating to the public service, appoint inspectors to
inspectors. exercise the functions of inspectors under this Act."

6. Section *twenty-one* of the principal Act is hereby amended Amendment of
section 21 of
Act 13 of 1958.
by the addition of the following sub-section at the end thereof:

"(8) The superintendent shall charge in respect of any
examination and test in terms of this section, fees according
to a tariff fixed by the Minister in consultation with the
Minister of Finance, and published by notice in the
Gazette."

7. The following section is hereby substituted for section Substitution of
section 24 of
Act 13 of 1958.
twenty-four of the principal Act:

"Fees *24.* Any assizer shall charge—
charged by (a) in respect of any verification or comparison with
assizers. or test by means of standards, or assizing or
re-assizing, of any weighing or measuring
instrument, weight or measure, and
(b) in respect of the adjustment of any weight or
measure, if authorized by the superintendent
to adjust any weight or measure,
fees according to a tariff fixed by the Minister in
consultation with the Minister of Finance and
published by notice in the *Gazette*."

8. Section *twenty-eight* of the principal Act is hereby Amendment of
section 28 of
Act 13 of 1958.
amended—

(a) by the deletion in paragraph (a) of sub-section (2) of
all the words after the word "sold";
(b) by the deletion in paragraph (b) of the said sub-section
of the words "or delivery to a purchaser";
(c) by the deletion in paragraph (c) of the said sub-section
of the words "or delivery".

Wysiging van
artikel 31 van
Wet 13 van 1958.

9. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „or” waar dit die vyfde keer in die Engelse teks voorkom deur die woord „of” te vervang en deur in genoemde sub-artikel die woorde „aan ’n koper enigiets by maat of gewig verkoop of laat verkoop of aflewer” deur die woorde „enigiets by maat of gewig verkoop of laat verkoop” te vervang.

Wysiging van
artikel 35 van
Wet 13 van 1958.

10. Artikel *vyf-en-dertig* van die Hoofwet word hierby gewysig deur in paragraaf (f) na die woorde „vervals is” die woorde „of waarop die ykstempel uitgewis is” in te voeg en deur die woorde „van die hand sit of vir verkoop uitstal” deur die woorde „of van die hand sit” te vervang.

Wysiging van
artikel 36 van
Wet 13 van 1958.

11. Artikel *ses-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „laat heelmaak of herstel” deur die woorde „heelgemaak of herstel” te vervang, deur die woorde „onderteken deur die hersteller” te skrap en deur die woorde „aan so iemand sonder versuim skriftelike magtiging uit om die instrumente, mate of gewigte te gebruik” deur die woorde „sonder versuim skriftelike magtiging uit vir die gebruik van die instrumente, mate of gewigte” te vervang.

Wysiging van
artikel 41 van
Wet 13 van 1958.

12. Artikel *een-en-veertig* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (1) na die woord „troy-gewigte” die woorde „in die handel” in te voeg;
- (b) deur in sub-artikel (2) na die woord „mag” die woord „metrieke” en na die woord „karaatgewigte” die woorde „in die handel” in te voeg;
- (c) deur in sub-artikel (3) na die woord „aptekersgewigte” die woorde „in die handel” in te voeg;
- (d) deur paragraaf (b) van sub-artikel (4) deur die volgende paragrawe te vervang:
 - „(b) Niemand mag ’n vloeistof by inhoudsmaat in ’n houer verkoop nie tensy die houer van ’n duidelike etiket voorsien word wat die werklike vloeistofinhoud aandui, uitgedruk volgens inhoudsmate in die Tweede Bylae vermeld of tensy die werklike vloeistofinhoud op die by regulasie voorgeskrewe wyse aangedui word.
 - (c) Die bepalings van paragraaf (b) is nie van toepassing nie—
 - (i) ten opsigte van die verkoop van bier, wyn of ander sterk drank in hoeveelhede van ’n kwart, ’n pint, ’n halfpint of ’n sesde, ’n twaalfde of ’n vier-en-twintigste van ’n gelling, in houers met ’n ooreenstemmende inhoud;
 - (ii) ten opsigte van ’n houer wat nie bedoel is om met die vloeistof deur die verkoper afgelewer te word nie.”;
- (e) deur in sub-artikel (5) na die woord „mag” die woorde „behalwe vir sover anders by regulasie voorgeskryf word” in te voeg;
- (f) deur in die Engelse teks in sub-artikel (6) die woord „longs” deur die woord „long” te vervang.

Wysiging van
artikel 43 van
Wet 13 van 1958.

13. Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (c) van sub-artikel (1) die woorde „of vir verkoop uitstal” te skrap;
- (b) deur in genoemde paragraaf na die woord „houer” die woorde „op die by regulasie voorgeskrewe wyse” in te voeg;
- (c) deur in sub-artikel (4) die woorde „of te koop aanbied” en die woorde „of te koop aangebied” te skrap en deur in genoemde sub-artikel voor die woord „gemerk” die woorde „op die by regulasie voorgeskrewe wyse” in te voeg.

Wysiging van
artikel 44 van
Wet 13 van 1958.

14. Artikel *vier-en-veertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel aan die end daarvan by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

- „(2) Iemand wat in die kleinhandel goedere wat vooraf deur hom verpak is, volgens gewig verkoop, moet ’n geykte weeginstrument wat vir die weeg van daardie goedere geskik is, beskikbaar hou vir gebruik deur iemand wat met hom sake doen.”

9. Section *thirty-one* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "or" where it occurs for the fifth time of the word "of" and by the deletion in the said sub-section of the words "or delivers or causes to be delivered to a purchaser".

Amendment of
section 31 of
Act 13 of 1958.

10. Section *thirty-five* of the principal Act is hereby amended by the substitution in paragraph (f) for the words "disposes of or exposes for sale" of the words "or disposes of" and by the insertion in the said paragraph after the word "falsified" of the words "or on which the stamp of assize has been defaced".

Amendment of
section 35 of
Act 13 of 1958.

11. Section *thirty-six* of the principal Act is hereby amended by the deletion in sub-section (2) of the word "had" and the words "signed by the repairer" and by the substitution for the words "furnish such person with written authority to use" of the words "issue written authority for the use of".

Amendment of
section 36 of
Act 13 of 1958.

12. Section *forty-one* of the principal Act is hereby amended—

Amendment of
section 41 of
Act 13 of 1958.

(a) by the insertion in sub-section (1) after the word "weights" of the words "in trade";

(b) by the insertion in sub-section (2) after the word "use" of the word "metric" and after the word "weights" of the words "in trade";

(c) by the insertion in sub-section (3) after the word "weights" of the words "in trade";

(d) by the substitution for paragraph (b) of sub-section (4) of the following paragraphs:

"(b) No person shall sell any fluid by measure of capacity in any container unless the container is clearly labelled with the actual liquid contents expressed in measures of capacity given in the Second Schedule or unless the actual liquid contents is indicated in such manner as may be prescribed by regulation.

(c) The provisions of paragraph (b) shall not apply—

(i) in respect of the sale of beer, wine or other intoxicating liquor in quantities of one quart, one pint, one half pint, or one-sixth, one-twelfth or one-twenty-fourth of a gallon, in containers of corresponding capacity;

(ii) in respect of any container not intended for delivery by the seller with the fluid.";

(e) by the insertion in sub-section (5) before the word "use" of the words "save in so far as may be otherwise prescribed by regulation,";

(f) by the substitution in sub-section (6) for the word "longs" of the word "long".

13. Section *forty-three* of the principal Act is hereby amended—

Amendment of
section 43 of
Act 13 of 1958.

(a) by the deletion in paragraph (c) of sub-section (1) of the words "or expose for sale";

(b) by the insertion in the said paragraph after the word "container" of the words "in the manner prescribed by regulation";

(c) by the deletion in sub-section (4) of the words "or offer for sale" and the words "or offered for sale" and by the insertion in the said sub-section after the word "sold" of the words "in the manner prescribed by regulation".

14. Section *forty-four* of the principal Act is hereby amended by the addition of the following sub-section at the end thereof, the existing section becoming sub-section (1):

Amendment of
section 44 of
Act 13 of 1958.

"(2) Any person who in retail trade sells by weight any goods pre-packed by him shall keep available for the use of any person dealing with him an assized weighing instrument suitable for weighing such goods."

Wysiging van
artikel 47 van
Wet 13 van 1958.

15. Artikel *sewe-en-veertig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (h) van sub-artikel (1) die woorde „invoer, opmaak of hou” deur die woorde „of invoer” te vervang;
- (b) deur paragraaf (i) van genoemde sub-artikel te skrap;
- (c) deur na paragraaf (l) van genoemde sub-artikel die volgende paragrawe in te voeg:
 - „(l)*bis* wat toelaatbare metodes voorskryf om die vloeistofinhoud van houers waarin vloeistowwe verkoop word, aan te dui;
 - (l)*ter* wat die verkoop by inhoudsmaat van enigiets anders as ’n vloeistof magtig;
 - (l)*quat* wat die wyse voorskryf om die netto gewig van goedere wat in klaargemaakte pakkies of houers volgens gewig verkoop word, aan te dui;”.

Wysiging van
artikel 48 van
Wet 13 van 1958.

16. Artikel *agt-en-veertig* van die Hoofwet word hierby gewysig deur die woord „vyftig” deur die woord „vyfhonderd” te vervang.

Invoeging van
artikel 48*bis* in
Wet 13 van 1958.

17. Die volgende artikel word hierby in die Hoofwet na artikel *agt-en-veertig* ingevoeg:

„Handeling of versuim van bestuurders, agente of werknemers.

48*bis*. (1) Wanneer ’n bestuurder, agent of werknemer van ’n persoon ’n handeling verrig of versuim om dit te verrig en dit ’n misdryf ingevolge hierdie Wet sou wees indien daardie persoon dit verrig of versuim om dit te verrig, dan, tensy bewys word dat—

- (a) by die verrigting van daardie handeling of versuim om dit te verrig, die bestuurder, agent of werknemer sonder die oogluikende toelating of die toestemming van daardie persoon gehandel het; en
 - (b) daardie persoon alle redelike stappe gedoen het om ’n handeling of versuim van die onderhawige soort te voorkom; en
 - (c) ’n handeling of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard nie binne die bestek van die bevoegdheid of in die loop van die diens van die bestuurder, agent of werknemer geval het nie,
- word dit vermoed dat bedoelde persoon self daardie handeling verrig het of versuim het om dit te verrig, en kan hy ten opsigte daarvan skuldig bevind en gestraf word, en die feit dat hy bevel uitgereik het wat ’n handeling of versuim van die onderhawige soort verbied, word op sigself nie as voldoende bewys aanvaar dat hy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.

(2) Wanneer ’n bestuurder, agent of werknemer van ’n persoon ’n handeling verrig of versuim om dit te verrig en dit ’n misdryf ingevolge hierdie Wet sou wees indien daardie persoon dit verrig of versuim om dit te verrig, kan die bestuurder, agent of werknemer ten opsigte daarvan skuldig bevind en gestraf word asof hy bedoelde persoon was.”.

Kort titel en
inwerkingtreding.

18. Hierdie Wet heet die Wysigingswet op Mate en Gewigte, 1960, en tree in werking op ’n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

15. Section *forty-seven* of the principal Act is hereby amended—

Amendment of section 47 of Act 13 of 1958.

- (a) by the substitution in paragraph (h) of sub-section (1) for the words "importation, making-up or keeping" of the words "or importation";
- (b) by the deletion of paragraph (i) of the said sub-section;
- (c) by the insertion after paragraph (l) of the said sub-section of the following paragraphs:

"(l)*bis* prescribing permissible methods of indicating the liquid contents of containers in which fluids are sold;

(l)*ter* authorizing the sale by measure of capacity of anything other than a fluid;

(l)*quat* prescribing the manner of indicating the net weight of any goods sold by weight in made-up packages or containers;".

16. Section *forty-eight* of the principal Act is hereby amended by the substitution for the word "fifty" of the words "five hundred".

Amendment of section 48 of Act 13 of 1958.

17. The following section is hereby inserted in the principal Act after section *forty-eight*:

Insertion of section 48*bis* in Act 13 of 1958.

"Acts or omissions by managers, agents or employees.

48*bis*. (1) Whenever any manager, agent or employee of any person does or omits to do any act which it would be an offence under this Act for such person to do or omit to do, then, unless it is proved that—

(a) in doing or omitting to do that act, the manager, agent or employee was acting without the connivance or the permission of such person; and

(b) all reasonable steps were taken by such person to prevent any act or omission of the kind in question; and

(c) it was not within the scope of the authority or in the course of the employment of the manager, agent or employee to do or omit to do an act, whether lawful or unlawful, of the character of the act or omission charged,

such person shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof, and the fact that he issued instructions forbidding any act or omission of the kind in question shall not of itself be sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any person does or omits to do any act which it would be an offence under this Act for such person to do or omit to do, the manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he were such person."

18. This Act shall be called the Weights and Measures Amendment Act, 1960, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the Gazette.

Short title and commencement.

No. 27, 1960.]

WET

Om voorsiening te maak vir beheer oor besigheidsname en vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 Maart 1960.)

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

Woordbepaling.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „besigheid” ’n besigheid vir die dryf waarvan ’n lisensie ingevolge die „Licenties Konsolidatie Wet, 1925” (Wet No. 32 van 1925), vereis word; (i)
- (ii) „Registrateur” die amptenaar wat kragtens sub-artikel (2) van artikel drie van die Maatskappywet, 1926 (Wet No. 46 van 1926), aangestel is; (ii)
- (iii) „spesiale vennoot”—
 - (a) in die geval van ’n vennootskap wat aangegaan is en bestaan kragtens die bepalings van „The Special Partnerships’ Limited Liability Act, 1861” (Wet No. 24 van 1861), van die Kaap die Goeie Hoop of van „The Special Partnerships Limited Liability Act, 1864” (Wet No. 1 van 1865) van Natal, ’n „special partner” binne die bedoeling van enigeen van genoemde Wette;
 - (b) ’n naamlose vennoot in ’n naamlose vennootskap; of
 - (c) ’n vennoot *en commandite* in ’n vennootskap *en commandite*. (iii)

Toepassing van Wet.

2. Hierdie Wet is nie op ’n regs persoon wat kragtens die bepalings van een of ander wet opgerig of geregistreer is, van toepassing nie ten opsigte van ’n besigheid deur hom gedryf onder die naam waaronder hy aldus opgerig of geregistreer is.

Besonderhede wat met betrekking tot persone wat besigheid dryf, geopenbaar moet word.

3. (1) Iemand wat ’n besigheid dryf, mag nie aan enigiemand in die Unie ’n handelskatalogus, handelsomsendbrief, besigheidsbrief, goederebestelling of rekeningstaat uitreik of stuur nie tensy die volgende besonderhede daarin of daarop verskyn, te wete—

- (a) die naam, titel of beskrywing waaronder die besigheid gedryf word;
- (b) vermelding van die plek waar die besigheid gedryf word;
- (c) indien die besigheid deur ’n regs persoon gedryf word onder ’n ander naam as die naam waaronder hy opgerig of geregistreer is, die naam waaronder hy opgerig of geregistreer is;
- (d) indien die besigheid in vennootskap gedryf word, die naam van elke vennoot (hetsy ’n natuurlike persoon al dan nie) wat nie ’n spesiale vennoot is nie; en
- (e) ten opsigte van elke natuurlike persoon, behalwe ’n spesiale vennoot, wat die besigheid dryf—
 - (i) sy huidige voorname of die voorletters daarvan en sy huidige van;
 - (ii) behoudens die bepalings van sub-artikel (2), elke vorige voornaam en van wat hy voorheen mag gedra het; en
 - (iii) sy nasionaliteit, indien hy nie ’n Suid-Afrikaanse burger is nie.

(2) By die toepassing van sub-artikel (1), beteken „vorige voornaam en van” nie ook—

- (a) in die geval van iemand wat aangeneem is, sy voornaam en van voor sy aanneming nie; of
- (b) ’n voornaam of van, voorheen deur enigiemand gedra, wat verander is of in onbruik geraak het voordat hy die leeftyd van agtien jaar bereik het of wat verander is of in onbruik geraak het vir ’n tydperk van minstens twintig jaar nie; of
- (c) die voornaam of van wat deur ’n getroude of ’n geskeide vrou of ’n weduwee voor haar huwelik gedra is nie.

(3) Iemand wat die bepalings van hierdie artikel oortree, of wat aan enigiemand in die Unie ’n handelskatalogus, handelsomsendbrief, besigheidsbrief, goederebestelling of rekeningstaat uitreik of stuur waarin of waarop ’n besonderheid wat kragtens paragraaf (a), (b), (c), (d) of (e) van sub-artikel (1)

No. 27, 1960.]

ACT

To provide for the control of business names and for matters incidental thereto.

(Afrikaans text signed by the Governor-General.)
(Assented to 25th March, 1960.)

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. In this Act, unless the context otherwise indicates— **Definitions.**

- (i) "business" means any business for the carrying on of which any licence is required under the Licences Consolidation Act, 1925 (Act No. 32 of 1925); (i)
- (ii) "Registrar" means the officer appointed in terms of sub-section (2) of section three of the Companies Act, 1926 (Act No. 46 of 1926); (ii)
- (iii) "special partner" means—
 - (a) in the case of a partnership constituted and in existence under the provisions of The Special Partnerships' Limited Liability Act, 1861 (Act No. 24 of 1861) of the Cape of Good Hope or of The Special Partnerships Limited Liability Act, 1864 (Law No. 1 of 1865) of Natal, a special partner within the meaning of the said Act or the said Law;
 - (b) an anonymous partner in an anonymous partnership; or
 - (c) a partner *en commandite* in a partnership *en commandite*. (iii)

2. This Act shall not apply to a corporate body, established or registered under the provisions of any law, in respect of any business carried on by it under the name by which it is so established or registered. **Scope of Act.**

3. (1) A person carrying on any business shall not issue or send to any person in the Union any trade catalogue, trade circular, business letter, order for goods or statement of account unless the following particulars appear therein or thereon, namely— **Particulars to be disclosed regarding persons carrying on business.**

- (a) the name, title or description under which the business is carried on;
 - (b) a statement of the place where the business is carried on;
 - (c) if the business is carried on by a corporate body under a name other than the name by which it is established or registered, the name under which it is established or registered;
 - (d) if the business is carried on in partnership, the name of every partner (whether or not a natural person) other than a special partner; and
 - (e) in respect of every natural person, except a special partner, carrying on the business—
 - (i) his present christian names or the initials thereof and his present surname;
 - (ii) subject to the provisions of sub-section (2), every former christian name and surname which he may have borne previously; and
 - (iii) his nationality, if he is not a South African citizen.
- (2) For the purposes of sub-section (1), "former christian name and surname" does not include—
- (a) in the case of a person who has been adopted, his christian name and surname before his adoption; or
 - (b) any christian name or surname, previously borne by any person, which was changed or disused before he attained the age of eighteen years or which has been changed or disused for a period of not less than twenty years; or
 - (c) the christian name or surname borne by a married or a divorced woman or a widow before her marriage.

(3) Any person who contravenes the provisions of this section, or who issues or sends to any person in the Union any trade catalogue, trade circular, business letter, order for goods or statement of account in which or on which any particular required in terms of paragraph (a), (b), (c), (d) or (e) of sub-

vereis word, in enige opsig onjuis is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond.

(4) Hierdie artikel tree in werking op die eerste dag van Januarie 1961.

Beperkings met
betrekking tot
besigheidsname.

4. (1) Behalwe met die toestemming van die Goewerneur-generaal, mag niemand 'n besigheid dryf onder 'n naam, titel of beskrywing waarin voorkom die woorde „regering”, „staat”, „Verenigde Volke” of enige ander woord, afkorting of voorletter wat te kenne gee of die indruk skep dat hy die beskerming geniet van die hoof van of van die regering of administrasie van, enige vreemde land of van 'n departement van so 'n regering of administrasie of van die Verenigde Volke: Met dien verstande dat die bepalings van hierdie sub-artikel nie van toepassing is nie ten opsigte van 'n naam, titel of beskrywing waaronder 'n besigheid onmiddellik voor die inwerkingtreding van hierdie Wet wettig gedryf is.

(2) Iemand wat die bepalings van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond.

Registrateur
kan gebruik
van sekere
besigheidsname
verbied.

5. (1) Op skriftelike aansoek van iemand wat hom veronreg ag, kan die Registrateur iemand wat 'n besigheid dryf onder 'n naam, titel of beskrywing wat volgens die oordeel van die Registrateur bereken is om die publiek te bedrieg of te mislei of om iemand of 'n klas persone ergernis te veroorsaak of aanstoot te gee of wat op godslastering of onsedelikheid duie, skriftelik gelas om die dryf van die besigheid onder daardie naam, titel of beskrywing te staak.

(2) Alvorens die Registrateur 'n aansoek oorweeg wat ingevolge sub-artikel (1) gedoen is, moet hy aan die persoon teen wie 'n lasgewing kragtens daardie sub-artikel aangevra word, skriftelik 'n verklaring verstrek waarin die naam van die applikant en die gronde waarop die aansoek gedoen word, uiteengesit word en daardie persoon 'n redelike geleentheid gee om daarop te antwoord.

(3) 'n Provinsiale of plaaslike afdeling van die Hooggeregshof binne wie se regsgebied die betrokke besigheid gedryf word, kan op aansoek van iemand wat hom deur 'n beslissing of lasgewing van die Registrateur kragtens sub-artikel (1) veronreg ag, daardie beslissing of lasgewing ter syde stel, of kan in verband met die aansoek die bevel betreffende daardie beslissing uitvaardig wat hy goed vind, mits die aansoek binne sestig dae na die datum van daardie beslissing of, in die geval van 'n lasgewing van die Registrateur kragtens sub-artikel (1), binne die in sub-artikel (4) vermelde tydperk na ontvangs daarvan, gedoen word.

(4) Iemand wat versuim om binne die tydperk na ontvangs van 'n lasgewing kragtens sub-artikel (1) wat die Registrateur toestaan, of in die geval van iemand wat by 'n bevoegde hof kragtens sub-artikel (3) aansoek gedoen het, binne 'n gelyke tydperk na 'n finale uitspraak waarby die Registrateur se lasgewing gehandhaaf word, aan daardie lasgewing te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf pond vir elke dag wat die versuim voortduur.

Kort titel.

6. Hierdie Wet heet die Wet op Besigheidsname, 1960.

section (1) is incorrect in any respect, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(4) This section shall come into operation on the first day of January, 1961.

4. (1) Save with the consent of the Governor-General, no person shall carry on any business under any name, title or description which includes the words "government", "state", "United Nations" or any other word, abbreviation or initial which imports or suggests that he enjoys the patronage of the head of or of the government or administration of, any foreign country or of any department of any such government or administration or of the United Nations: Provided that the provisions of this sub-section shall not apply in respect of any name, title or description under which any business was being lawfully carried on immediately prior to the commencement of this Act.

Restrictions
in respect of
business
names.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

5. (1) Upon the application in writing of any aggrieved person the Registrar may in writing order any person who carries on any business under any name, title or description which is in the opinion of the Registrar calculated to deceive or to mislead the public or to cause annoyance or offence to any person or class of persons or is suggestive of blasphemy or indecency, to cease to carry on the business under that name, title or description.

Registrar may
prohibit use
of certain
business names.

(2) Before considering any application made in terms of sub-section (1), the Registrar shall furnish in writing to the person against whom an order under that sub-section is sought, a statement setting out the name of the applicant and the grounds on which the application is made and afford such person a reasonable opportunity of replying thereto.

(3) Any provincial or local division of the Supreme Court within whose area of jurisdiction the business in question is being carried on may, on the application of any person aggrieved by any decision or order of the Registrar under sub-section (1), set aside such decision or order, or may, on such application, make such order regarding such decision as it deems fit, provided such application is made within sixty days after the date of such decision or, in the case of an order of the Registrar under sub-section (1), within such period after the receipt thereof as is mentioned in sub-section (4).

(4) Any person who fails within such period after the receipt of an order under sub-section (1) as the Registrar may allow, or in the case of any person who has applied to a competent court under sub-section (3), within a like period after a final decision upholding the Registrar's order, to comply with such order, shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds for every day during which the default continues.

6. This Act shall be called the Business Names Act, 1960. Short title.

No. 28, 1960.]

WET**Tot wysiging van die Nedersettingswet, 1956.***(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 25 Maart 1960.)***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 21 van 1956, soos by artikel 1 van Wet 13 van 1959 gewysig.
- Wysiging van artikel 16 van Wet 21 van 1956.
- Herroeping van artikel 17 van Wet 21 van 1956.
- Wysiging van artikel 19 van Wet 21 van 1956.
- Wysiging van artikel 20 van Wet 21 van 1956, soos by artikel 6 van Wet 13 van 1959 gewysig.
- Wysiging van artikel 21 van Wet 21 van 1956, soos by artikel 7 van Wet 13 van 1959 gewysig.
- Wysiging van artikel 27 van Wet 21 van 1956.
- Wysiging van artikel 29 van Wet 21 van 1956.
- Wysiging van artikel 31 van Wet 21 van 1956.
1. Artikel *een* van die Nedersettingswet, 1956 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (1) die omskrywing van „taksateur” te skrap.
 2. Artikel *sestien* van die Hoofwet word hierby gewysig deur na sub-artikel (1) die volgende sub-artikel in te voeg:
„(1)*bis* ’n Ander komiteelid as die voorsitter word aangestel vir ’n tydperk van hoogstens drie jaar: Met dien verstande dat elke sodanige komiteelid wat voor die inwerkingtreding van die Wysigingswet op Nedersetting, 1960, aangestel is, sy amp op die dertigste dag van Junie 1960 ontruim.”.
 3. Artikel *sewentien* van die Hoofwet word hierby herroep.
 4. Artikel *negentien* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „taksateur” deur die woorde „geswore taksateur of ’n lid van die raad of ’n lid van ’n plaaslike raad” te vervang.
 5. Artikel *twintig* van die Hoofwet word hierby gewysig—
(a) deur sub-artikel (4) deur die volgende sub-artikel te vervang:
„(4) Na oorweging van so ’n aansoek en van die beëdigde verklarings, as daar is, ingevolge sub-artikel (3) verstrek, kan die Minister, by betaling deur die applikant van die inspeksiegelde deur die Minister in oorleg met die Minister van Finansies bepaal, ’n verslag van een of meer lede van die raad of ’n plaaslike raad omtrent die grond verkry.”;
(b) deur in sub-artikel (5) al die woorde voor die woord „aangaande” deur die woorde „’n Verslag ingevolge sub-artikel (4) verstrek, moet besonderhede bevat” te vervang;
(c) deur sub-artikel (6) te skrap.
 6. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur paragraaf (b) van sub-artikel (3) deur die volgende paragraaf te vervang:
„(b) Waar ’n aansoek om die vasstelling van die bedrag van enige sodanige vergoeding nie binne ’n tydperk van een jaar vanaf die datum van die betrokke aanbod by genoemde waterhof ingedien word nie, word die betrokke eenaar geag die aangebode bedrag te aanvaar het.”.
 7. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „hoeve” waar dit die eerste keer voorkom, die woorde „wat na die oordeel van die Minister oorweeg behoort te word,” in te voeg.
 8. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (1) die woorde „in oorleg” deur die woorde „na oorlegpleging” en die woorde „op aanbeveling van” deur die woorde „na oorlegpleging met” te vervang.
 9. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woorde „die eerste dag van Januarie, April, Julie of Oktober eersvolgende na” te skrap.

No. 28, 1960.]

ACT

To amend the Land Settlement Act, 1956.

(English text signed by the Governor-General.)
(Assented to 25th March, 1960.)

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 Land Settlement Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the deletion in sub-section (1) of the definition of "valuator". Amendment of section 1 of Act 21 of 1956, as amended by section 1 of Act 13 of 1959.
2. Section *sixteen* of the principal Act is hereby amended by the insertion after sub-section (1) of the following sub-section: Amendment of section 16 of Act 21 of 1956.
 "(1)*bis* Any member of a committee other than the chairman shall be appointed for a period not exceeding three years: Provided that every such member of a committee appointed before the commencement of the Land Settlement Amendment Act, 1960, shall vacate his office on the thirtieth day of June, 1960."
3. Section *seventeen* of the principal Act is hereby repealed. Repeal of section 17 of Act 21 of 1956.
4. Section *nineteen* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "valuator" of the words "sworn appraiser or a member of the board or a member of a local board". Amendment of section 19 of Act 21 of 1956.
5. Section *twenty* of the principal Act is hereby amended— Amendment of section 20 of Act 21 of 1956, as amended by section 6 of Act 13 of 1959.
 - (a) by the substitution for sub-section (4) of the following sub-section:
 "(4) After consideration of any such application and of the affidavits, if any, furnished under sub-section (3), the Minister may, on payment by the applicant of the inspection fees determined by the Minister in consultation with the Minister of Finance, obtain a report on the land from one or more members of the board or a local board.";
 - (b) by the substitution in sub-section (5) for all the words before the words "as to" of the words "A report furnished under sub-section (4) shall contain particulars";
 - (c) by the deletion of sub-section (6).
6. Section *twenty-one* of the principal Act is hereby amended by the substitution for paragraph (b) of sub-section (3) of the following paragraph: Amendment of section 21 of Act 21 of 1956, as amended by section 7 of Act 13 of 1959.
 "(b) Where an application for the determination of the amount of any such compensation is not lodged with the said water court within a period of one year from the date of the relevant offer, the owner concerned shall be deemed to have accepted the amount offered."
7. Section *twenty-seven* of the principal Act is hereby amended by the insertion in sub-section (1) after the word "holding" where it occurs for the first time of the words "which in the opinion of the Minister ought to be considered". Amendment of section 27 of Act 21 of 1956.
8. Section *twenty-nine* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words "in consultation" of the words "after consultation" and for the words "on the recommendation of" of the words "after consultation with". Amendment of section 29 of Act 21 of 1956.
9. Section *thirty-one* of the principal Act is hereby amended by the deletion in sub-section (3) of the words "the first day of January, April, July or October next succeeding". Amendment of section 31 of Act 21 of 1956.

Wysiging van artikel 39 van Wet 21 van 1956, soos by artikel 13 van Wet 13 van 1959 gewysig.

Wysiging van artikel 53 van Wet 21 van 1956, soos by artikel 18 van Wet 13 van 1959 gewysig.

Wysiging van artikel 61 van Wet 21 van 1956.

Wysiging van artikel 78 van Wet 21 van 1956.

10. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig deur in paragraaf (c) van sub-artikel (1) al die woorde na die woord „vergoeding” deur die woorde „betaal wat hy na oorlegpleging met die raad bepaal” te vervang.

11. Artikel *drie-en-vyftig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „sewehonderd-en-vyftig” deur die woorde „eenduisend tweehonderd” te vervang.

12. Artikel *een-en-sestig* van die Hoofwet word hierby gewysig deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(a) op skriftelike versoek van die huurder en op aanbeveling van die raad, mits die huurder in alle opsigte sy verpligtinge ingevolge die huurkontrak nagekom het en die Minister oortuig is dat die huurder nie in staat is om met boerdery op die hoewe voort te gaan nie;”.

13. Artikel *agt-en-sewentig* van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (g) van sub-artikel (1) na die woord „hoeve” die woorde „en elke eienaar daarvan wat nie ’n huurder is nie” in te voeg;

(b) deur in sub-artikel (2) die woorde „twintig pond of, by wanbetaling, gevangenisstraf met of sonder dwangarbeid vir ’n tydperk van een maand” deur die woorde „vyf-en-twintig pond of, by wanbetaling, gevangenisstraf vir ’n tydperk van drie maande” te vervang;

(c) deur na sub-artikel (2) die volgende sub-artikels in te voeg:

“(2)*bis* So ’n beheerkomitee kan, in plaas van afkondiging van deur hom uitgevaardigde reëls in die *Staatskoerant*, ’n kennisgewing in een of meer koerante wat in sy gebied in omloop is, laat publiseer en by elke landdroskantoor en elke poskantoor in daardie gebied laat aanplak, waarin—

(a) die algemene strekking van die reëls uiteengesit word; en

(b) vermeld word dat afskrifte van die reëls by die kantoor van die sekretaris van die beheerkomitee ter insae lê en by daardie kantoor gekoop kan word teen ’n prys bereken op ’n basis deur die beheerkomitee met goedkeuring van die Minister vasgestel en in die kennisgewing vermeld, en reëls in die kennisgewing vermeld, tree in werking op ’n deur die komitee vasgestelde en in die kennisgewing vermelde datum wat nie vroeër is as dertig dae na die datum waarop die kennisgewing gepubliseer word nie.

(2)*ter* ’n Kennisgewing ingevolge sub-artikel (2)*bis* uitgereik, word in beide offisiële tale van die Unie gepubliseer en reëls in die kennisgewing vermeld, word in daardie tale beskikbaar gestel.”.

Kort titel.

14. Hierdie Wet heet die Wysigingswet op Nedersetting, 1960.

10. Section *thirty-nine* of the principal Act is hereby amended by the substitution in paragraph (c) of sub-section (1) for all the words after the word "compensation" of the words "as he may after consultation with the board determine."

Amendment of section 39 of Act 21 of 1956, as amended by section 13 of Act 13 of 1959.

11. Section *fifty-three* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "seven hundred-and-fifty" of the words "one thousand two hundred".

Amendment of section 53 of Act 21 of 1956, as amended by section 18 of Act 13 of 1959.

12. Section *sixty-one* of the principal Act is hereby amended by the substitution for paragraph (a) of sub-section (1) of the following paragraph:

Amendment of section 61 of Act 21 of 1956.

"(a) at the written request of the lessee and on the recommendation of the board, provided the lessee has in all respects fulfilled his obligations under the lease and the Minister is satisfied that the lessee is unable to continue farming on the holding;"

13. Section *seventy-eight* of the principal Act is hereby amended—

Amendment of section 78 of Act 21 of 1956.

- (a) by the insertion in paragraph (g) of sub-section (1) after the word "holding" of the words "and each owner thereof not being a lessee";
- (b) by the substitution in sub-section (2) for the words "twenty pounds or, in default of payment, imprisonment with or without compulsory labour for a period of one month" of the words "twenty-five pounds or, in default of payment, imprisonment for a period of three months";
- (c) by the insertion after sub-section (2) of the following sub-sections:

"(2)*bis* Any such committee of management may, in lieu of publication in the *Gazette* of rules made by it, cause to be published in one or more newspapers circulating in its area, and posted up at every magistrate's office and every post office in such area, a notice—

- (a) setting forth the general purport of such rules; and
- (b) stating that copies of such rules are open to inspection at the office of the secretary of the committee of management and may be purchased at such office at a price to be calculated on a basis fixed by it with the approval of the Minister and specified in the notice,

and any rules referred to in such notice shall come into operation on a date to be fixed by the committee of management and specified in the notice, not being earlier than thirty days after the date of publication of such notice.

(2)*ter* Any notice issued in terms of sub-section (2)*bis* shall be published and any rules referred to in such notice shall be made available in both official languages of the Union."

14. This Act shall be called the Land Settlement Amendment Act, 1960. Short title.

No. 30, 1960.]

WET**Tot wysiging van die Bevolkingsregistrasiewet, 1950, en die Wet op Statistieke, 1957.***(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 28 Maart 1960.)***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 30 van 1950.

1. Artikel *een* van die Bevolkingsregistrasiewet, 1950 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van „Direkteur” te skrap; en
- (b) deur na die omskrywing van „regulasie” die volgende omskrywing in te voeg:

„„Sekretaris” die Sekretaris van Binnelandse Sake en ook enige beampte wat in opdrag of onder beheer of op las van die Sekretaris van Binnelandse Sake optree;”.

Wysiging van artikels 2, 3, 5, 6, 8, 9, 10, 11 (soos gewysig deur artikel 1 van Wet 71 van 1956), 12, 13 (soos gewysig deur artikel 2 van Wet 71 van 1956), 14, 15, 16, 17, 18 en 21 van Wet 30 van 1950.

2. (1) Artikels *twee, drie, vyf, ses, agt* tot en met *agtien* en *een-en-twintig* van die Hoofwet word hierby gewysig deur die woord „Direkteur”, oral waar dit voorkom, deur die woord „Sekretaris” te vervang.

(2) Enigiets wat voor die inwerkingtreding van hierdie Wet deur die Direkteur, soos toentertyd in die Hoofwet omskryf, gedoen is, word geag deur die Sekretaris soos in die Hoofwet omskryf, gedoen te gewees het.

Wysiging van artikel 3 van Wet 73 van 1957.

3. Artikel *drie* van die Wet op Statistieke, 1957, word hierby gewysig deur in sub-artikel (2) al die woorde na die woord „Wet”, waar dit die eerste maal voorkom, te skrap.

Kort titel.

4. Hierdie Wet heet die Wysigingswet op Bevolkingsregistrasie, 1960.

No. 30, 1960.]

ACT

To amend the Population Registration Act, 1950, and the Statistics Act, 1957.

(English text signed by the Governor-General.)
(Assented to 28th March, 1960.)

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 Population Registration Act, 1950 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 1 of Act 30 of 1950.

- (a) by the deletion of the definition of "Director"; and
(b) by the insertion after the definition of "regulation" of the following definition:

" 'Secretary' means the Secretary for the Interior and includes any officer acting under a delegation from or under the control or direction of the Secretary for the Interior;".

2. (1) Sections *two, three, five, six, eight to eighteen* inclusive and *twenty-one* of the principal Act are hereby amended by the substitution for the word "Director", wherever it occurs, of the word "Secretary".

Amendment of sections 2, 3, 5, 6, 8, 9, 10, 11 (as amended by section 1 of Act 71 of 1956), 12, 13 (as amended by section 2 of Act 71 of 1956), 14, 15, 16, 17, 18 and 21 of Act 30 of 1950.

(2) Anything done before the commencement of this Act by the Director, as defined at that time in the principal Act, shall be deemed to have been done by the Secretary as defined in the principal Act.

3. Section *three* of the Statistics Act, 1957, is hereby amended by the deletion in sub-section (2) of all the words after the word "Act", where it occurs for the first time.

Amendment of section 3 of Act 73 of 1957.

4. This Act shall be called the Population Registration Amendment Act, 1960.

Short title.

PROKLAMASIE.

VAN SY EKSELLENSIE DIE EDELE CHARLES ROBERTS SWART, GOEWERNEUR-GENERAAL VAN DIE UNIE VAN SUID-AFRIKA.

No. 87.] [1 April 1960.

- (i) KOMMISSIE VAN ONDERSOEK NA DIE GEBEURE IN DIE LANGA-LOKASIE, DISTRIK WYNBERG, KAAP DIE GOEIE HOOP, OP 21 MAART 1960; EN
- (ii) KOMMISSIE VAN ONDERSOEK NA DIE GEBEURE IN DIE DISTRIKTE VEREENIGING (TE WETE TE SHARPEVILLE-LOKASIE EN EVATON) EN VANDERBIJLPARK, PROVINSIE TRANSVAAL, OP 21 MAART 1960.

Kragtens die bevoegdheid my verleen by artikel *een* van die Kommissiewet, 1947 (Wet No. 8 van 1947), verklaar ek hierby dat die bepalings van voormelde Wet van toepassing is op die Kommissie van Ondersoek na die Gebeure in die Langa-lokasie, Distrik Wynberg, Kaap die Goeie Hoop, op 21 Maart 1960 en die Kommissie van Ondersoek na die Gebeure in die Distrikte Vereeniging (te wete te Sharpeville-lokasie en Evaton) en Vanderbijlpark, Provinsie Transvaal, op 21 Maart 1960, wat ek vandag benoem het.

GOED BEHOEDE DIE KONINGIN.

GEGEE onder my Hand en Grootseël te Kaapstad op hede die ag-en-twintigste dag van Maart Eenduisend Negehonderd-en-sestig.

C. R. SWART,
Goewerneur-generaal.

Op las van Sy Eksellensie die Goewerneur-generaal-in-rade.

F. C. ERASMUS.

PROCLAMATION.

BY HIS EXCELLENCY THE HONOURABLE CHARLES ROBERTS SWART, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

No. 87.] [1st April, 1960.

- (i) COMMISSION OF ENQUIRY INTO THE EVENTS IN LANGA LOCATION, DISTRICT OF WYNBERG, CAPE OF GOOD HOPE, ON 21ST MARCH, 1960; AND
- (ii) COMMISSION OF ENQUIRY INTO THE EVENTS IN THE DISTRICTS OF VEREENIGING (AT SHARPEVILLE LOCATION AND EVATON) AND VANDERBIJLPARK, TRANSVAAL, ON 21ST MARCH, 1960.

By virtue of the powers vested in me by section *one* of the Commissions Act, 1947 (Act No. 8 of 1947), I hereby declare that the provisions of the aforesaid Act shall be applicable to the Commission of Enquiry into the Events in the Langa Location, District of Wynberg, Cape of Good Hope, on 21st March, 1960, and the Commission of Enquiry into the Events in the Districts of Vereeniging (at Sharpeville Location and Evaton) and Vanderbijlpark, Transvaal, on 21st March, 1960, which I have this day appointed.

GOD SAVE THE QUEEN.

GIVEN under my Hand and Great Seal at Cape Town on this Twenty-eighth day of March, One thousand Nine hundred and Sixty.

C. R. SWART,
Governor-General.

By Command of His Excellency the Governor-General-in-Council.

F. C. ERASMUS.

