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BUITENGEWONE **EXTRAORDINARY**

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 175.] [30 Junie 1961.

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

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DEPARTMENT OF THE PRIME MINISTER.

No. 175.] [30th June, 1961.

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

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No. 55, 1961.]

ACT

To amend the Bantu Education Act, 1953, and to provide for matters incidental thereto and for the continued functioning of certain school boards and school committees.

(*English text signed by the State President.*)
(*Assented to 24th June,* 1961.)

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

Amendment of section 1 of Act 47 of 1953, as amended by section 1 of Act 33 of 1959.

1. Section *one* of the Bantu Education Act, 1953 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Secretary" of the following definition:

" 'Secretary' means the Secretary for Bantu Education, and includes the Deputy Secretary and any Under Secretary for Bantu Education and any officer of or above the rank of senior administrative officer in the Department of Bantu Education designated by the Minister.".

Amendment of section 6 of Act 47 of 1953, as amended by section 1 of Act 36 of 1956.

2. Section *six* of the principal Act is hereby amended by the addition at the end of paragraph (*b*) of sub-section (1) of the words "or any hostel, teachers' quarters or school clinic attached to, or any other accessory to, such school".

Substitution of section 9 of Act 47 of 1953, as amended by section 3 of Act 36 of 1956.

3. (1) The following section is hereby substituted for section *nine* of the principal Act:

"Registration of Bantu schools or native schools.

9. (1) (*a*) No person shall establish, conduct or maintain any Bantu school or native school, other than a Government Bantu school, unless that school conforms to the requirements prescribed for the registration of such a school and is registered with the Department in the prescribed manner or is exempted from registration under the regulations.

(*b*) The Minister may register a Bantu school or native school for such period as he may at the date of registration specify and a school so registered shall, subject to the provisions of paragraph (*c*), at the expiration of the period for which it has been registered become disestablished and cease to function as a Bantu school or native school notwithstanding that such school conforms to the requirements prescribed for registration as a Bantu school or native school.

(*c*) The Minister may in his discretion extend a period of registration referred to in paragraph (*b*).

(2) The Minister shall refuse the registration of a Bantu school or native school if he is satisfied that such school is not or will not be in the interests of the Bantu people or any section of such people or that such school is or is likely to be detrimental to the physical, mental or moral welfare of the pupils or students who attend or may attend that school, and the Minister shall cancel the registration of a Bantu school or native school if he is satisfied after consideration of a report by the Native Affairs Commission established under the Native Affairs Act, 1959 (Act No. 55 of 1959), which is based on an enquiry, that such a school is not in the interests of the Bantu people or any section of such people or that such a school is detrimental to the physical, mental or moral welfare of the pupils or students who attend that school.

(3) The Minister may cancel the registration of any school registered under sub-section (1) on the

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No. 55, 1961.]

WET

Tot wysiging van die Wet op Bantoe-onderwys, 1953, en om vir daarmee in verband staande aangeleenthede en vir die voortgesette funksionering van sekere skoolrade en skoolkomitees voorsiening te maak.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 24 *Junie* 1961.)

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

Wysiging van artikel 1 van Wet 47 van 1953, soos gewysig deur artikel 1 van Wet 33 van 1959.

1. Artikel *een* van die Wet op Bantoe-onderwys, 1953 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „Sekretaris" deur die volgende omskrywing te vervang:

„ ‚Sekretaris' die Sekretaris van Bantoe-onderwys, en ook die Adjunk-sekretaris en 'n Ondersekretaris van Bantoe-onderwys en enige beampte met die rang van senior administratiewe beampte of 'n hoër rang in die Departement van Bantoe-onderwys deur die Minister aangewys;".

Wysiging van artikel 6 van Wet 47 van 1953, soos gewysig deur artikel 1 van Wet 36 van 1956.

2. Artikel *ses* van die Hoofwet word hierby gewysig deur aan die end van paragraaf (*b*) van sub-artikel (1) die woorde „of enige koshuis, kwartiere vir onderwysers of skoolkliniek verbonde aan, of enige ander toebehoorsel van, sodanige skool" in te voeg.

Vervanging van artikel 9 van Wet 47 van 1953, soos gewysig deur artikel 3 van Wet 36 van 1956.

3. (1) Artikel *nege* van die Hoofwet word hierby deur die volgende artikel vervang:

„Registrasie van Bantoeskole of naturelleskole.

9. (1) (*a*) Niemand mag 'n Bantoeskool of naturelleskool, behalwe 'n Staatsbantoeskool, instel, voortsit of in stand hou nie, tensy daardie skool voldoen aan die vereistes wat voorgeskryf is vir die registrasie van so 'n skool en by die Departement op die voorgeskrewe wyse geregistreer is of kragtens die regulasies van registrasie vrygestel is.

(*b*) Die Minister kan 'n Bantoeskool of naturelleskool registreer vir sodanige tydperk as wat hy by die datum van registrasie mag bepaal en 'n aldus geregistreerde skool word, behoudens die bepalings van paragraaf (*c*), by die verstryking van die tydperk waarvoor dit geregistreer is, ontbind en hou op om as 'n Bantoeskool of naturelleskool te funksioneer nieteenstaande dat sodanige skool voldoen aan die vereistes voorgeskryf vir registrasie as 'n Bantoeskool of naturelleskool.

(*c*) Die Minister kan na goeddunke die in paragraaf (*b*) bedoelde tydperk van registrasie verleng.

(2) Die Minister weier die registrasie van 'n Bantoeskool of naturelleskool as hy oortuig is dat so 'n skool nie in belang van die Bantoebevolking of enige deel van sodanige bevolking is of sal wees nie of dat so 'n skool vir die liggaamlike, verstandelike of morele welsyn van die leerlinge of studente wat daardie skool bywoon of mag bywoon, nadelig is of waarskynlik nadelig sal wees, en die Minister trek die registrasie van 'n Bantoeskool of naturelleskool in as hy na oorweging van 'n verslag van die Naturellesakekommissie ingestel kragtens die Wet op Naturellesake, 1959 (Wet No. 55 van 1959), wat op 'n ondersoek berus, oortuig is dat so 'n skool nie in belang van die Bantoebevolking of enige deel van sodanige bevolking is nie of dat so 'n skool vir die liggaamlike, verstandelike of morele welsyn van die leerlinge of studente wat daardie skool bywoon, nadelig is.

(3) Die Minister kan die registrasie van 'n kragtens sub-artikel (1) geregistreerde skool by die nie-

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breach of any condition imposed under sub-section (4): Provided that the Minister shall before cancelling the registration of a school, afford an opportunity for representations relating to the proposed cancellation to be made to him by the school in question in such manner as he may determine.

(4) The Minister may with reference to any particular Bantu school or native school registered under sub-section (1), impose any condition to which the registration of that school shall be subject, and may from time to time rescind, revoke, amend or vary any such condition or add any further condition to which the registration of that school shall be subject: Provided that the Minister shall, before amending or varying a condition or adding a further condition, afford an opportunity for representations relating to the proposed amendment or variation or addition of a further condition, to be made to him by the school in question in such manner as he may determine.

(5) Any person who establishes, conducts or maintains any Bantu school or native school which is not registered or exempted from registration in terms of this Act or who admits any Bantu child or person to any such school, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or, in default of payment of the fine, to imprisonment for a period not exceeding six months.".

(2) Sub-section (1) shall be deemed to have come into operation on the twenty-fifth day of May, 1956.

Amendment of section 15 of Act 47 of 1953, as amended by section 2 of Act 44 of 1954 and section 5 of Act 33 of 1959.

4. (1) Section *fifteen* of the principal Act is hereby amended—

(*a*) by the substitution for paragraph (*n*) of sub-section (1) of the following paragraphs:

"(*n*) prescribing the requirements to which any Bantu school or native school shall conform for registration under section *nine* and the manner and form in which such school shall apply to be so registered and shall be so registered;

(*n*)*bis* providing for the exemption from registration of Bantu schools or native schools and the conditions of exemption;";

and

(*b*) by the substitution in sub-section (3) for the words "fifty pounds" of the words "one hundred rand".

(2) Paragraph (*a*) of sub-section (1) shall be deemed to have come into operation on the twenty-fifth day of May, 1956.

Certain schools deemed to be registered under section 9 of Act 47 of 1953, as substituted by section 3 of this Act.

5. Any Bantu school or native school registered under the provisions of the principal Act at the date of promulgation of this Act, shall be deemed to have been registered under the provisions of section *nine* of the principal Act as substituted by section *three* of this Act, and any condition to which the registration of such school is subject at the said date shall be deemed to have been imposed under sub-section (4) of the said section *nine*.

Period of office of certain school boards and school committees.

6. Any school board or school committee established under the provisions of Government Notice No. 61 of the fourteenth day of January, 1955, and which was in existence immediately prior to the commencement of Government Notice No. R.1177 of the fifth day of August, 1960, shall continue to function for the duration of its period of office unless a school board or school committee, as the case may be, is in terms of the said Government Notice No. R.1177 of the fifth day of August, 1960, sooner established in its stead.

Short title.

7. This Act shall be called the Bantu Education Amendment Act, 1961.

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nakoming van enige kragtens sub-artikel (4) opgelegde voorwaarde intrek: Met dien verstande dat die Minister, voordat hy die registrasie van 'n skool intrek, 'n geleentheid moet toestaan dat vertoë betreffende die voorgenome intrekking, deur die betrokke skool aan hom gerig kan word op die wyse wat hy bepaal.

(4) Die Minister kan met betrekking tot 'n besondere Bantoeskool of naturelleskool kragtens sub-artikel (1) geregistreer, enige voorwaarde oplê waaraan die registrasie van daardie skool onderhewig is, en kan van tyd tot tyd so 'n voorwaarde herroep, intrek, wysig of verander of 'n verdere voorwaarde byvoeg waaraan die registrasie van daardie skool onderhewig is: Met dien verstande dat die Minister, voordat hy 'n voorwaarde wysig of verander of 'n verdere voorwaarde byvoeg, 'n geleentheid moet toestaan dat vertoë betreffende die voorgenome wysiging of verandering of byvoeging van 'n verdere voorwaarde, deur die betrokke skool aan hom gerig kan word op die wyse wat hy bepaal.

(5) Iemand wat 'n Bantoeskool of naturelleskool instel, voortsit of in stand hou wat nie kragtens hierdie Wet geregistreer of van registrasie vrygestel is nie of wat 'n Bantoekind of -persoon tot so 'n skool toelaat, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of, by wanbetaling van die boete, met gevangenisstraf vir 'n tydperk van hoogstens ses maande.".

(2) Sub-artikel (1) word geag op die vyf-en-twintigste dag van Mei 1956 in werking te getree het.

Wysiging van artikel 15 van Wet 47 van 1953, soos gewysig deur artikel 2 van Wet 44 van 1954 en artikel 5 van Wet 33 van 1959.

4. (1) Artikel *vyftien* van die Hoofwet word hierby gewysig—

(*a*) deur paragraaf (*n*) van sub-artikel (1) deur die volgende paragrawe te vervang:

„(*n*) wat die vereistes waaraan 'n Bantoeskool of naturelleskool vir registrasie kragtens artikel *nege* moet voldoen en die wyse waarop en die vorm waarin so 'n skool aansoek moet doen om aldus geregistreer te word en aldus geregistreer moet word, voorskryf;

(*n*)*bis* wat vir die vrystelling van registrasie van Bantoeskole of naturelleskole en die voorwaardes van vrystelling voorsiening maak;";

en

(*b*) deur in sub-artikel (3) die woorde „vyftig pond" deur die woorde „honderd rand" te vervang.

(2) Paragraaf (*a*) van sub-artikel (1) word geag op die vyf-en-twintigste dag van Mei 1956 in werking te getree het.

Sekere skole geag geregistreer te wees kragtens artikel 9 van Wet 47 van 1953, soos vervang deur artikel 3 van hierdie Wet.

5. 'n Bantoeskool of naturelleskool kragtens die bepalings van die Hoofwet geregistreer op die datum van afkondiging van hierdie Wet, word geag geregistreer te gewees het kragtens die bepalings van artikel *nege* van die Hoofwet soos vervang deur artikel *drie* van hierdie Wet, en enige voorwaarde waaraan die registrasie van so 'n skool op bedoelde datum onderhewig is, word geag kragtens sub-artikel (4) van bedoelde artikel *nege* opgelê te gewees het.

Ampstermyn van sekere skoolrade en skoolkomitees.

6. 'n Skoolraad of skoolkomitee kragtens die bepalings van Goewermentskennisgewing No. 61 van die veertiende dag van Januarie 1955 ingestel en wat bestaan het onmiddellik voor die inwerkingtreding van Goewermentskennisgewing No. R.1177 van die vyfde dag van Augustus 1960, gaan voort om vir die duur van sy ampstermyn te funksioneer tensy 'n skoolraad of skoolkomitee, na gelang van die geval, kragtens bedoelde Goewermentskennisgewing No. R.1177 van die vyfde dag van Augustus 1960 eerder in sy plek ingestel word.

Kort titel.

7. Hierdie Wet heet die Wysigingswet op Bantoe-onderwys, 1961.

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No. 56, 1961.]

ACT

To amend the Water Act, 1956.

(*Afrikaans text signed by the State President.*)
(*Assented to 24th June,* 1961.)

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

Amendment of section 1 of Act 54 of 1956 and of reference to Director of Water Affairs.

1. (1) Section *one* of the Water Act, 1956 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the deletion of the definition of " director "; and

(*b*) by the insertion after the definition of " riparian owner " of the following definition:

" ' secretary ' means the Secretary for Water Affairs;".

(2) The principal Act is hereby amended by the substitution for the word " director ", wherever it occurs in the Act, of the word " secretary ".

(3) Any reference in any law to the Director of Water Affairs or to the Director of Irrigation shall be construed as a reference to the Secretary for Water Affairs.

(4) Anything done by the Director of Irrigation or the Director of Water Affairs before the commencement of this section shall, as from such commencement, be deemed to have been done by the Secretary for Water Affairs.

(5) The person who held office as Director of Water Affairs immediately prior to the commencement of this section shall be deemed to have been appointed as Secretary for Water Affairs.

Amendment of section 3 of Act 54 of 1956.

2. Section *three* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

"(1) The Minister shall, subject to the laws governing the public service, from time to time appoint an officer to be styled the Secretary for Water Affairs, who shall exercise the powers and perform the functions conferred or imposed upon the secretary by this Act.".

Amendment of section 6 of Act 54 of 1956.

3. Section *six* of the principal Act is hereby amended by the substitution in sub-section (2) for the words " a riparian owner " of the words " an owner of land ".

Amendment of section 12 of Act 54 of 1956.

4. Section *twelve* of the principal Act is hereby amended—

(*a*) by the insertion in sub-section (1) after the word " purposes ", where it occurs for the first time, of the words " or who desires to expand an industrial undertaking in respect of which any quantity of water is used or is required to be used for such purposes ", and by the insertion in the said sub-section after the word " establishing " of the words " or expanding "; and

(*b*) by the insertion in sub-section (5) after the word "modifications " of the words " or subject to such conditions ".

Amendment of section 21 of Act 54 of 1956.

5. Section *twenty-one* of the principal Act is hereby amended by the addition at the end of paragraph (*a*) of sub-section (1) of the words " or in relation to water derived from any specified public stream or in relation to water used in any prescribed area ".

Amendment of section 24 of Act 54 of 1956.

6. Section *twenty-four* of the principal Act is hereby amended by the substitution for the words " three " and " five " of the words " eight " and " ten " respectively.

Amendment of section 30 of Act 54 of 1956.

7. Section *thirty* of the principal Act is hereby amended—

(*a*) by the insertion in sub-section (2) after the word " area ", where it occurs for the first time, of the words " or to any portion of such an area "; and

(*b*) by the insertion in the said sub-section after the word " area ", where it occurs for the second and the third times, of the words " or portion thereof ".

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No. 56, 1961.]

WET

Tot wysiging van die Waterwet, 1956.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 24 *Junie* 1961.)

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

1. (1) Artikel *een* van die Waterwet, 1956 (hieronder die Hoofwet genoem), word hierby gewysig— **Wysiging van artikel 1 van Wet 54 van 1956 en van verwysing na Direkteur van Waterwese.**

(*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 Waterwese;".

(2) Die Hoofwet word hierby gewysig deur die woord „direkteur", oral waar dit in die Wet voorkom, deur die woord „sekretaris" te vervang.

(3) Enige verwysing in 'n wet na die Direkteur van Waterwese of na die Direkteur van Besproeiing word as 'n verwysing na die Sekretaris van Waterwese uitgelê.

(4) Enigiets wat voor die inwerkingtreding van hierdie artikel deur die Direkteur van Besproeiing of die Direkteur van Waterwese gedoen is, word vanaf sodanige inwerkingtreding geag deur die Sekretaris van Waterwese gedoen te gewees het.

(5) Die persoon wat onmiddellik voor die inwerkingtreding van hierdie artikel die amp van Direkteur van Waterwese beklee het, word geag as Sekretaris van Waterwese aangestel te gewees het.

2. Artikel *drie* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang: **Wysiging van artikel 3 van Wet 54 van 1956.**

„(1) Die Minister stel, met inagneming van die wetsbepalings op die staatsdiens, van tyd tot tyd 'n beampte aan, bekend as die Sekretaris van Waterwese, wat die bevoegdhede uitoefen en die werksaamhede verrig wat deur hierdie Wet aan die sekretaris toegewys of opgedra word.".

3. Artikel *ses* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „oewereienaar" deur die woorde „eienaar van grond" te vervang. **Wysiging van artikel 6 van Wet 54 van 1956.**

4. Artikel *twaalf* van die Hoofwet word hierby gewysig— **Wysiging van artikel 12 van Wet 54 van 1956.**

(*a*) deur in sub-artikel (1) na die woord „oprig", waar dit die eerste keer voorkom, die woorde „of wat 'n nywerheidsonderneming ten opsigte waarvan enige hoeveelheid water vir sodanige doeleindes gebruik word of vir gebruik benodig is, wil uitbrei" in te voeg, en deur in daardie sub-artikel na die woord „oprig", waar dit die tweede keer voorkom, die woorde „of uitbrei" in te voeg; en

(*b*) deur in sub-artikel (5) na die woord „wysigings" die woorde „of onderworpe aan die voorwaardes" in te voeg.

5. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur in paragraaf (*a*) van sub-artikel (1) na die woord „nywerheidsdoeleindes", waar dit die laaste keer voorkom, die woorde „of met betrekking tot water verkry uit een of ander vermelde openbare stroom of met betrekking tot water gebruik in een of ander voorgeskrewe gebied" in te voeg. **Wysiging van artikel 21 van Wet 54 van 1956.**

6. Artikel *vier-en-twintig* van die Hoofwet word hierby gewysig deur die woorde „drie" en „vyf" deur die woorde „agt" en „tien", onderskeidelik, te vervang. **Wysiging van artikel 24 van Wet 54 van 1956.**

7. Artikel *dertig* van die Hoofwet word hierby gewysig— **Wysiging van artikel 30 van Wet 54 van 1956.**

(*a*) deur in sub-artikel (2) na die woord „waterbeheergebied" die woorde „of tot enige gedeelte van so 'n gebied" in te voeg; en

(*b*) deur in bedoelde sub-artikel na die woord „gebied", op albei plekke waar dit voorkom, die woorde „of gedeelte daarvan" in te voeg.

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Insertion of section 42*bis* in Act 54 of 1956.

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

"Minister may present certain evidence in apportionment suits.

42*bis*. (1) If the Minister is of the opinion that it is desirable in the public interest that any evidence available to him should be presented in any apportionment suit before a water court, he or any person authorized thereto by him may, without becoming a party to such suit and notwithstanding anything to the contrary in any law contained, through witnesses called by him present to the court any such evidence as is relevant to the proceedings before it.

(2) As soon as possible after it has been decided to present evidence in terms of sub-section (1) and in any event not later than the date fixed in terms of the water court regulations for the filing of exceptions, pleas or counter claims, the Minister shall cause to be sent to the registrar of the court and to each of the parties to the suit whose address can be ascertained from the documents filed of record or to his legal representative in the suit notice in writing informing him of the intention so to present evidence and indicating the nature of the evidence which is to be presented.".

Amendment of section 59 of Act 54 of 1956.

9. Section *fifty-nine* of the principal Act is hereby amended by the substitution for paragraph (*b*) of sub-section (1) of the following paragraph:

"(*b*) an area (which may include non-riparian land) within which the abstraction, utilization, supply or distribution of the water of any public stream should in his opinion be controlled in the public interest,".

Amendment of section 60 of Act 54 of 1956, as amended by section 1 of Act 75 of 1957.

10. Section *sixty* of the principal Act is hereby amended—

(*a*) by the substitution in sub-section (1) for the words " or, as the case may be," of the words " or to enable him to construct access roads to such Government water work for use by the public or by any person or ";

(*b*) by the insertion after sub-section (4) of the following sub-section:

"(4)*bis* (*a*) Interest at a rate determined from time to time by the Minister in consultation with the Minister of Finance shall, as from the date of expropriation and subject to the provisions of paragraph (*b*), be paid on any outstanding amount payable by way of compensation in terms of this section.

(*b*) Where the owner of land which has been expropriated is permitted and agrees to occupy that land or any portion thereof no interest shall be payable on so much of the outstanding amount as is in the opinion of the Minister outstanding in respect of the land occupied by that owner."; and

(*c*) by the addition at the end of sub-section (6) of the following paragraph, the existing sub-section becoming paragraph (*a*):

"(*b*) Any person authorized thereto in writing by the Minister or by the secretary may at any time enter upon or cross any land for the purpose of exercising any of the powers of the department under paragraph (*a*) or of making any inspection or investigation in connection with any such land, water work, substance, material or right as is referred to in the said paragraph, which the Minister or the secretary, as the case may be, deems necessary.".

Amendment of section 62 of Act 54 of 1956.

11. Section *sixty-two* of the principal Act is hereby amended—

(*a*) by the substitution in paragraph (*b*) of sub-section (1) for the words " has been " of the word " was " and by the addition at the end of the said paragraph of the words " at or prior to the date of publication of the relevant proclamation under section *fifty-nine* ";

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8. Die volgende artikel word hierby na artikel *twee-en-veertig* van die Hoofwet ingevoeg: Invoeging van artikel 42*bis* in Wet 54 van 1956.

„Minister kan sekere getuienis by verdelingsgedinge voorlê.

42*bis*. (1) Indien dit na die Minister se oordeel in die openbare belang wenslik is dat enige getuienis wat hy tot sy beskikking het by 'n verdelingsgeding voor 'n waterhof voorgelê moet word, kan hy of iemand deur hom daartoe gemagtig, sonder om 'n party by die geding te word en ondanks andersluidende wetsbepalings, deur middel van getuies deur hom opgeroep aan die hof enige sodanige getuienis as wat by die verrigtinge voor die hof ter sake is, voorlê.

(2) So spoedig moontlik nadat besluit is om getuienis voor te lê ingevolge sub-artikel (1), en in elk geval nie later nie as die datum ingevolge die waterhofregulasies bepaal vir die indiening van eksepsies, pleite of teeneise, moet die Minister aan die griffier van die hof en elke party by die geding wie se adres vasgestel kan word uit die dokumente wat by die stukke van die saak ingedien is of aan sy regsverteenwoordiger by die geding 'n skriftelike kennisgewing laat stuur waarin die voorneme om aldus getuienis voor te lê aan hom bekend gemaak word en waarin die aard van die getuienis wat voorgelê gaan word, aangedui word.".

9. Artikel *nege-en-vyftig* van die Hoofwet word hierby gewysig deur paragraaf (*b*) van sub-artikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 59 van Wet 54 van 1956.

„(*b*) 'n gebied is (wat nie-oewergrond mag insluit) waarin die uitneem, aanwending, voorsiening of distribusie van die water van 'n openbare stroom volgens sy oordeel in die openbare belang beheer behoort te word,".

10. Artikel *sestig* van die Hoofwet word hierby gewysig— Wysiging van artikel 60 van Wet 54 van 1956, soos gewysig deur artikel 1 van Wet 75 van 1957.

(*a*) deur in sub-artikel (1) die woorde „of, al na die geval," deur die woorde „of om hom in staat te stel om toegangspaaie na sodanige Staatswaterwerk te bou vir gebruik deur die publiek of deur enige persoon of" te vervang;

(*b*) deur na sub-artikel (4) die volgende sub-artikel in te voeg:

„(4)*bis* (*a*) Rente teen 'n koers wat van tyd tot tyd deur die Minister in oorleg met die Minister van Finansies bepaal word, word, met ingang van die datum van onteiening en behoudens die bepalings van paragraaf (*b*), betaal op enige uitstaande bedrag wat ingevolge hierdie artikel by wyse van vergoeding betaalbaar is.

(*b*) Waar die eienaar van grond wat onteien is, toegelaat word en instem om daardie grond of enige gedeelte daarvan te okkupeer, word geen rente betaal nie op soveel van die uitstaande bedrag as wat volgens die Minister se oordeel uitstaande is ten opsigte van die grond wat deur daardie eienaar geokkupeer word."; en

(*c*) deur aan die end van sub-artikel (6) die volgende paragraaf by te voeg terwyl die bestaande sub-artikel paragraaf (*a*) word:

„(*b*) Iemand wat skriftelik daartoe gemagtig is deur die Minister of deur die sekretaris kan te eniger tyd enige grond betree of daaroor gaan met die doel om enige van die bevoegdhede van die departement kragtens paragraaf (*a*) uit te oefen of om enige inspeksie of ondersoek in verband met enige in genoemde paragraaf bedoelde grond, waterwerk, stof, materiaal of reg te hou of in te stel wat die Minister of die sekretaris, na gelang van die geval, nodig ag.".

11. Artikel *twee-en-sestig* van die Hoofwet word hierby gewysig— Wysiging van artikel 62 van Wet 54 van 1956.

(*a*) deur in paragraaf (*b*) van sub-artikel (1) na die woord „hy", waar dit die tweede keer voorkom, die woorde „op of voor die datum van publikasie van die betrokke proklamasie kragtens artikel *nege-en-vyftig*" in te voeg;

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(*b*) by the addition at the end of sub-section (1) of the following paragraph:

"(*d*) For the purposes of paragraph (*b*) any person shall be deemed to have been lawfully abstracting or impounding and storing water in so far as the quantity of water which he has been abstracting or impounding and storing does not exceed—

(i) any quantity which may have been apportioned to him under any order or award of a water court which is in force together with any quantity which may have been so apportioned to any other person and to which he has become entitled; or

(ii) where no such order or award is in force, the quantity of water which, in the opinion of the Minister, would have been apportioned to that person if an apportionment could, in terms of this Act, have been made by a water court.";

(*c*) by the substitution for paragraphs (*a*) and (*b*) of sub-section (2) of the following paragraphs:

"(*a*) Notwithstanding anything to the contrary contained in this Act but subject to the provisions of sub-section (2)*bis*, the rights to the use and the control of water in any public stream or natural channel in a Government water control area shall vest in the Minister, and no person shall, except as provided in sub-section (1), or under the authority of a permit from the Minister and on such conditions as may be specified in that permit,

(i) abstract, impound, store or use such water; or

(ii) construct, alter or enlarge any water work for the abstraction, impounding or storage of such water,

unless the Minister has by notice in the *Gazette* authorized the abstraction, impounding, storage or use of such water or the construction of such works, or otherwise than in accordance with the conditions specified in such notice.

(*b*) A permit or notice under paragraph (*a*) may provide for the abstraction during any period of a specified quantity of water within the area in question and for the impounding, storage and use thereof by any person for any purpose at any place within such area and the conditions specified in such permit or notice may include any provisions which the Minister may consider necessary and different conditions may be specified in respect of different periods in any year or in respect of different persons or classes of persons.

(*b*)*bis* The Minister may in any such permit or notice provide for the temporary increase or reduction of the quantity of water which may during any period be abstracted by any person if special circumstances warrant or require it, and may at any time amend the conditions specified in any such permit or notice."; and

(*d*) by the insertion after sub-section (2) of the following sub-section:

"(2)*bis* (*a*) As soon as possible after it has been established for what total quantity of water permits are to be issued under paragraph (*b*) of sub-section (1), the Minister shall—

(i) determine the total quantity of water to be made available under sub-section (2) for abstraction, impounding, storage or use during any period by all persons who are the owners of riparian land in relation to any public stream or natural channel within the Government water control area in question which can be beneficially irrigated by means of water from that public stream or natural channel and who, but for the provisions of

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(*b*) deur aan die end van sub-artikel (1) die volgende paragraaf by te voeg:

„(*d*) By die toepassing van paragraaf (*b*) word dit geag dat 'n persoon water wettiglik uitgeneem het of opgedam en opgegaar het vir sover as wat die hoeveelheid water wat hy uitgeneem of opgedam en opgegaar het nie die hoeveelheid oorskry nie—

(i) wat aan hom toegewys mag gewees het kragtens enige bevel of toekenning van 'n waterhof wat in werking is tesame met enige hoeveelheid wat aldus aan enige ander persoon toegewys mag gewees het en waarop hy geregtig geword het; of

(ii) wat, waar geen sodanige bevel of toekenning in werking is nie, na die Minister se oordeel, aan daardie persoon toegewys sou gewees het indien 'n verdeling ingevolge hierdie Wet deur 'n waterhof gedoen kon gewees het.";

(*c*) deur paragrawe (*a*) en (*b*) van sub-artikel (2) deur die volgende paragrawe te vervang:

„(*a*) Ondanks andersluidende bepalings van hierdie Wet, maar onderworpe aan die bepalings van sub-artikel (2)*bis*, berus die regte op die gebruik en die beheer van water in enige openbare stroom of natuurlike bedding in 'n Staatswaterbeheergebied by die Minister en niemand mag, behalwe soos in sub-artikel (1) bepaal, of op gesag van 'n permit van die Minister en op die voorwaardes in daardie permit uiteengesit,

(i) sodanige water uitneem, opdam, opgaar of gebruik nie; of

(ii) enige waterwerk vir die uitneem, opdamming of opgaring van sodanige water bou, verander of vergroot nie,

tensy die Minister die uitneem, opdamming, opgaring of gebruik van sodanige water of die bou van sodanige werke by kennisgewing in die *Staatskoerant* gemagtig het, of andersins as ooreenkomstig die voorwaardes in bedoelde kennisgewing uiteengesit.

(*b*) 'n Permit of kennisgewing kragtens paragraaf (*a*) kan voorsiening maak vir die uitneem gedurende enige tydperk van 'n bepaalde hoeveelheid water binne bedoelde gebied en vir die opdamming, opgaring en gebruik daarvan deur enige persoon vir enige doel op enige plek binne bedoelde gebied, en die voorwaardes uiteengesit in so 'n permit of kennisgewing kan enige bepalings insluit wat die Minister nodig ag en verskillende voorwaardes kan ten opsigte van verskillende tydperke in enige jaar of ten opsigte van verskillende persone of kategorieë van persone uiteengesit word.

(*b*)*bis* Die Minister kan in so 'n permit of kennisgewing voorsiening maak vir die tydelike vermeerdering of vermindering van die hoeveelheid water wat gedurende enige tydperk deur enige persoon uitgeneem mag word indien spesiale omstandighede dit regverdig of vereis, en kan te eniger tyd die voorwaardes uiteengesit in so 'n permit of kennisgewing wysig."; en

(*d*) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(2)*bis* (*a*) So spoedig moontlik nadat vasgestel is vir watter totale hoeveelheid water permitte kragtens paragraaf (*b*) van sub-artikel (1) uitgereik gaan word, moet die Minister—

(i) die totale hoeveelheid water bepaal wat beskikbaar gemaak gaan word kragtens sub-artikel (2) vir uitneem, opdamming, opgaring of gebruik gedurende enige tydperk deur alle persone wat eienaars van oewergrond met betrekking tot enige openbare stroom of natuurlike bedding binne die betrokke Staatswaterbeheergebied is wat op voordelige wyse besproei kan word deur middel van water uit daardie openbare stroom of natuurlike bedding en wat by ontstentenis van die bepalings van sub-artikel (2) geregtig sou gewees het op die gebruik

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sub-section (2), would have been entitled to the use of water from such public stream or natural channel for irrigation purposes on riparian land within such area;

(ii) determine the formula according to which such quantity of water is to be apportioned between the persons referred to in sub-paragraph (i) either generally or in respect of any portion of the Government water control area in question;

(iii) determine in respect of every piece of riparian land within the Government water control area in question in relation to which any person referred to in sub-paragraph (i) would, but for the provisions of sub-section (2), have been entitled to the use of water from the public stream or natural channel in question for irrigation purposes, the extent of the land comprised therein which can be beneficially irrigated by means of water from such public stream or natural channel.

(*b*) The formula determined under sub-paragraph (ii) of paragraph (*a*) shall provide that the apportionment, in so far as it relates to persons to whom permits have been or are to be issued under paragraph (*b*) of sub-section (1), shall be made with due regard to the respective quantities of water in respect of which permits have been or are to be issued to such persons under the said paragraph (*b*).

(*c*) Any determination made under this sub-section shall be made known by notice in the *Gazette* which shall also set out the quantity of water which would be apportioned to each of the persons referred to in sub-paragraph (i) of paragraph (*a*) if an apportionment were to be made in accordance with such determination and the Minister shall cause to be published in a newspaper circulating in the Government water control area in question a concise notice directing attention to the publication of the notice in the *Gazette.*

(*d*) Any person referred to in sub-paragraph (i) of paragraph (*a*) who is dissatisfied with the determination made under sub-paragraph (iii) of the said paragraph in respect of any piece of land belonging to him or in respect of any piece of land in relation to which he has acquired any rights to the use of water to which the owner of that piece of land may become entitled may within three months after the date of publication of the determination appeal to the water court against the determination made in respect of any such piece of land and the water court may either confirm the determination made by the Minister in respect thereof or make such other determination in respect thereof as in its opinion the Minister ought to have made.

(*e*) When the water court has made a determination in respect of any piece of land which does not correspond with the determination made by the Minister in respect thereof, any apportionment of water previously made to the owner of such piece of land shall lapse and a fresh apportionment based on the water court's determination shall be made.

(*f*) Any permit or notice issued under sub-section (2) before the apportionment in terms of paragraph (*e*) shall be amended so as to give effect to such apportionment and any permit or notice which is issued under the said sub-section after such apportionment shall give effect thereto.

(*g*) If the quantity of water referred to in sub-paragraph (i) of paragraph (*a*) is not sufficient to give effect to any apportionment made in terms of paragraph (*e*) the shortage shall be made good from any quantity of water which the Minister has reserved for other purposes.".

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van water uit daardie openbare stroom of natuurlike bedding vir besproeiingsdoeleindes op oewergrond binne bedoelde gebied;

(ii) die formule bepaal waarvolgens bedoelde hoeveelheid water, of in die algemeen of ten opsigte van enige gedeelte van die betrokke Staatswaterbeheergebied, tussen die in sub-paragraaf (i) bedoelde persone verdeel gaan word;

(iii) ten opsigte van elke stuk oewergrond binne die betrokke Staatswaterbeheergebied met betrekking waartoe enige in sub-paragraaf (i) bedoelde persoon by ontstentenis van die bepalings van sub-artikel (2) op die gebruik van water uit die betrokke openbare stroom of natuurlike bedding vir besproeiingsdoeleindes geregtig sou gewees het, die omvang bepaal van die grond inbegrepe daarin wat op voordelige wyse besproei kan word deur middel van water uit sodanige openbare stroom of natuurlike bedding.

(*b*) Die formule kragtens sub-paragraaf (ii) van paragraaf (*a*) bepaal, moet voorsiening daarvoor maak dat die verdeling, vir sover dit betrekking het op persone aan wie permitte kragtens paragraaf (*b*) van sub-artikel (1) uitgereik is of gaan word, gedoen moet word met behoorlike inagneming van die onderskeie hoeveelhede water ten opsigte waarvan permitte aan sodanige persone kragtens gemelde paragraaf (*b*) uitgereik is of gaan word.

(*c*) 'n Bepaling kragtens hierdie sub-artikel gemaak, moet by kennisgewing in die *Staatskoerant* bekend gemaak word, wat ook die hoeveelheid water moet uiteensit wat aan elkeen van die in sub-paragraaf (i) van paragraaf (*a*) bedoelde persone toegewys sou word indien 'n verdeling ooreenkomstig sodanige bepaling gemaak sou word en die Minister moet 'n beknopte kennisgewing, waarin die aandag gevestig word op die publikasie van die kennisgewing in die *Staatskoerant*, in 'n nuusblad in omloop in die betrokke Staatswaterbeheergebied laat publiseer.

(*d*) Enige in sub-paragraaf (i) van paragraaf (*a*) bedoelde persoon wat ontevrede is met die bepaling wat kragtens sub-paragraaf (iii) van gemelde paragraaf gemaak is ten opsigte van enige stuk grond wat aan hom behoort of ten opsigte van enige stuk grond met betrekking waartoe hy enige regte verkry het op die gebruik van water waarop die eienaar van daardie stuk grond geregtig mag word, kan binne drie maande na die datum van publikasie van die bepaling appèl aanteken by die waterhof teen die bepaling wat ten opsigte van enige sodanige stuk grond gemaak is en die waterhof kan òf die bepaling wat ten opsigte daarvan deur die Minister gemaak is, bevestig òf sodanige ander bepaling ten opsigte daarvan maak as wat die Minister, na sy mening, behoort te gemaak het.

(*e*) Wanneer die waterhof 'n bepaling ten opsigte van enige stuk grond gemaak het wat nie ooreenstem met die bepaling wat deur die Minister ten opsigte daarvan gemaak is nie, verval enige toewysing van water wat voorheen aan die eienaar van die stuk grond gemaak is en word 'n nuwe toewysing wat op die waterhof se bepaling gebaseer is, gemaak.

(*f*) Enige permit of kennisgewing wat kragtens sub-artikel (2) uitgereik is voor die toewysing ingevolge paragraaf (*e*) moet so gewysig word dat dit aan bedoelde toewysing gevolg gee en enige permit of kennisgewing wat kragtens gemelde sub-artikel uitgereik word na bedoelde toewysing moet daaraan gevolg gee.

(*g*) Indien die in sub-paragraaf (i) van paragraaf (*a*) bedoelde hoeveelheid water nie voldoende is om aan 'n toewysing gemaak ingevolge paragraaf (*e*) gevolg te gee nie, word die tekort aangevul uit enige hoeveelheid water wat die Minister vir ander doeleindes gereserveer het.".

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Amendment of section 63 of Act 54 of 1956.

12. Section *sixty-three* of the principal Act is hereby amended—

(*a*) by the insertion in sub-section (11) after the word "settlement", where it occurs for the first time, of the words "or land within the area of jurisdiction of a local authority", and by the insertion in the proviso to that sub-section after the word "such", where it occurs for the first time, of the word "Crown"; and

(*b*) by the addition at the end of sub-section (12) of the words "and the provisions of sub-section (7) of section *six* of the Buffelspoort Irrigation Scheme Act, 1948, and sub-section (4) of section *five* of the Bospoort Irrigation Scheme Act, 1949, shall be deemed to have lapsed on the date of commencement of this Act".

Amendment of section 65 of Act 54 of 1956.

13. Section *sixty-five* of the principal Act is hereby amended by the substitution for the words "title to the land affected by such permission is" of the words "titles to the land affected by such permission are" and for the words "a notarial deed against the title deed of that land" of the words "a unilateral deed against the title deeds of the land in question indicating the alteration and".

Amendment of section 88 of Act 54 of 1956.

14. Section *eighty-eight* of the principal Act is hereby amended by the substitution for sub-section (8) of the following sub-section:

"(8) The provisions of paragraphs (*a*) and (*b*) of sub-section (8) and sub-sections (9) and (10) of section *sixty-three* shall *mutatis mutandis* apply in relation to—

(*a*) the supply of water from water works belonging to an irrigation board for use for irrigation purposes on land scheduled under sub-paragraph (v) of paragraph (*a*) or sub-paragraph (ii) of paragraph (*b*) of sub-section (1) of this section; and

(*b*) the use of water from any public stream within an irrigation district for irrigation purposes on land so scheduled as if such water were water supplied from water works belonging to the irrigation board for that district.".

Amendment of section 91 of Act 54 of 1956.

15. Section *ninety-one* of the principal Act is hereby amended by the deletion in sub-section (2) of all the words after the word "person".

Amendment of section 157 of Act 54 of 1956.

16. Section *one hundred and fifty-seven* of the principal Act is hereby amended by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* If after an irrigation loan has been granted in respect of any water works any further irrigation loan is granted in respect of water works connected with such first-mentioned works such further loan shall for the purposes of sub-paragraph (ii) of paragraph (*b*) of sub-section (1) be regarded as being one in respect of a separate independent scheme.".

Amendment of section 160 of Act 54 of 1956.

17. Section *one hundred and sixty* of the principal Act is hereby amended by the substitution in sub-section (3) for the expression "sub-section (2)" of the expression "paragraph (*b*) of sub-section (1)".

Amendment of section 162 of Act 54 of 1956.

18. Section *one hundred and sixty-two* of the principal Act is hereby amended by the deletion of sub-section (6).

Amendment of section 166 of Act 54 of 1956.

19. Section *one hundred and sixty-six* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "complied with" of the words "and may, for the purpose of gaining access to such land, after like notice, enter upon and cross any other land with the necessary men, animals, vehicles, appliances and instruments".

Short title.

20. This Act shall be called the Water Amendment Act, 1961.

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12. Artikel *drie-en-sestig* van die Hoofwet word hierby gewysig—
(*a*) deur in sub-artikel (11) na die woord „gebruik," die woorde „of grond binne die regsgebied van 'n plaaslike bestuur" in te voeg en deur in die voorbehoudsbepaling by daardie sub-artikel die woord „grond" deur die woord „Kroongrond" te vervang; en
(*b*) deur aan die end van sub-artikel (12) die woorde „en die bepalings van sub-artikel (7) van artikel *ses* van die Wet op die Besproeiingskema Buffelspoort, 1948, en sub-artikel (4) van artikel *vyf* van die Wet op die Besproeiingskema Bospoort, 1949, word geag op die datum van inwerkingtreding van hierdie Wet te verval het " by te voeg.

Wysiging van artikel 63 van Wet 54 van 1956.

13. Artikel *vyf-en-sestig* van die Hoofwet word hierby gewysig deur die woord „titelbewys", waar dit die eerste keer voorkom, deur die woord „titelbewyse" en die woorde „'n notariële akte teen die titelbewys van daardie grond registreer" deur die woorde „teen die titelbewyse van die betrokke grond 'n eensydige akte registreer wat die verandering aandui en" te vervang.

Wysiging van artikel 65 van Wet 54 van 1956.

14. Artikel *agt-en-tagtig* van die Hoofwet word hierby gewysig deur sub-artikel (8) deur die volgende sub-artikel te vervang:

„(8) Die bepalings van paragrawe (*a*) en (*b*) van sub-artikel (8) en sub-artikels (9) en (10) van artikel ***drie-en-sestig*** is *mutatis mutandis* van toepassing met betrekking tot—
(*a*) die verskaffing van water van waterwerke wat aan 'n besproeiingsraad behoort vir gebruik vir besproeiingsdoeleindes op grond wat kragtens sub-paragraaf (v) van paragraaf (*a*) of sub-paragraaf (ii) van paragraaf (*b*) van sub-artikel (1) van hierdie artikel in 'n lys opgeneem is; en
(*b*) die gebruik van water uit 'n openbare stroom binne 'n besproeiingsdistrik vir besproeiingsdoeleindes op grond aldus in 'n lys opgeneem asof sodanige water water is wat verskaf word van waterwerke wat aan die besproeiingsraad vir daardie distrik behoort.".

Wysiging van artikel 88 van Wet 54 van 1956.

15. Artikel *een-en-negentig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) al die woorde na die woord „wees" te skrap.

Wysiging van artikel 91 van Wet 54 van 1956.

16. Artikel *honderd sewe-en-vyftig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel na sub-artikel (1) in te voeg:

„(1)*bis* Indien daar nadat 'n besproeiingslening ten opsigte van enige waterwerke toegestaan is 'n verdere besproeiingslening toegestaan word ten opsigte van waterwerke verbonde aan sodanige eersgenoemde werke word sodanige verdere lening by die toepassing van sub-paragraaf (ii) van paragraaf (*b*) van sub-artikel (1) geag een ten opsigte van 'n aparte selfstandige skema te wees.".

Wysiging van artikel 157 van Wet 54 van 1956.

17. Artikel *honderd-en-sestig* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die uitdrukking „sub-artikel (2)" deur die uitdrukking „paragraaf (*b*) van sub-artikel (1)" te vervang.

Wysiging van artikel 160 van Wet 54 van 1956.

18. Artikel *honderd twee-en-sestig* van die Hoofwet word hierby gewysig deur sub-artikel (6) te skrap.

Wysiging van artikel 162 van Wet 54 van 1956.

19. Artikel *honderd ses-en-sestig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woorde „voldoen word" die woorde „en kan, met die doel om toegang tot sodanige grond te verkry, na soortgelyke kennisgewing, enige ander grond met die nodige manne, diere, voertuie, toestelle en instrumente betree en daaroor gaan" in te voeg.

Wysiging van artikel 166 van Wet 54 van 1956.

20. Hierdie Wet heet die Water-wysigingswet, 1961.

Kort titel.

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No. 57, 1961.]

ACT

To provide for the construction and equipment of a line of railway between Hoedspruit and Phalaborwa in the Province of the Transvaal, and for matters incidental thereto.

(*English text signed by the State President.*)
(*Assented to 24th June*, 1961.)

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

Construction and equipment of line of railway between Hoedspruit and Phalaborwa.

1. (1) The State President may, as soon after the commencement of this Act as to him may seem expedient, cause to be constructed and equipped, upon a gauge of three feet six inches, a line of railway of a length of approximately thirty-one and a half miles between Hoedspruit and Phalaborwa in the Province of the Transvaal, at a gross cost not exceeding four million one hundred and thirty-three thousand six-hundred and sixty-eight rand.

(2) The powers by this section conferred shall include powers to construct and equip all sidings, stations, buildings and other appurtenances necessary for or incidental to the proper working of the said line of railway.

(3) The expression "construct and equip" shall include "maintain" while the line is in course of construction and equipment.

Cost of construction and equipment.

2. The cost of the construction and equipment authorized by section *one* shall be defrayed out of any loan raised by the State President under the authority of law and appropriated for that purpose by Parliament, or out of any other moneys so appropriated.

Powers incidental to construction and equipment.

3. In respect of the construction and equipment of the said line of railway, the State President shall have the powers conferred by the Railway Expropriation Act, 1955 (Act No. 37 of 1955), but subject to the obligations imposed by that Act: Provided that the width of the land taken shall not exceed one hundred Cape feet for the construction of the line, together with such additional land as may be required for the slopes, cuttings, drainage, stations, approach roads and other works and matters which may be necessary for the purpose of the line.

Ratification of certain agreement relating to line of railway from Hoedspruit to Phalaborwa.

4. The agreement concluded on the fifth day of June, 1961, between the Government of the Republic in its Railways and Harbours Administration (hereinafter called "the Administration"), and the Phosphate Development Corporation (Proprietary) Limited, a translation of which is set out in the Schedule to this Act, is hereby ratified and confirmed, and the Administration is hereby empowered to do all such things as may be necessary to give effect to the said Agreement.

Short title.

5. This Act shall be called the Railway Construction Act, 1961.

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No. 57, 1961.]

WET

Om voorsiening te maak vir die aanleg en uitrusting van 'n spoorlyn tussen Hoedspruit en Phalaborwa in die Provinsie Transvaal en vir aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 24 *Junie* 1961.)

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

Aanleg en uitrusting van spoorlyn tussen Hoedspruit en Phalaborwa.

1. (1) Die Staatspresident kan, so spoedig na die inwerkingtreding van hierdie Wet as wat hy doenlik ag, 'n spoorlyn van 'n spoorwydte van drie voet ses duim en 'n lengte van ongeveer een-en-dertig-en-'n-halfmyl tussen Hoedspruit en Phalaborwa, in die Provinsie Transvaal, laat aanlê en uitrus teen 'n bruto koste van hoogstens viermiljoen eenhonderd drie-en-dertigduisend seshonderd agt-en-sestig rand.

(2) Die bevoegdhede deur hierdie artikel verleen, sluit in bevoegdhede om alle sylyne, stasies, geboue en ander toebehore wat vir die behoorlike eksploitasie van die gemelde spoorlyn nodig is of daarmee in verband staan, aan te lê en uit te rus.

(3) Die uitdrukking „aanlê en uitrus" omvat „in stand hou" onderwyl die lyn aangelê en uitgerus word.

Koste van aanleg en uitrusting.

2. Die deur artikel *een* gemagtigde koste van die aanleg en uitrusting word bestry uit 'n lening deur die Staatspresident kragtens wetlike magtiging aangegaan en vir daardie doel deur die Parlement bewillig, of uit ander aldus bewilligde gelde.

Bevoegdhede in verband met aanleg en uitrusting.

3. Ten opsigte van die aanleg en uitrusting van gemelde spoorlyn het die Staatspresident die bevoegdhede verleen deur die Spoorwegonteieningswet, 1955 (Wet no. 37 van 1955), maar onderhewig aan die verpligtings deur bedoelde Wet opgelê: Met dien verstande dat die breedte van die grond wat geneem word, nie meer mag wees nie as honderd Kaapse voet vir die aanbou van die lyn, met soveel bykomende grond as wat nodig mag wees vir die hellings, deurgrawings, dreinering, stasies, toegangspaaie en ander werke en aangeleenthede wat vir die doeleindes van die lyn nodig mag wees.

Bekragtiging van sekere ooreenkoms met betrekking tot die spoorlyn van Hoedspruit na Phalaborwa.

4. Die ooreenkoms aangegaan op die vyfde dag van Junie 1961 tussen die Regering van die Republiek in sy administrasie van Spoorweë en Hawens (hieronder „die Administrasie" genoem) en die Fosfaat-ontginningskorporasie (Eiendoms) Beperk, waarvan 'n afskrif in die Bylae by hierdie Wet opgeneem is, word hierby bekragtig en bevestig, en die Administrasie word hierby gemagtig om alle handelings te verrig wat nodig is om aan genoemde ooreenkoms uitvoering te gee.

Kort titel.

5. Hierdie Wet heet die Spoorwegaanlegwet, 1961.

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Schedule.

TRANSLATION OF MEMORANDUM OF AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA IN ITS RAILWAYS AND HARBOURS ADMINISTRATION, OF THE ONE PART, AND THE PHOSPHATE DEVELOPMENT CORPORATION (PROPRIETARY) LIMITED, OF THE OTHER PART.

MEMORANDUM OF AGREEMENT made and entered into between the GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA in its RAILWAYS AND HARBOURS ADMINISTRATION (hereinafter referred to as "the Administration"), herein represented by the MINISTER OF TRANSPORT of the Republic of South Africa, of the one part, and the PHOSPHATE DEVELOPMENT CORPORATION (PROPRIETARY) LIMITED, a company incorporated with limited liability under the Companies Act, 1926 (hereinafter referred to as "the Corporation"), of the other part.

WHEREAS the Corporation has petitioned the Administration to construct, equip, maintain and work a line of railway of a gauge of three feet six inches from Hoedspruit (on the Selati railway line) to a terminal point at Phalaborwa in the Magisterial District of Letaba, Province of the Transvaal, a distance of approximately thirty-one and a half miles (hereinafter termed "the railway") for the purpose of conveying traffic to and from an area in which the Corporation is carrying on, or is otherwise interested in, certain mining operations;

AND WHEREAS the Administration has agreed, if and when authorized by Parliament to do so, to construct, equip, maintain and work the railway, subject to the terms and conditions hereinafter set forth;

NOW, THEREFORE, the parties do hereby agree as follows:

1. Pending the approval and sanction of Parliament, which the Administration proposes to seek as soon as may be practicable after the execution of this Agreement, the obligations of the Administration under this Agreement shall be taken to be provisional only. Should the construction of the railway not be authorized by Parliament within a period of twelve months from the date hereof, this Agreement shall lapse, unless renewed by mutual consent.

2. (1) After the commencement of an Act of Parliament authorizing the construction and equipment of the railway and ratifying and confirming this Agreement, and subject to an appropriation by Parliament of funds for the purpose, the Administration shall proceed with all reasonable expedition to construct and equip the railway: Provided that the Administration shall not be liable for any delay in completing the construction and equipment of the railway owing to any cause whatever over which the Administration has no control.

(2) While the parties visualize that only two interloops are initially to be provided as part of the railway, it is agreed that the Administration shall nevertheless, in constructing the railway, carry out the earthworks for four interloops, and that the Administration shall have the right, after consultation with the Corporation, to construct or provide from time to time such additional tracks or other facilities directly connected with the railway as it may deem necessary in order to enable it efficiently to cope with any increase in traffic over the railway. The cost of any additional tracks or other facilities so constructed or provided shall be deemed to form part of the cost of construction and equipment of the railway for the purposes of this Agreement.

3. (1) Subject to the approval of Parliament, the Administration shall provide the money necessary for the construction and equipment of the railway, estimated to amount to approximately four million one hundred and thirty-three thousand six hundred and sixty-eight rand (R4,133,668) excluding rolling stock.

(2) The route of the railway and the sites of stations and sidings shall be approximately as shown on the plan annexed hereto and signed by both parties: Provided that the Administration may, after consultation with the Corporation, modify, for engineering exigencies only, the route of the railway and the sites of stations and sidings, subject to any limitation imposed by the statutory authority under which the railway is constructed.

4. (1) The railway shall be constructed and equipped according to the standards adopted by the Administration for other lines of similar type, and shall be constructed with S.A.R. rails of a weight of not less than sixty pounds per yard.

(2) For the purpose of this Agreement the cost of construction and equipment of the railway shall comprise all items of expenditure, including interest, chargeable to the railway in accordance with the Administration's usual accounting practice, but excluding the capital cost of locomotives, other rolling stock and any equipment used in connection with rolling stock in the working of the railway after completion.

5. (1) When the railway has been completed and has been certified by the Administration's Chief Civil Engineer as being ready for the conveyance of public traffic, it shall forthwith be opened by the Administration for the conveyance of public traffic.

(2) Subject to the provisions of clause 6, the fares, charges and rates for the conveyance of passengers, parcels, livestock and goods of any description, and for the services incidental thereto, shall be those fixed by the Administration from time to time and applicable generally over its railway system.

(3) Nothing contained in this Agreement shall be deemed to diminish or restrict in any way the Administration's statutory power to fix and alter rates and fares.

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Bylae.

MEMORANDUM VAN OOREENKOMS TUSSEN DIE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA IN SY ADMINISTRASIE VAN SPOORWEË EN HAWENS, VAN DIE EEN KANT, EN DIE FOSFAAT-ONTGINNINGSKORPORASIE (EIENDOMS) BEPERK, VAN DIE ANDER KANT.

MEMORANDUM VAN OOREENKOMS aangegaan tussen die REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA in sy ADMINISTRASIE VAN SPOORWEË EN HAWENS (hierna „die Administrasie" genoem), hierin verteenwoordig deur die MINISTER VAN VERVOER van die Republiek van Suid-Afrika, van die een kant, en die FOSFAAT-ONTGINNINGSKORPORASIE (EIENDOMS) BEPERK, 'n maatskappy ingelyf met beperkte aanspreeklikheid kragtens die Maatskappywet, 1926 (hierna „die Korporasie" genoem), van die ander kant.

NADEMAAL die Korporasie die Administrasie versoek het om 'n spoorlyn met 'n spoorwydte van drie voet ses duim van Hoedspruit (op die Selatispoorlyn) tot by 'n eindpunt op Phalaborwa in die Landdrosdistrik Letaba, in die provinsie Transvaal—'n afstand van ongeveer een-en-dertig-en-'n-halfmyl, (hierna „die spoorlyn" genoem)—aan te lê, uit te rus, in stand te hou en te eksploiteer vir die vervoer van verkeer na en van 'n gebied waarin die Korporasie sekere mynbouwerksaamhede uitvoer of waarby hy andersins belang het;

EN NADEMAAL die Administrasie ingestem het, indien en wanneer deur die Parlement daartoe gemagtig, om die spoorlyn aan te lê, uit te rus, in stand te hou en te eksploiteer, onderworpe aan die bepalings en voorwaardes hierna uiteengesit;

DERHALWE kom die genoemde partye hierby as volg ooreen:

1. Hangende die goedkeuring en magtiging van die Parlement, wat die Administrasie voornemens is om aan te vra so spoedig doenlik nadat hierdie ooreenkoms gesluit is, word die verpligtings van die Administrasie kragtens hierdie ooreenkoms slegs as voorlopig beskou. As die aanleg van die spoorlyn nie binne 'n tydperk van twaalf maande na ondertekening hiervan deur die Parlement goedgekeur word nie, verval hierdie ooreenkoms tensy dit met wedersydse toestemming hernuwe word.

2. (1) Na die inwerkingtreding van 'n Parlementswet wat die aanlê en uitrus van die spoorlyn magtig en hierdie ooreenkoms bekragtig, en onderworpe daaraan dat die Parlement fondse vir die doel beskikbaar stel, moet die Administrasie met alle redelike spoed voortgaan om die spoorlyn aan te lê en uit te rus: Met dien verstande dat die Administrasie nie aanspreeklik is vir vertraging met die voltooiing van die aanleg en die uitrus van die spoorlyn weens enige oorsaak hoegenaamd waaroor hy geen beheer het nie.

(2) Ofskoon die partye beoog dat daar aanvanklik net twee tussenuitwykspore as deel van die spoorlyn voorsien sal word, word daar ooreengekom dat die Administrasie nietemin, wanneer hy die spoorlyn aanlê, die grondwerke vir vier tussenuitwykspore sal voltooi, en dat die Administrasie die reg sal hê om, na oorlegpleging met die Korporasie, van tyd tot tyd sulke addisionele treinspore of ander geriewe wat regstreeks met die spoorlyn in verband staan, aan te lê of te voorsien as wat hy nodig ag om hom in staat te stel om enige toename in verkeer oor die spoorlyn doeltreffend die hoof te bied. Die koste van enige addisionele treinspore of ander geriewe wat aldus aangelê of voorsien word, word geag deel van die koste van die aanlê en uitrus van die spoorlyn vir die doeleindes van hierdie ooreenkoms uit te maak.

3. (1) Onderworpe aan die goedkeuring van die Parlement verskaf die Administrasie die nodige geld vir die aanlê en uitrus van die spoorlyn waarvan die koste volgens raming ongeveer viermiljoen eenhonderd drie-en-dertigduisend seshonderd agt-en-sestig rand (R4,133,668) sal bedra met uitsondering van rollende materiaal.

(2) Die roete van die spoorlyn en die ligging van stasies en sylyne moet nagenoeg wees soos aangetoon op die bygaande plan wat deur beide partye onderteken is: Met dien verstande dat die Administrasie, na oorlegpleging met die Korporasie, die roete van die spoorlyn en die ligging van stasies en sylyne kan wysig slegs om aan die vereistes van ingenieurswerk te voldoen, onderworpe aan enige beperking opgelê deur die wetteregtelike magtiging waarkragtens die spoorlyn aangelê word.

4. (1) Die spoorlyn moet aangelê en uitgerus word ooreenkomstig die standaarde wat deur die Administrasie vir soortgelyke lyne aanvaar is en moet gebou word met S.A.S.-spoorstawe van 'n gewig van minstens sestig pond per jaart.

(2) Vir die doel van hierdie ooreenkoms sluit die koste van die aanlê en uitrus van die spoorlyn alle uitgaweposte in, met inbegrip van rente, wat ooreenkomstig die Administrasie se gewone rekeninggebruik teen die spoorlyn in rekening gebring word, maar uitgesonderd die kapitaalkoste van lokomotiewe, ander rollende materiaal en uitrusting wat in verband met rollende materiaal gebruik word in die eksploitasie van die spoorlyn nadat dit voltooi is.

5. (1) Nadat die spoorlyn voltooi is en die Administrasie se Siviele Hoofingenieur gesertifiseer het dat dit gereed is vir die vervoer van openbare verkeer, moet dit onverwyld deur die Administrasie oopgestel word vir die vervoer van openbare verkeer.

(2) Onderworpe aan die bepalings van klousule 6 is die reisgeld, koste en tariewe vir die vervoer van passasiers, pakkette, lewende hawe en alle soorte goedere en vir aanverwante dienste dieselfde as wat die Administrasie van tyd tot tyd vasstel en wat in die algemeen op sy spoorweë van toepassing is.

(3) Geen bepaling in hierdie ooreenkoms word geag hoegenaamd aan die Administrasie se wetteregtelike bevoegdheid om tariewe en reisgeld vas te stel en te verander, afbreuk te doen of dit te beperk nie.

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6. (1) Subject to the provisions hereinafter set forth, the Corporation undertakes, for so long as a loss may be sustained in the exploitation of the railway on the basis of the fares, charges and rates generally applicable over the Administration's railway system, to hold itself liable for, and to pay to the Administration, for every ton of 2,000 lbs. of base mineral traffic consigned by it or on its behalf, over the railway or a portion thereof in the direction of Hoedspruit, a special surcharge over and above the normal tariff prescribed from time to time in the Official Railway Tariff Book for the conveyance of any such commodity over the Administration's railway system generally. The moneys accruing to the Administration from such special surcharge shall be dealt with in the manner hereinafter provided.

(2) For a period of six months from the date on which the railway is opened for the conveyance of public traffic, the special surcharge mentioned in sub-clause (1) hereof shall be levied at the rate of one rand five cents (R1.05) per ton. At the expiration of the said period of six months, and every six months thereafter, for so long as may be necessary in accordance with sub-clause (1) hereof, the Administration shall, in consultation with the Corporation, review the rate of the afore-mentioned special surcharge in order to ensure that the amount accruing to the Administration by way of the special surcharge during the financial year in question, shall tally, as nearly as may be, with the amount by which the working costs of the railway exceed the revenue derived therefrom, without taking into account the amount accruing from the aforementioned special surcharge. Depending on what may seem to be necessary in order to attain this object, the rate of the aforementioned special surcharge shall, at the time of such review, be either increased or decreased or left undisturbed for the ensuing period of six months.

(3) For the purposes of this clause and of clause 11, the term "base mineral traffic" shall mean—

(*a*) phosphate concentrates;

(*b*) fertilizer;

(*c*) any base minerals, whether crude or partly or wholly processed in the Magisterial District of Letaba;

(*d*) any other product, material or article which the Minister of Transport has, after consultation between the Corporation and the General Manager of the South African Railways, by Notice in the *Government Gazette* declared to be included under that term for the purposes of this Agreement.

7. (1) From the date of opening of the railway for public traffic and for each financial year thereafter for a period of thirty (30) years, the Administration shall prepare and maintain accounts to indicate the results of working the railway, and a copy of each annual statement shall be supplied to the Corporation at its office in Phalaborwa as soon as practicable after the close of each financial year. The accounts shall be prepared in accordance with the Administration's usual accounting practice and the annual statement shall give particulars of expenditure and revenue (with separate reference to the moneys accruing to the Administration from the aforementioned special surcharge) and shall indicate the rates of depreciation and interest charges applied on the capital cost of construction and equipment. It is specifically declared that, for the purpose of calculating such working results, the amount derived from the aforementioned special surcharge paid by the Corporation and the other senders referred to in clause 11, shall be regarded as part of the revenue earned by the railway.

(2) (*a*) At the end of each period of five years, calculated from the date on which the railway is officially opened for public traffic, it shall be determined from the annual statements referred to in sub-clause (1) hereof, due regard being had to the provisions of paragraphs (*b*) to (*f*) of this sub-clause, whether the results of working the railway during the period of five years in question, show a loss or a surplus, and settlement between the parties shall then be effected as hereinafter set forth in this sub-clause.

(*b*) If the working results of the railway for any financial year included in such period of five years show a surplus, such surplus shall be retained by the Administration but shall be set off against any loss which has been or may be incurred in the working of the railway during any other financial year included in the same period of five years.

(*c*) If the working results of the railway show a surplus over any period of five years as set forth in paragraph (*a*) of this sub-clause, the Corporation and/or the senders referred to in clause 11, shall have no claim thereto but such surplus shall, depending on the circumstances, either be retained by the Administration or dealt with as prescribed in paragraph (*d*) of this sub-clause.

(*d*) If the special surcharge was levied during any portion of such a period of five years, it shall be determined whether a loss would have been incurred in the working of the railway during such period of five years had the special surcharge not been levied. Should it be found that no loss would have been incurred, the whole of the proceeds of the special surcharge during the said period of five years shall be used to defray any loss and/or interest on losses that may be incurred in the working of the railway during a succeeding period of five years. Should it be found that a loss would have been incurred, then so much of the said proceeds as exceeds that loss, shall be applied to the purpose afore-

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6. (1) Onderworpe aan die bepalings hierna uiteengesit, onderneem die Korporasie om, so lank as wat daar 'n verlies getoon word met die eksploitasie van die spoorlyn op die grondslag van die riesgeld, koste en tariewe wat in die algemeen op die Administrasie se spoorweë van toepassing is, vir elke ton van 2,000 lb. onedele delfstofverkeer wat deur of ten behoewe van hom in die rigting van Hoedspruit oor die spoorlyn of 'n gedeelte daarvan versend word, aanspreeklik te wees vir 'n spesiale ekstrakoste soos hierna uiteengesit, en om dié spesiale ekstrakoste aan die Administrasie te betaal benewens die gewone tarief wat van tyd tot tyd in die Offisiële Spoorwegtariefboek voorgeskryf word vir die vervoer van sodanige goedere oor die Administrasie se spoorweë in die algemeen. Die gelde wat die Administrasie uit sodanige spesiale ekstrakoste toeval, moet aangewend word soos hierna uiteengesit.

(2) Vir 'n tydperk van ses maande van die datum waarop die spoorlyn vir openbare verkeer oopgestel word, sal die spesiale ekstrakoste in sub-klousule (1) hiervan genoem, teen die voet van een rand vyf sent (R1.05) per ton gehef word. By verstryking van bedoelde tydperk van ses maande en elke ses maande daarna, so lank as wat dit ooreenkomstig sub-klousule (1) hiervan nodig mag wees, sal die Administrasie, in oorleg met die Korporasie, die voet waarteen gemelde spesiale ekstrakoste gehef word, in hersiening neem ten einde te verseker dat die bedrag wat aan die Administrasie gedurende die betrokke boekjaar by wyse van die spesiale ekstrakoste sal toeval, so na as moontlik sal ooreenstem met die bedrag waarmee die bedryfskoste van die spoorlyn die inkomste daarvan (sonder inagneming van die opbrengs van gemelde spesiale ekstrakoste) oorskry. Na gelang van wat nodig blyk te wees ten einde hierdie oogmerk te bereik, word bedoelde spesiale ekstrakoste dan by sodanige hersiening òf verhoog òf verlaag òf onveranderd gelaat vir die daaropvolgende tydperk van ses maande.

(3) Vir die doeleindes van hierdie klousule en van klousule 11, beteken die uitdrukking „onedele delfstofverkeer"—

(*a*) fosfaatkonsentraat;

(*b*) kunsmis;

(*c*) enige onedele delfstowwe, hetsy ru hetsy geheel en al of gedeeltelik in die Landdrosdistrik Letaba verwerk;

(*d*) enige ander produk, stof of artikel wat die Minister van Vervoer, na oorlegpleging tussen die Korporasie en die Hoofbestuurder van die Suid-Afrikaanse Spoorweë, by Kennisgewing in die *Staatskoerant* verklaar het onder daardie uitdrukking inbegrepe te wees vir die doeleindes van hierdie ooreenkoms.

7. (1) Van die datum waarop die spoorlyn vir openbare verkeer oopgestel word en vir elke daaropvolgende boekjaar vir 'n tydperk van dertig (30) jaar, moet die Administrasie rekenings opstel en hou om die bedryfsresultate van die spoorlyn aan te toon, en 'n afskrif van elke jaarstaat moet so spoedig doenlik na die afsluiting van elke boekjaar aan die Korporasie op sy kantoor te Phalaborwa verstrek word. Die rekeninge moet opgestel word ooreenkomstig die Administrasie se gewone rekeninggebruik en die jaarstaat moet besonderhede verstrek van uitgawe en inkomste (met afsonderlike vermelding van die bedrag wat aan die Administrasie by wyse van voormelde spesiale ekstrakoste toegeval het), en moet die waardeverminderingstarief asook die rentekoste aantoon wat op die kapitaalkoste van die aanlê en uitrus toegepas word. Daar word bepaaldelik verklaar dat, vir die doel van die berekening van sodanige bedryfsresultate, die bedrag wat verkry is uit die voormelde spesiale ekstrakoste wat betaal word deur die Korporasie en die ander afsenders genoem in klousule 11, beskou word as deel van die inkomste wat deur die spoorlyn verdien is.

(2) (*a*) Aan die end van elke tydperk van vyf jaar, bereken van die datum waarop die spoorlyn amptelik vir openbare verkeer oopgestel is, word daar aan die hand van die jaarstate genoem in sub-klousule (1) hiervan, en met behoorlike inagneming van die voorskrifte van paragrawe (*b*) tot (*f*) van hierdie sub-klousule, vasgestel of die bedryfsresultate van die spoorlyn oor die betrokke tydperk van vyf jaar, 'n verlies of 'n surplus aantoon, en geskied daar dan 'n afrekening tussen die partye soos hierna in hierdie sub-klousule bepaal.

(*b*) Indien die bedryfsresultate van die spoorlyn vir een of ander boekjaar wat binne so 'n tydperk van vyf jaar val, 'n surplus aantoon, word sodanige surplus deur die Administrasie behou, maar word dit in rekening gebring teen 'n verlies wat, gedurende enige ander boekjaar wat binne dieselfde tydperk van vyf jaar val, in die eksploitasie van die spoorlyn gely is of mag word.

(*c*) Indien die bedryfsresultate van die spoorlyn oor enige tydperk van vyf jaar soos in paragraaf (*a*) van hierdie subklousule bedoel, 'n surplus aantoon, het die Korporasie en/ of die afsenders genoem in klousule 11 geen aanspraak daarop nie, maar word sodanige surplus, na gelang van die omstandighede, deur die Administrasie behou of aangewend soos in paragraaf (*d*) van hierdie sub-klousule bepaal.

(*d*) Indien die spesiale ekstrakoste gedurende enige gedeelte van so 'n tydperk van vyf jaar gehef is, word daar bepaal of 'n verlies met die eksploitasie van die spoorlyn oor genoemde tydperk van vyf jaar gely sou gewees het as die spesiale ekstrakoste nie van toepassing was nie. As daar bevind word dat geen verlies gely sou gewees het nie dan word die hele opbrengs van die spesiale ekstrakoste oor genoemde tydperk van vyf jaar aangewend ter bestryding van enige verliese en/of rente op verliese wat gedurende 'n daaropvolgende tydperk van vyf jaar met die eksploitasie van die spoorlyn gely mag word. As daar bevind word dat 'n verlies wel gely sou gewees het, dan word soveel van bedoelde opbrengs as wat daardie verlies oorskry, vir

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mentioned: Provided that any surplus that may have accrued at the end of the sixth period of five years shall be retained by the Administration.

(*e*) At the end of each month in each financial year, interest shall be calculated at the rate of five per cent. (5%) per annum on the amount by which the aggregate amount of the accumulated loss and the accrued interest up to the end of the preceding month, exceeds the aggregate amount of the profits, if any, up to the end of that month, and the amount of such interest shall be reflected on a separate statement, a copy of which shall be furnished to the Corporation as soon as practicable after the close of each financial year.

(*f*) If the results of working the railway during any period of five years show a loss, the amount of such loss, together with the interest accrued during such period of five years, as reflected in the statements mentioned in paragraph (*e*), shall be paid by the Corporation to the Administration within thirty (30) days after the date on which a statement, certified by the Administration's Chief Accountant, indicating the amount for which the Corporation is liable, shall have been furnished to the Corporation at its office at Phalaborwa. After settlement has been effected between the parties at the end of the sixth period of five years, the Corporation shall be under no obligation to reimburse the Administration for losses that may thereafter be incurred in the working of the railway.

8. The depreciation charges referred to in sub-clause (1) of clause 7 shall be assessed at the normal rates applicable to the Administration's assets, and the interest charges referred to in sub-clause (2) of clause 4 and sub-clause (1) of clause 7 shall be assessed at the average rate determined by the Administration in accordance with its usual procedure and shall not be specifically loaded against the railway.

9. The Corporation agrees that, if at a future date within fifty years of the date of opening the railway for public traffic, the traffic falls off to such an extent that the total volume of traffic carried over the railway is, in the opinion of the Administration after consultation with the Corporation, insufficient to justify the operation of the railway, the Administration shall have the right to uplift the whole or any portion of the railway and, if so uplifted, to recover from the Corporation an amount equal to the total of the original cost of construction and any amount subsequently expended on the railway (including expenditure financed from the Administration's Renewals Fund or Betterment Fund) *less* the total of

(*a*) the depreciation charges raised in respect of the railway from the date of its opening to such aforementioned future date; and

(*b*) the total residual value, determined in accordance with the Administration's usual accounting practice, of any assets or items of material or equipment which the Administration may decide to retain. The assets, material and equipment not so retained by the Administration shall become the property of the Corporation subject to any conditions of title under which the assets are held by the Administration.

10. If the whole or any portion of the railway is uplifted by the Administration in terms of clause 9, the cost incurred shall be borne by the Corporation.

11. The Administration undertakes that during such time as the Corporation remains bound to pay the special surcharge provided for in sub-clause (1) of clause 6, it will make provision in the Official Railway Tariff Book for the payment of a like surcharge on all base mineral traffic, as defined in sub-clause (3) of clause 6, consigned by any other senders over the railway or any portion thereof in the direction of Hoedspruit and that all moneys derived from such surcharge will be dealt with as provided in clause 7 of this Agreement.

12. There shall be no restriction on the running powers of the Administration in respect of any class of traffic whatever over the railway and the Administration may construct any line or lines of railway, and consent to the construction of private sidings, in continuation of or as a branch from the railway: Provided that before constructing any such line/s of railway or consenting to the construction of any such private siding, the Administration shall consult the Corporation and shall take into consideration any representations that the Corporation may make with respect thereto.

SIGNED for and on behalf of the Government of the Republic of South Africa in its Railways and Harbours Administration at Cape Town on this the 5th day of June, 1961.

AS WITNESSES:
1. (Sgd.) J. G. C. WESTRAAD.
2. (Sgd.) J. H. F. GROBLER.

(Sgd.) B. J. SCHOEMAN.
Minister of Transport.

SIGNED for and on behalf of the PHOSPHATE DEVELOPMENT CORPORATION (PROPRIETARY) LIMITED, at Johannesburg on this the 29th day of May, 1961, under the authority of a resolution of the Board of Directors of the Corporation dated the 24th day of March, 1961.

AS WITNESSES:
1. (Sgd.) M. WYKERD.
2. (Sgd.) S. F. MALAN.

(Sgd.) D. J. R. VAN WIJK.
Acting Chairman.

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voornoemde doel aangewend: Met dien verstande dat enige oorskot wat aan die end van die sesde vyfjaartydperk mag opgeloop het, deur die Administrasie behou word.

(*e*) Aan die end van elke maand in elke boekjaar, word rente teen die voet van vyf persent (5%) per jaar bereken op die bedrag waarmee die gesamentlike bedrag van die opgehoopte verlies en die opgelope rente tot aan die end van die vorige maand, die gesamentlike bedrag van die winste (indien daar was) tot aan die end van daardie maand oorskry, en die bedrag van sodanige rente word op 'n afsonderlike staat aangetoon, waarvan 'n afskrif so spoedig doenlik na die afsluiting van elke boekjaar aan die Korporasie verstrek moet word.

(*f*) Indien die bedryfsresultate van die spoorlyn oor een of ander tydperk van vyf jaar, 'n verlies aantoon, word die bedrag van sodanige verlies, tesame met die rente wat gedurende daardie tydperk van vyf jaar opgeloop het, soos aangetoon in die state in paragraaf (*e*) bedoel, deur die Korporasie aan die Administrasie betaal binne dertig (30) dae na die datum waarop 'n staat, deur die Administrasie se Hoofrekenmeester gesertifiseer, waarin die bedrag aangetoon word waarvoor die Korporasie aanspreeklik is, aan die Korporasie op sy kantoor te Phalaborwa verstrek is. Nadat die afrekening tussen die partye aan die end van die sesde tydperk van vyf jaar geskied het, rus daar geen verder verpligting op die Korporasie om die Administrasie te vergoed vir verliese wat daarna in die eksploitasie van die spoorlyn gely word nie.

8. Die waardeverminderingskoste genoem in sub-klousule (1) van klousule 7 moet bereken word teen die gewone skaal wat op die Administrasie se bates van toepassing is, en die rentekoste gemeld in sub-klousule (2) van klousule 4 en sub-klousule (1) van klousule 7, moet bereken word teen die gemiddelde koers wat deur die Administrasie bepaal word ooreenkomstig die gewone prosedure, en moet nie spesifiek teen die spoorlyn verhoog word nie.

9. Die Korporasie stem in dat die Administrasie die reg sal hê om die hele spoorlyn of 'n gedeelte daarvan op te breek indien die verkeer binne vyftig jaar na die datum waarop die spoorlyn vir openbare verkeer oopgestel is, in so 'n mate afneem dat dit volgens die mening van die Administrasie na oorlegpleging met die Korporasie, onvoldoende is om die eksploitasie van die spoorlyn te regverdig; en indien die spoorlyn aldus opgebreek word, sal die Administrasie die reg hê om 'n bedrag op die Korporasie te verhaal wat gelykstaan met die totale oorspronklike aanlegkoste plus enige bedrag wat daarna aan die spoorlyn bestee is (met inbegrip van uitgawe gefinansier uit die Administrasie se Vernuwings- of Verbeteringsfonds) *min*

(*a*) die totale waardeverminderingskoste gehef ten opsigte van die spoorlyn vanaf die oopstellingsdatum tot sodanige voormelde toekomstige datum; en

(*b*) die totale restantwaarde, vasgestel ooreenkomstig die Administrasie se gewone rekeninggebruik, van enige bates, materiaal of uitrusting wat die Administrasie mag besluit om te behou. Die bates, materiaal en uitrusting wat nie aldus deur die Administrasie behou word nie, word die eiendom van die Korporasie onderworpe aan alle besitvoorwaardes waarkragtens die bates deur die Administrasie besit word.

10. As die hele spoorlyn of 'n gedeelte daarvan deur die Administrasie ingevolge klousule 9 opgebreek word, dra die Korporasie die koste wat beloop word.

11. Die Administrasie onderneem om so lank as wat die Korporasie onder verpligting bly om die spesiale ekstrakoste soos genoem in sub-klousule (1) van klousule 6, te betaal, voorsiening in die Offisiële Spoorwegtariefboek te maak vir die betaling van dergelike ekstrakoste op alle onedele delfstofverkeer soos in sub-klousule (3) van klousule 6 omskryf, wat deur of ten behoewe van ander afsenders in die rigting van Hoedspruit oor die spoorlyn of 'n gedeelte daarvan versend word, en dat alle gelde wat uit sodanige ekstrakoste verkry word, volgens voorskrif van klousule 7 van hierdie ooreenkoms bestee sal word.

12. Daar rus geen beperking op die Administrasie se bedryfsbevoegdheid ten opsigte van enige soort verkeer hoegenaamd oor die spoorlyn nie, en die Administrasie kan enige spoorlyn of -lyne aanlê, en toestemming verleen vir die aanlê van privaatsylyne, as 'n verlenging of vertakking van die spoorlyn: Met dien verstande dat alvorens sodanige spoorlyne aan te lê of toestemming vir die aanlê van sodanige privaatsylyne te verleen, die Administrasie die Korporasie moet raadpleeg en alle vertoë in aanmerking moet neem wat die Korporasie in verband daarmee mag indien.

GETEKEN namens en ten behoewe van die Regering van die Republiek van Suid-Afrika in sy administrasie van Spoorweë en Hawens in Kaapstad op die 5de dag van Junie 1961.

GETUIES:
1. (Get.) J. G. C. WESTRAAD.
2. (Get.) J. H. F. GROBLER.

(Get.) B. J. SCHOEMAN.
Minister van Vervoer.

GETEKEN namens en ten behoewe van die FOSFAAT-ONTGINNINGS-KORPORASIE (EIENDOMS) BEPERK in Johannesburg op die 29ste dag van Mei 1961, kragtens 'n besluit van die Direksie van die Korporasie gedateer die 24ste dag van Maart 1961.

GETUIES:
1. (Get.) M. WYKERD.
2. (Get.) S. F. MALAN.

(Get.) D. J. R. VAN WIJK.
Waarnemende Voorsitter.

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No. 58, 1961.]

ACT

To provide for the payment of salaries and allowances to Members of Parliament and for matters incidental thereto.

(*Afrikaans text signed by the State President.*)
(*Assented to 24th June,* 1961.)

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

Salaries of members.

1. (1) There shall be payable—

(*a*) to the President of the Senate and to the Speaker of the House of Assembly, a salary of nine thousand rand per annum;

(*b*) to the Deputy President and Chairman of Committees of the Senate, a salary of five thousand rand per annum;

(*c*) to the Deputy Speaker and Chairman of Committees of the House of Assembly, a salary of six thousand rand per annum;

(*d*) to the Deputy Chairman of Committees of the House of Assembly, a salary of five thousand rand per annum;

(*e*) to the Leader of the Opposition in the Senate, a salary of five thousand rand per annum;

(*f*) to the Leader of the Opposition in the House of Assembly, a salary of seven thousand rand per annum;

(*g*) to the Chief Government Whip and to the Chief Whip of the official Opposition in the Senate and in the House of Assembly, respectively, a salary of five thousand rand per annum;

(*h*) to every Assistant Whip in the Senate and in the House of Assembly, respectively, a salary of four thousand two hundred rand per annum; and

(*i*) to every member of the Senate or the House of Assembly (other than a Minister or a deputy to a Minister and other than a person referred to in any of the paragraphs (*a*) to (*h*) inclusive), a salary of four thousand rand per annum.

(2) For the purposes of this section the expression—

(*a*) "Leader of the Opposition" shall mean that member of the Senate or that member of the House of Assembly who is for the time being the Leader in the Senate or the House of Assembly of the party in opposition to the Government having the greatest numerical strength in the Senate or the House of Assembly, as the case may be, and if there is any doubt as to which is or was at any material time the party in opposition to the Government having the greatest numerical strength in the Senate or the House of Assembly or as to who is or was at any material time the Leader in the Senate or the House of Assembly of such party, the question shall be decided for the purposes of this section, in the case of the Senate, by the President of the Senate and in the case of the House of Assembly, by the Speaker of the House of Assembly, and his decision, certified in writing under his hand, shall be final and conclusive; and

(*b*) "Assistant Whip" shall mean a Whip (other than the Chief Whip) for any political party represented in the Senate or the House of Assembly designated by the Leader of that party in the Senate or the House of Assembly, as the case may be, and approved, in the case of the Senate, by the President of the Senate, and in the case of the House of Assembly, by the Speaker of the House of Assembly, (whose decision, certified in writing under his hand, shall be final and conclusive), at the commencement of each session or as circumstances require, as being reasonably necessary for the smooth working of Parliament.

Allowances of members.

2. (1) In addition to the salaries provided for in section *one*, there shall, subject to the provisions of sub-section (2), be payable to every member of the Senate or the House of Assembly (other than a Minister or a deputy to a Minister, the President of the Senate or the Speaker of the House of Assembly), out of moneys appropriated by Parliament for the purpose—

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No. 58, 1961.]

WET

Om voorsiening te maak vir die betaling van salarisse en toelaes aan Parlementslede en vir aangeleenthede wat daarmee in verband staan.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 24 *Junie* 1961.)

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

Salarisse van lede.

1. (1) Daar is betaalbaar—

(*a*) aan die President van die Senaat en aan die Speaker van die Volksraad, 'n salaris van negeduisend rand per jaar;
(*b*) aan die Adjunk-president en Voorsitter van Komitees van die Senaat, 'n salaris van vyfduisend rand per jaar;
(*c*) aan die Adjunk-Speaker en Voorsitter van Komitees van die Volksraad, 'n salaris van sesduisend rand per jaar;
(*d*) aan die Adjunk-voorsitter van Komitees van die Volksraad, 'n salaris van vyfduisend rand per jaar;
(*e*) aan die Leier van die Opposisie in die Senaat, 'n salaris van vyfduisend rand per jaar;
(*f*) aan die Leier van die Opposisie in die Volksraad, 'n salaris van seweduisend rand per jaar;
(*g*) aan die Regeringshoofsweep en aan die Hoofsweep van die amptelike Opposisie in onderskeidelik die Senaat en die Volksraad, 'n salaris van vyfduisend rand per jaar;
(*h*) aan elke Assistent-sweep in onderskeidelik die Senaat en die Volksraad, 'n salaris van vierduisend tweehonderd rand per jaar; en
(*i*) aan elke lid van die Senaat of die Volksraad (behalwe 'n Minister of 'n plaasvervanger van 'n Minister en behalwe iemand in enige van die paragrawe (*a*) tot en met (*h*) genoem), 'n salaris van vierduisend rand per jaar.

(2) By die toepassing van hierdie artikel beteken die uitdrukking—

(*a*) „Leier van die Opposisie" dié lid van die Senaat of dié lid van die Volksraad wat op die betrokke tydstip in die Senaat of die Volksraad die leier is van die party in opposisie teen die Regering wat die grootste getalsterkte in die Senaat of die Volksraad, na gelang van die geval, het, en indien daar enige twyfel bestaan oor watter party in opposisie teen die Regering op enige wesentlike tydstip die grootste getalsterkte in die Senaat of die Volksraad het of gehad het, of oor wie op enige wesentlike tydstip die Leier van so 'n party in die Senaat of die Volksraad is of was, word die vraag, by die toepassing van hierdie artikel, in die geval van die Senaat, deur die President van die Senaat en, in die geval van die Volksraad, deur die Speaker van die Volksraad beslis, en sy beslissing, skriftelik deur hom gesertifiseer en onderteken, is finaal en afdoende; en
(*b*) „Assistent-sweep" 'n Sweep (behalwe die Hoofsweep) van enige politieke party in die Senaat of die Volksraad verteenwoordig wat deur die Leier van daardie party in die Senaat of die Volksraad, na gelang van die geval, aangewys word en wat, in die geval van die Senaat, deur die President van die Senaat en, in die geval van die Volksraad, deur die Speaker van die Volksraad (wie se beslissing, skriftelik deur hom gesertifiseer en onderteken, finaal en afdoende is) aan die begin van elke sessie of na gelang van omstandighede goedgekeur word as redelikerwys nodig vir die vlot werking van die Parlement.

Toelaes van lede.

2. (1) Benewens die salarisse waarvoor in artikel *een* voorsiening gemaak word, is daar, behoudens die bepalings van subartikel (2), aan elke lid van die Senaat of die Volksraad (behalwe 'n Minister of 'n plaasvervanger van 'n Minister, die President van die Senaat of die Speaker van die Volksraad) uit gelde wat vir die doel deur die Parlement bewillig word, betaalbaar—

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(*a*) during any period when Parliament is in session, a session allowance at a rate not exceeding eleven rand per day except in the case of a member to whom such allowance is not payable in terms of a determination by the President of the Senate or the Speaker of the House of Assembly, as the case may be, under sub-section (2), in which case there may be paid to such member subject to such conditions as the President of the Senate or the Speaker of the House of Assembly, as the case may be, may determine, an allowance equal to the recess allowance prescribed in paragraph (*b*); and

(*b*) during any period when Parliament is not in session, a recess allowance at a rate not exceeding, in the case of members of the Senate, two rand and fifty cents per day, and in the case of members of the House of Assembly, four rand and fifty cents per day.

(2) The said session and recess allowances shall be payable subject to such conditions as may be determined, in the case of a member of the Senate, by the President of the Senate, and in the case of a member of the House of Assembly, by the Speaker of the House of Assembly.

(3) The amount of any allowance paid in terms of sub-section (1) shall for the purpose of any law be deemed to have been received by the person concerned from employment in the public service and to represent a payment made to meet expenditure incurred by him in connection with the discharge of his official duties.

Deductions on account of absence.

3. For every day during which any member of the Senate or the House of Assembly (other than the President of the Senate, the Speaker of the House of Assembly, the Leader of the Opposition in the Senate and the Leader of the Opposition in the House of Assembly) fails to attend a meeting of the Senate or the House of Assembly, as the case may be, there shall be deducted the sum of thirty-one rand from the amount payable to him under the provisions of this Act: Provided that such member shall be exempted from deductions on account of such failure—

(*a*) for any day on which he attends a meeting of any committee of the Senate or the House of Assembly, as the case may be;

(*b*) when his absence is due to his illness or to the summons or subpoena of a competent court (except a summons to answer a criminal charge upon which he is convicted);

(*c*) when his absence is due to the death or serious illness of his wife and such absence is condoned by the Sessional Committee on Internal Arrangements of the Senate or the Committee on Standing Rules and Orders of the House of Assembly, as the case may be;

(*d*) when his absence is due to his serving, while the State is at war, with the military, air or naval forces of the State or any other force or service established by or under the Defence Act, 1957 (Act No. 44 of 1957); and

(*e*) in respect of any further period of absence—

(i) not exceeding twenty-five days on which he so fails to attend during a session at which the estimates of expenditure for the ordinary administrative services of a financial year are considered; and

(ii) not exceeding seven days on which he so fails to attend during any other session.

Method of payment of salaries and allowances.

4. Subject to the deductions incurred, if any, the Secretary to the Senate or the Secretary to the House of Assembly shall pay to every member of the Senate or the House of Assembly (as the case may be) the salary and allowance to which such member is entitled under this Act, in monthly instalments, the first month to be reckoned, in the case of a member of the Senate, from the date on which he was nominated or elected (as the case may be), and in the case of a member of the House of Assembly, if he was declared elected as a result of a general election, from the polling day, and in the case of any other member of the House of Assembly, from the date with effect from which he was declared elected.

Salaries of members chargeable to Consolidated Revenue Fund.

5. The amount of the salaries payable under this Act shall be charged annually to the Consolidated Revenue Fund and the provisions of this section shall be deemed to be an appropriation of every such amount.

Repeal of laws.

6. Section *fifty-six* of the South Africa Act, 1909, is hereby repealed.

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(a) gedurende enige tydperk wanneer die Parlement in sessie is, 'n sessietoelae teen 'n skaal van hoogstens elf rand per dag behalwe in die geval van 'n lid aan wie hierdie toelae ingevolge 'n bepaling deur die President van die Senaat of die Speaker van die Volksraad (na gelang van die geval) kragtens sub-artikel (2), nie betaalbaar is nie, in watter geval daar aan so 'n lid 'n toelae gelyk aan die resestoelae in paragraaf (b) voorgeskryf, onderworpe aan die voorwaardes wat die President van die Senaat of die Speaker van die Volksraad (na gelang van die geval) bepaal, betaal kan word; en

(b) gedurende enige tydperk wanneer die Parlement nie in sessie is nie, 'n resestoelae teen 'n skaal van hoogstens twee rand en vyftig sent per dag in die geval van lede van die Senaat en vier rand en vyftig sent per dag in die geval van lede van die Volksraad.

(2) Bedoelde sessie- en resestoelaes is betaalbaar onderworpe aan die voorwaardes wat, in die geval van 'n lid van die Senaat, deur die President van die Senaat, en in die geval van 'n lid van die Volksraad, deur die Speaker van die Volksraad, bepaal word.

(3) Die bedrag van 'n toelae wat ingevolge sub-artikel (1) betaal word, word by die toepassing van enige wetsbepaling geag deur die betrokke persoon ontvang te wees vir diens in die staatsdiens en 'n betaling uit te maak wat gedoen is ter bestryding van uitgawe wat deur hom in verband met die uitvoering van sy ampspligte aangegaan is.

Aftrekkings weens afwesigheid.

3. Vir elke dag waarop 'n lid van die Senaat of die Volksraad (behalwe die President van die Senaat, die Speaker van die Volksraad, die Leier van die Opposisie in die Senaat en die Leier van die Opposisie in die Volksraad) versuim om 'n vergadering van die Senaat of die Volksraad, na gelang van die geval, by te woon, word die bedrag van een-en-dertig rand afgetrek van die bedrag wat ingevolge die bepalings van hierdie Wet aan hom betaalbaar is: Met dien verstande dat so 'n lid van aftrekkings weens sodanige versuim vrygestel word—

(a) ten opsigte van enige dag waarop hy 'n vergadering bywoon van 'n komitee van die Senaat of die Volksraad, na gelang van die geval;

(b) wanneer sy afwesigheid te wyte is aan sy siekte of aan die dagvaarding of getuiedagvaarding van 'n bevoegde hof (behalwe 'n dagvaarding om te verskyn op 'n kriminele aanklag waarop hy skuldig bevind word);

(c) wanneer sy afwesigheid veroorsaak word deur die dood of ernstige siekte van sy eggenote en sodanige afwesigheid verskoon word deur die Sessiekomitee oor Huishoudelike Reëling van die Senaat of die Komitee oor die Reglement van Orde van die Volksraad, na gelang van die geval;

(d) wanneer sy afwesigheid veroorsaak word deur sy diens, terwyl die Staat in oorlog betrokke is, in die militêre, lug- of vlootmagte van die Staat of 'n ander mag of diens deur of kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957), ingestel; en

(e) ten opsigte van 'n verdere tydperk van afwesigheid—

(i) van hoogstens vyf-en-twintig dae waarop hy aldus versuim om aanwesig te wees gedurende 'n sessie waarin die begrotings van uitgawes vir die gewone administratiewe dienste van 'n boekjaar oorweeg word; en

(ii) van hoogstens sewe dae waarop hy aldus versuim om aanwesig te wees gedurende enige ander sessie.

Metode van betaling van salarisse en toelaes.

4. Met inagneming van die verbeurde bedrae, as daar is, betaal die Sekretaris van die Senaat of die Sekretaris van die Volksraad aan elke lid van die Senaat of die Volksraad (na gelang van die geval), in maandelikse paaiemente die salaris en toelae waarop so 'n lid kragtens hierdie Wet geregtig is en die eerste maand word, in die geval van 'n lid van die Senaat, gereken van die datum waarop hy benoem of verkies is (na gelang van die geval), en, in die geval van 'n lid van die Volksraad, indien hy verkies verklaar is as gevolg van 'n algemene verkiesing, van die stemdag, en, in die geval van enige ander lid van die Volksraad van die datum met ingang waarvan hy verkies verklaar is.

Salarisse van lede maak vorderings uit teen Gekonsolideerde Inkomstefonds.

5. Die bedrag van die salarisse wat kragtens hierdie Wet betaalbaar is, maak 'n jaarlikse vordering teen die Gekonsolideerde Inkomstefonds uit en die bepalings van hierdie artikel word geag 'n bewilliging van elke sodanige bedrag te wees.

Herroeping van wetsbepalings.

6. Artikel *ses-en-vyftig* van die Zuid-Afrika Wet, 1909, word hierby herroep.

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Construction of terms.

7. In this Act—

(*a*) any reference to a Minister or a deputy to a Minister shall be construed as a reference to a Minister or a deputy to a Minister appointed or deemed to be appointed under the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and also as a reference to a Minister of State or a deputy to a Minister of State appointed under the South Africa Act, 1909; and

(*b*) any reference to the Senate or the House of Assembly shall be construed as a reference to the Senate or the House of Assembly constituted under the Republic of South Africa Constitution Act, 1961, and also as a reference to the Senate or the House of Assembly constituted under the South Africa Act, 1909.

Short title and commencement.

8. This Act shall be called the Payment of Members of Parliament Act, 1961, and shall be deemed to have come into operation upon the first day of April, 1961.

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7. In hierdie Wet— Uitleg van uitdrukkings.

(*a*) word 'n verwysing na 'n Minister of 'n plaasvervanger van 'n Minister uitgelê as 'n verwysing na 'n Minister of 'n plaasvervanger van 'n Minister wat kragtens die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), aangestel is of geag word aangestel te wees, en ook as 'n verwysing na 'n Staatsminister of 'n plaasvervanger van 'n Staatsminister wat kragtens die Zuid-Afrika Wet, 1909, aangestel is; en

(*b*) word 'n verwysing na die Senaat of die Volksraad uitgelê as 'n verwysing na die Senaat of die Volksraad wat kragtens die Grondwet van die Republiek van Suid-Afrika, 1961, saamgestel is, en ook as 'n verwysing na die Senaat of die Volksraad wat kragtens die Zuid-Afrika Wet, 1909, saamgestel is.

8. Hierdie Wet heet die Wet op die Betaling van Parlementslede, 1961, en word geag op die eerste dag van April 1961 in werking te getree het. Kort titel en datum van inwerkingtreding.

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No. 59, 1961.]

ACT

To amend the Aliens Act, 1937.

(English text signed by the State President.)
(Assented to 24th June, 1961.)

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

Amendment of section 1 of Act 1 of 1937.

1. Section *one* of the Aliens Act, 1937, is hereby amended by the substitution, in the Afrikaans text, for the definition of "raad" of the following definition:

"beteken 'raad' die Immigrantekeurraad in artikel *drie* vermeld;".

Substitution of section 3 of Act 1 of 1937.

2. The following section is hereby substituted for section *three* of the Aliens Act, 1937:

"Establishment of Immigrants Selection Board.

3. (1) There is hereby established a board to be known as the Immigrants Selection Board.

(2) (*a*) The board shall consist of so many members, not being less than five, as the Governor-General may appoint.

(*b*) The qualifications and period of office of members of the board and the conditions of service, remuneration and allowances of such members who are not in the full-time service of the State, shall be as prescribed by regulation under section *eleven*.

(3) (*a*) The Governor-General shall designate one of the members of the board as the chairman thereof, and such chairman shall preside at the meetings of the board at which he is present.

(*b*) If the chairman is absent from any meeting of the board, the members present shall elect one of their number to preside at such meeting.

(4) (*a*) Three members of the board shall form a quorum for any meeting thereof.

(*b*) The decision of a majority of the members of the board present at any meeting thereof, shall be the decision of the board, and in the event of an equality of votes the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

(5) (*a*) The board may with the approval of the Minister and subject to such conditions and in respect of such area as the board may determine, assign to any member of the board or to any committee established by the board and consisting of two or more members of the board appointed by it, any of the powers, duties or functions conferred or imposed upon it by or under this Act.

(*b*) Anything done by any such member or committee under any such assignment of a power, duty or function, shall for all purposes be deemed to have been done by the board.

(6) The meetings of the board and of such a committee of the board shall be held at such times and places as the board may determine.

(7) The administrative work in connection with the functions of the board shall be performed by officers of the Department of Immigration.".

Insertion of section 13*bis* in Act 1 of 1937.

3. The following section is hereby inserted in the Aliens Act, 1937, after section *thirteen*:

"Application of Act in South-West Africa.

13*bis*. This Act shall also apply in the territory of South-West Africa, including that portion thereof known as the Eastern Caprivi Zipfel.".

Application of Act in South-West Africa.

4. This Act shall also apply in the territory of South-West Africa, including that portion thereof known as the Eastern Caprivi Zipfel.

Short title.

5. This Act shall be called the Aliens Amendment Act, 1961.

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No. 59, 1961.]

WET

Tot wysiging van die Wet op Vreemdelinge, 1937.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 24 *Junie* 1961.)

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

1. Artikel *een* van die Wet op Vreemdelinge, 1937, word hierby gewysig deur die omskrywing van „raad" deur die volgende omskrywing te vervang: Wysiging van artikel 1 van Wet 1 van 1937.

„beteken ,raad' die Immigrantekeurraad in artikel *drie* vermeld;".

2. Artikel *drie* van die Wet op Vreemdelinge, 1937, word hierby deur die volgende artikel vervang: Vervanging van artikel 3 van Wet 1 van 1937.

„Instelling van Immigrantekeurraad. **3.** (1) Hierby word 'n raad, bekend as die Immigrantekeurraad, ingestel.

(2) (*a*) Die raad bestaan uit die aantal lede, maar minstens vyf, wat die Goewerneur-generaal aanstel.

(*b*) Die kwalifikasies en ampstermyn van lede van die raad en die ampsvoorwaardes, besoldiging en toelaes van sodanige lede wat nie in die voltydse diens van die Staat is nie, is dié wat by regulasie kragtens artikel *elf* voorgeskryf word.

(3) (*a*) Die Goewerneur-generaal wys een van die lede van die raad as voorsitter daarvan aan, en dié voorsitter moet voorsit op die vergaderings van die raad waarop hy aanwesig is.

(*b*) Indien die voorsitter van 'n vergadering van die raad afwesig is, moet die aanwesige lede een uit hul midde kies om op dié vergadering voor te sit.

(4) (*a*) Drie lede van die raad maak 'n kworum vir 'n vergadering daarvan uit.

(*b*) Die beslissing van die meerderheid van die lede van die raad wat op 'n vergadering daarvan aanwesig is, is die beslissing van die raad, en by 'n staking van stemme het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem ook 'n beslissende stem.

(5) (*a*) Die raad kan met goedkeuring van die Minister en onderworpe aan die voorwaardes en ten opsigte van die gebied wat die raad bepaal, 'n bevoegdheid, plig of funksie wat by of kragtens hierdie Wet aan hom verleen of opgedra is, oordra aan 'n lid van die raad of aan 'n komitee deur die raad ingestel en bestaande uit twee of meer lede van die raad deur die raad benoem.

(*b*) Enigiets deur so 'n lid of komitee gedoen kragtens so 'n oordrag van 'n bevoegdheid, plig of funksie, word vir alle doeleindes geag deur die raad gedoen te gewees het.

(6) Die vergaderings van die raad en van so 'n komitee van die raad word gehou op die tye en plekke wat die raad bepaal.

(7) Die administratiewe werk verbonde aan die funksies van die raad, word deur beamptes van die Departement van Immigrasie verrig.".

3. Die volgende artikel word hierby in die Wet op Vreemdelinge, 1937, na artikel *dertien* ingevoeg: Invoeging van artikel 13*bis* in Wet 1 van 1937.

„Toepassing van Wet in Suidwes-Afrika. **13*bis*.** Hierdie Wet is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van dié gedeelte daarvan wat as die Oostelike Caprivi Zipfel bekend is.".

4. Hierdie Wet is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van dié gedeelte daarvan wat as die Oostelike Caprivi Zipfel bekend is. Toepassing van Wet in Suidwes-Afrika.

5. Hierdie Wet heet die Wysigingswet op Vreemdelinge, 1961. Kort titel.

GEDRUK VIR DIE STAATSDRUKKER, PRETORIA, DEUR CAPE TIMES LIMITED.—C904.