

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

[Geregistreer by die Hooftkantoor as 'n Nuusblad.]

[Registered at the General Post Office as a Newspaper.]

VOL. I.]

PRYS 5c

**KAAPSTAD, 5 JULIE 1961.
CAPE TOWN, 5TH JULY, 1961.**

PRICE 5c

[No. 31.]

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 195.] [5 Julie 1961.]

No. 195.] [5th July, 1961.]

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

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

	BLADSY
No. 60 van 1961: Wysigingswet op Reëling van die Toelating van Persone tot die Unie, 1961	3
No. 61 van 1961: Wet op Vrywaring, 1961	5
No. 62 van 1961: Wysigingswet op Spoorweg- en Hawewette, 1961	7
No. 63 van 1961: Tweede Addisionele Spoorweg- en Hawebegrotingswet, 1961	31
No. 64 van 1961: Wysigingswet op Suid-Afrikaanse Burgerskap, 1961	35
No. 65 van 1961: Wet tot Aanvulling van Pensioene, 1961	51
No. 66 van 1961: Wysigingswet op Uitvoerkrediet- herversekering, 1961	57
No. 67 van 1961: Wysigingswet op Nywerheidsont- wikkeling, 1961	57
No. 68 van 1961: Wysigingswet op Openbare Fees- dae, 1961	87
No. 69 van 1961: Wysigingswet op Geneeshere, Tandartse en Aptekers, 1961	59
No. 70 van 1961: Wysigingswet op Pensioene vir Parlementsdiens en Administra- teurs, 1961	63
No. 71 van 1961: Wysigingswet op Inkomstewette, 1961	67
No. 72 van 1961: Drankwysigingswet, 1961	75

	PAGE
No. 60 of 1961: Admission of Persons to the Union Regulation Amendment Act, 1961	2
No. 61 of 1961: Indemnity Act, 1961	4
No. 62 of 1961: Railways and Harbours Acts Amendment Act, 1961	6
No. 63 of 1961: Railways and Harbours Second Additional Appropriation Act, 1961	30
No. 64 of 1961: South African Citizenship Amend- ment Act, 1961	34
No. 65 of 1961: Pensions (Supplementary) Act, 1961	50
No. 66 of 1961: Export Credit Re-insurance Amend- ment Act, 1961	56
No. 67 of 1961: Industrial Development Amend- ment Act, 1961	56
No. 68 of 1961: Public Holidays Amendment Act, 1961	86
No. 69 of 1961: Medical, Dental and Pharmacy Amendment Act, 1961	58
No. 70 of 1961: Parliamentary Service and Adminis- trators' Pensions Amendment Act, 1961	62
No. 71 of 1961: Revenue Laws Amendment Act, 1961	66
No. 72 of 1961: Liquor Amendment Act, 1961	74

No. 60, 1961.]

ACT**To amend the Immigrants Regulation Act, 1913, and to substitute certain expressions occurring in other laws.***(Afrikaans text signed by the State President.)
(Assented to 28th June, 1961.)***BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Repeal of section 1 of Act 22 of 1913.

1. Section *one* of the Immigrants Regulation Act, 1913 (hereinafter referred to as the principal Act), is hereby repealed.

Substitution of expressions "prohibited immigrants", "immigration officer" and "immigration board".

2. Every law, including the principal Act, in which the words "prohibited immigrants", "immigration officer" and "immigration board" occur, is hereby amended by the substitution for those words of the words "prohibited persons", "passport control officer" and "board", respectively, and any provision in any law, including the principal Act, in which any reference to such prohibited immigrants, immigration officer or immigration board occurs, is hereby amended by the substitution for such reference of a reference to such prohibited persons, passport control officer or board, as the case may be.

Amendment of section 5 of Act 22 of 1913, as amended by section 3 of Act 22 of 1914, section 4 of Act 37 of 1927, section 3 of Act 15 of 1931, section 1 of Act 27 of 1937 and section 2 of Act 43 of 1953.

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

"(a) any member of a military force of any country which has been granted consent by the Government to enter the Union;"

Amendment of section 30 of Act 22 of 1913, as amended by section 10 of Act 37 of 1927 and section 3 of Act 43 of 1953.

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

(a) by the substitution in the definition of "department" for the words "Immigration Department established under this Act" of the words "Department of the Interior"; and

(b) by the deletion in the definition of "Minister" of all the words after the word "Interior".

Amendment of section 31 of Act 22 of 1913.

5. Section *thirty-one* of the principal Act is hereby amended by the substitution for the word "Immigrants" of the words "Admission of Persons to the Union".

Amendment of long title of Act 22 of 1913.

6. The long title of the principal Act is hereby amended—

(a) by the deletion of the words "to provide for the Establishment of a Union Immigration Department,"; and

(b) by the substitution for the words "Immigration into" of the words "the Admission of Persons to".

Application of Act in South-West Africa.

7. This Act shall also apply in the territory of South-West Africa.

Short title commencement.

8. This Act shall be called the Admission of Persons to the Union Regulation Amendment Act, 1961, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

No. 60, 1961.]

WET

Tot wysiging van die „Wet tot Regeling van Immigratie, 1913” en tot vervanging van sekere uitdrukkings wat in ander wette voorkom.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 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 tot Regeling van Immigratie, 1913” (hieronder die Hoofwet genoem) word hierby herroep. Herroeping van artikel 1 van Wet 22 van 1913.
2. Iedere Wet, met inbegrip van die Hoofwet, waarin die woorde „verboden immigranten”, „immigratiebeambte” en „immigratieraad” voorkom, word hierby gewysig deur daardie woorde deur onderskeidelik die woorde „verboden persone”, „paspoortbeheerbeambte” en „raad” te vervang, en enige bepaling in ’n wet, met inbegrip van die Hoofwet, waarin ’n verwysing na bedoelde verbode immigrante of immigrasie-beampte of -raad voorkom, word hierby gewysig deur dié verwysing te vervang deur ’n verwysing na bedoelde verbode persone, paspoortbeheerbeampte of raad, na gelang van die geval. Vervanging van uitdrukkings „verboden immigranten”, „immigratie-beampte” en „immigratie-raad”.
3. Artikel *vyf* van die Hoofwet word hierby gewysig deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 5 van Wet 22 van 1913, soos gewysig by artikel 3 van Wet 22 van 1914, artikel 4 van Wet 37 van 1927, artikel 3 van Wet 15 van 1931, artikel 1 van Wet 27 van 1937 en artikel 2 van Wet 43 van 1953.
 - „(a) een lid van een militaire macht van een land waaraan door de Regering toestemming verleend is de Unie binnen te komen;”.
4. Artikel *dertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 30 van Wet 22 van 1913, soos gewysig by artikel 10 van Wet 37 van 1927 en artikel 3 van Wet 43 van 1953.
 - (a) deur in die omskrywing van „departement” die woorde „Immigratie-Departement ingesteld uit krachte van deze Wet” te vervang deur die woorde „Departement van Binnenlandse Zaken”; en
 - (b) deur in die omskrywing van „Minister” al die woorde na die woord „Zaken” te skrap.
5. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur die woord „Immigratie” deur die woorde „de Toelating van Personen tot de Unie” te vervang. Wysiging van artikel 31 van Wet 22 van 1913.
6. Die lang titel van die Hoofwet word hierby gewysig— Wysiging van lang titel van Wet 22 van 1913.
 - (a) deur die woorde „tot Instelling van een Immigratie-Departement voor de Unie,” te skrap; en
 - (b) deur die woorde „Immigratie in” deur die woorde „Toelating van Personen tot” te vervang.
7. Hierdie Wet is ook in die gebied Suidwes-Afrika van toepassing. Toepassing van Wet in Suidwes-Afrika.
8. Hierdie Wet heet die Wysigingswet op Reëling van die Toelating van Persone tot die Unie, 1961, en tree in werking op ’n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasstel. Kort titel en inwerkingtreding.

No. 61, 1961.]

ACT

To indemnify the Government, its officers and all other persons acting under its or their authority in respect of acts, announcements, statements or information advised, commanded, ordered, directed, done, made or published in good faith for the prevention or suppression of internal disorder or the maintenance or restoration of good order or public safety or essential services or the preservation of life or property in any part of South Africa included in the Republic or the termination of a state of emergency in certain areas included in the Republic, and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 28th June, 1961.)

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

Indemnity.

1. (1) No proceedings, whether civil or criminal, shall be brought in any court of law against—

- (a) the State President; or
- (b) any member of the Executive Council of the Republic; or
- (c) any officer or member of the defence forces of the Republic; or
- (d) any person employed in the public service or the railways and harbours service or in the police forces or prison service of the Republic; or
- (e) any person acting under the authority or by the direction or with the approval of any officer, member or person referred to in the preceding paragraphs of this sub-section,

by reason of any act, announcement, statement or information advised, commanded, ordered, directed, done, made or published by him in good faith on or after the twenty-first day of March, 1960, and before the commencement of this Act, with intent to prevent or suppress internal disorder in any part of South Africa included in the Republic or to maintain or restore good order or public safety or essential services therein or to preserve life or property therein or to terminate a state of emergency in any area included in the Republic, whether such state of emergency was declared in terms of section *two* of the Public Safety Act, 1953 (Act No. 3 of 1953), to exist within such area or not.

(2) Every such proceeding which may have been brought or commenced prior to the coming into operation of this Act, shall lapse and shall be deemed void.

(3) If in any proceedings brought against any officer, member or person referred to in sub-section (1) the question arises whether any act, announcement, statement or information advised, commanded, ordered, directed, done, made or published by him was advised, commanded, ordered, directed, done, made or published by him in good faith with an intent mentioned in the said sub-section, it shall be presumed, until the contrary is proved, that such act, announcement, statement or information was advised, commanded, ordered, directed, done, made or published by him in good faith with such an intent.

(4) The provisions of this section shall apply also in respect of any default by any officer, member or person referred to in sub-section (1) in complying with any provision of a law or regulation in connection with advising, commanding, ordering, directing or doing any such act aforesaid.

Short title.

2. This Act shall be called the Indemnity Act, 1961.

No. 61, 1961.]

WET

Tot vrywaring van die Regering, sy amptenare en alle ander persone wat op sy of hulle gesag handel ten opsigte van handeling, aankondigings, verklarings of inligting te goeder trou aangeraai, gebied, beveel, gelas, verrig, gemaak of gepubliseer ter voorkoming of onderdrukking van binnelandse onluste of handhawing of instandhouding of herstel van die goeie orde of openbare veiligheid of noodsaaklike dienste of behoud of bewaring van lewens of eiendom in enige deel van Suid-Afrika wat in die Republiek opgeneem is, of beëindiging van 'n noodtoestand in sekere gebiede wat in die Republiek opgeneem is, en om vir daarmee in verband staande aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1961.)

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

1. (1) Geen proses, hetsy siviël of strafregtelik, word in enige Vrywaring. geregshof ingestel nie teen—

- (a) die Staatspresident; of
- (b) 'n lid van die Uitvoerende Raad van die Republiek; of
- (c) 'n offisier of lid van die verdedigingsmagte van die Republiek; of
- (d) iemand wat aangestel is in die staatsdiens of die spoorweg- en hawediens of in die polisiemagte of gevangensdiens van die Republiek; of
- (e) iemand wat handel op gesag of op las of met die goedkeuring van 'n in die voorgaande paragrawe van hierdie sub-artikel bedoelde offisier, lid of persoon, op grond van 'n handeling, aankondiging, verklaring of inligting wat op of na die een-en-twintigste dag van Maart 1960 en voor die inwerkingtreding van hierdie Wet te goeder trou deur hom aangeraai, gebied, beveel, gelas, verrig, gemaak of gepubliseer is met die bedoeling om binnelandse onluste in enige deel van Suid-Afrika wat in die Republiek opgeneem is, te voorkom of te onderdruk of om die goeie orde of openbare veiligheid of noodsaaklike dienste daarin te handhaaf of in stand te hou of te herstel of om lewens of eiendom daarin te behou of bewaar of om 'n noodtoestand in enige gebied wat in die Republiek opgeneem is, te beëindig, hetsy sodanige noodtoestand ingevolge artikel twee van die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953), verklaar is in sodanige gebied te bestaan al dan nie.

(2) Elke sodanige proses wat voor die inwerkingtreding van hierdie Wet ingestel of aanhangig gemaak is, verval en word geag nietig te wees.

(3) Indien by 'n proses wat teen 'n in sub-artikel (1) bedoelde offisier, lid of persoon ingestel word, die vraag ontstaan of 'n handeling, aankondiging, verklaring of inligting wat deur hom aangeraai, gebied, beveel, gelas, verrig, gemaak of gepubliseer is, deur hom te goeder trou met 'n in daardie sub-artikel genoemde bedoeling aangeraai, gebied, beveel, gelas, verrig, gemaak of gepubliseer is, word vermoed, totdat die teendeel bewys word, dat daardie handeling, aankondiging, verklaring of inligting deur hom te goeder trou met so 'n bedoeling aangeraai, gebied, beveel, gelas, verrig, gemaak of gepubliseer is.

(4) Die bepalinge van hierdie artikel is ook van toepassing ten aansien van enige versuim deur 'n in sub-artikel (1) bedoelde offisier, lid of persoon om in verband met die aanraai, gebied, beveel, gelas of verrig van 'n voormelde handeling 'n voorskrif van 'n wet of regulasie na te kom.

2. Hierdie Wet heet die Wet op Vrywaring, 1961.

Kort titel.

No. 62, 1961.]

ACT

To amend the Railways and Harbours Service Act, 1912; the Railways and Harbours Special Pensions Act, 1953; the Railways and Harbours Control and Management (Consolidation) Act, 1957; the Railways and Harbours Service Act, 1960; the Railways and Harbours Superannuation Fund Act, 1960, and the Level Crossings Act, 1960; to validate certain changes in conditions of employment; and to provide for certain incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 28th June, 1961.)

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

Definitions.

1. Unless the context indicates otherwise, any expression to which a meaning is assigned in section *one* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960), shall, when used in this Act, bear the meaning so assigned to it.

Amendment of Section 39 of Act 28 of 1912, as amended by section 2 of Act 44 of 1959.

2. Section *thirty-nine* of the Railways and Harbours Service Act, 1912, is hereby amended—

(a) by the deletion of the words “increased by ten per cent.,” and of the words “increased as aforesaid, of”;

(b) by the addition thereto of the following new sub-sections, the existing section becoming sub-section (1):
“(2) In assessing the annual average of a member's pensionable emoluments, in terms of sub-section (1), for the purpose of the award to him of an annuity from the Fund or under section *eleven* or *thirteen* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), the member's pensionable emoluments for the period of his service in respect of which contributions have been paid by him or on his behalf—

(i) up to and including the date immediately preceding the fixed date, shall be deemed to be increased by ten per cent.;

(ii) from and after the fixed date, shall be deemed to be not less than the amount obtained by increasing, by ten per cent., the emoluments on which he was contributing immediately prior to the fixed date.

(3) For the purpose of sub-section (2), ‘fixed date’ means—

(a) the first day of April, 1961, in the case of a member who was, on the immediately preceding date, an officer, or an employee paid on a calendar month basis; or

(b) the sixteenth day of March, 1961, in the case of a member who was, on the immediately preceding date, an employee other than one referred to in paragraph (a).”

Amendment of section 48 of Act 28 of 1912, as substituted by section 2 of Act 15 of 1956, and as amended by section 3 of Act 44 of 1959.

3. (1) Section *forty-eight* of the Railways and Harbours Service Act, 1912, is hereby amended—

(a) by the substitution, for sub-section (3), of the following sub-section:

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

(i) an amount arrived at by adding to twice the annual average of the deceased member's pensionable emoluments for the last seven years of his service, an amount equal to ten per cent. of such annual average in respect of each complete year in respect of which he contributed: Provided that for the purpose of ascertaining such annual average, the pensionable emoluments on which the deceased

No. 62, 1961.]

WET

Tot wysiging van die „Spoorweg- en Havendienst Wet, 1912”; die Spesiale Spoorweg- en Hawepensioenwet, 1953; die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957; die Wet op Spoorweg- en Hawediens, 1960; die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, en die Wet op Spooroorgange, 1960; om sekere veranderings in diensvoorwaardes te bekragtig; en om vir sekere verbandhoudende aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1961.)

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

1. Tensy uit die samehang anders blyk, het elke uitdrukking waaraan 'n betekenis toegeskryf word in artikel *een* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), die aldus daaraan toegeskrewe betekenis wanneer dit in hierdie Wet gebesig word. Woordbepaling.

2. Artikel *nege-en-dertig* van die „Spoorweg- en Havendienst Wet, 1912”, word hierby gewysig— Wysiging van artikel 39 van Wet 28 van 1912, soos gewysig deur artikel 2 van Wet 44 van 1959.
 - (a) deur die woorde „verhoogd met tien percent,” en die woorde „verhoogd zoals voormeld, van” te skrap;
 - (b) deur die volgende nuwe sub-artikels daarby te voeg, terwyl die bestaande artikel, sub-artikel (1) word:
 - „(2) Bij de berekening van het jaarliks gemiddelde van de pensioendragende emolumenten van een lid overeenkomstig sub-artikel (1) met het oog op de toekenning aan hem van een jaargeld uit het Fonds of ingevolge artikel *elf* of *dertien* van de „Wet op Spoorweg- en Hawediens, 1960” (Wet No. 22 van 1960) wordt beschouwd dat de pensioendragende emolumenten van het lid voor het tijdvak van zijn dienst ten opzichte waarvan bijdragen door hem of te zijnen behoeve gestort waren—
 - (i) tot en met de datum onmiddellik vòòr de vastgestelde datum, met tien percent verhoogd zijn;
 - (ii) vanaf en na de vastgestelde datum, niet minder zijn dan het bedrag verkregen door de emolumenten waarop hij onmiddellik vòòr de vastgestelde datum bijdroeg, met tien percent te verhogen.
 - (3) By de toepassing van sub-artikel (2) betekent „vastgestelde datum”—
 - (a) de eerste dag van April, 1961, in het geval van een lid dat op de onmiddellik voorafgaande datum een ambtenaar of een op grondslag van een kalendermaand bezoldigde bediende was; of
 - (b) de zestiende dag van Maart, 1961, in het geval van een lid dat op de onmiddellik voorafgaande datum een ander dan een in paragraaf (a) bedoelde bediende was.”

3. (1) Artikel *agt-en-veertig* van die „Spoorweg- en Havendienst Wet, 1912”, word hierby gewysig— Wysiging van artikel 48 van Wet 28 van 1912, soos vervang deur artikel 2 van Wet 15 van 1956, en soos gewysig deur artikel 3 van Wet 44 van 1959.
 - (a) deur sub-artikel (3) deur die volgende sub-artikel te vervang:
 - „(3) (a) Er wordt vastgesteld welke van de sommen onderscheidelik in sub-paragraaf (i) of (ii) genoemd, de hoogste is, namelijk—
 - (i) een bedrag verkregen door aan twee malen het jaarliks gemiddelde van de pensioendragende emolumenten van 't overleden lid voor de laatste zeven jaren van zijn dienst, een bedrag toe te voegen gelijkstaande met tien percent van zodanig jaarliks gemiddelde ten opzichte van elk voltooid jaar ten opzichte waarvan hij bijdragen stortte: Met dien verstande dat bij de vaststelling van zodanig jaarliks gemiddelde, de pensioendragende emolumenten waarop

member contributed in respect of his service up to and including the fixed date shall be deemed to be increased by ten per cent., and that his pensionable emoluments in respect of his service after the fixed date shall be deemed to be not less than the amount obtained by increasing, by ten per cent., the pensionable emoluments on which he was contributing on the fixed date; or

- (ii) an amount arrived at by adding to twice the amount of the deceased member's contributions (or, in the case of a member who died as a result of severe bodily injury sustained without his own default whilst in the discharge of his duties, twice the amount of his contributions plus interest at the rate of four per cent. per annum) an amount equal to ten per cent. of twice the amount of the deceased member's contributions (augmented by interest as aforesaid where the case so requires) in respect of his service up to and including the fixed date: Provided that it shall be assumed for the purpose of this subparagraph that the pensionable emoluments on which the deceased member contributed in respect of his service after the fixed date were not less than the amount obtained by increasing, by ten per cent., the pensionable emoluments on which he was contributing on the fixed date.

(b) For the purposes of this sub-section, 'fixed date' means—

- (i) the thirty-first day of March, 1961, in the case of a deceased member who on that date was an officer, or an employee paid on a calendar month basis; or
- (ii) the fifteenth day of March, 1961, in the case of a deceased member who on that date was an employee other than one referred to in sub-paragraph (i).";

(b) by the substitution, in sub-section (4), for the words "The sum which is in terms of sub-section (3) found to be the greater shall be increased by adding thereto an amount equal to ten per cent. of that sum, and of such increased sum" of the words "Of the sum which is in terms of sub-section (3) found to be the greater".

(2) Sub-sections (3) and (4) of section *forty-eight* of the Railways and Harbours Service Act, 1912, as substituted, and as amended, respectively, by sub-section (1) of this section, shall apply—

(a) in respect of every member of the Fund who died or dies on or after—

- (i) the first day of April, 1961, and who on the date of his death was an officer, or an employee paid on a calendar month basis; or
- (ii) the sixteenth day of March, 1961, and who on the date of his death was an employee other than one referred to in sub-paragraph (i);

(b) in relation to the death of every pensioner of the Fund who ceased to be a member on or after—

- (i) the second day of April, 1961, if on the day immediately preceding the date of his retirement he was an officer, or an employee paid on a calendar month basis; or
- (ii) the seventeenth day of March, 1961, if on the day immediately preceding the date of his retirement he was an employee other than one referred to in sub-paragraph (i).

(3) The provisions of sub-sections (3) and (4) of section *forty-eight* of the Railways and Harbours Service Act, 1912, as amended by section *three* of the Railways and Harbours Acts Amendment Act, 1959 (Act No. 44 of 1959), shall continue to apply, for the purposes of sub-section (2) of section *forty-nine*

het overleden lid bijdroeg ten opzichte van zijn dienst tot en met de vastgestelde datum geacht worden met tien percent verhoogd te zijn, en dat zijn pensioendragende emolumenten ten opzichte van zijn dienst na de vastgestelde datum geacht worden niet minder te zijn dan het bedrag verkregen door de pensioendragende emolumenten waarop hij op de vastgestelde datum bijdroeg, met tien percent te verhogen; of

- (ii) een bedrag verkregen door aan twee malen de bijdragen van 't overleden lid (of, in 't geval van een lid dat overleden is ten gevolge van zwaar lichamelik letsel door hem buiten zijn schuld in de uitoefening van zijn dienst opgedaan, twee malen zijn bijdragen met bijvoeging van rente tegen de voet van vier percent per jaar), een bedrag toe te voegen gelijkstaande met tien percent van twee malen de bijdragen van 't overleden lid (aangevuld door rente zoals voormeld waar 't geval zulks vereist) ten opzichte van zijn dienst tot en met de vastgestelde datum: Met dien verstande dat er bij de toepassing van deze sub-paragraaf verondersteld wordt dat de pensioendragende emolumenten waarop 't overleden lid ten opzichte van zijn dienst na de vastgestelde datum bijdroeg, niet minder waren dan het bedrag verkregen door de pensioendragende emolumenten waarop hij op de vastgestelde datum bijdroeg, met tien percent te verhogen.

(b) Bij de toepassing van dit sub-artikel betekent 'vastgestelde datum'—

- (i) de een-en-dertigste dag van Maart, 1961, in 't geval van een overleden lid dat op die datum een ambtenaar of een op grondslag van een kalendermaand bezoldigde bediende was; of
- (ii) de vijftiende dag van Maart, 1961, in 't geval van een overleden lid dat op die datum een ander dan een in sub-paragraaf (i) bedoelde bediende was.”;

(b) deur in sub-artikel (4) die woorde „De som die ingevolge sub-artikel (3) bevonden wordt de hoogste te zijn, wordt verhoogd door toevoeging van een bedrag gelijkstaande met tien percent van die som, en van zodanige verhoogde som” te vervang deur die woorde „Van de som die ingevolge sub-artikel (3) bevonden wordt de hoogste te zijn”.

(2) Sub-artikels (3) en (4) van artikel *agt-en-veertig* van die „Spoorweg- en Havendienst Wet, 1912”, soos vervang en soos gewysig, onderskeidelik, deur sub-artikel (1) van hierdie artikel, is van toepassing—

(a) ten opsigte van elke lid van die Fonds wat te sterwe gekom het of kom op of na—

- (i) die eerste dag van April 1961, en op die datum van sy dood 'n amptenaar was, of 'n werksman wat op grondslag van 'n kalendermaand besoldig word; of
- (ii) die sestiende dag van Maart 1961, en op die datum van sy dood 'n ander as 'n in sub-paragraaf (i) bedoelde werksman was;

(b) met betrekking tot die dood van elke pensioentrekker van die Fonds wat opgehou het om 'n lid te wees op of na—

- (i) die tweede dag van April 1961, indien hy op die dag wat die datum van sy uitdienstreding onmiddellik voorafgegaan het, 'n amptenaar was, of 'n werksman wat op grondslag van 'n kalendermaand besoldig word; of
- (ii) die sewentiende dag van Maart 1961, indien hy op die dag wat die datum van sy uitdienstreding onmiddellik voorafgegaan het, 'n ander as 'n in sub-paragraaf (i) bedoelde werksman was.

(3) Die bepalings van sub-artikels (3) en (4) van artikel *agt-en-veertig* van die „Spoorweg- en Havendienst Wet, 1912”, soos gewysig deur artikel *drie* van die Wysigingswet op Spoorweg- en Hawewette, 1959 (Wet No. 44 van 1959), bly van toepassing, vir die doeleindes van sub-artikel (2) van artikel

of the first-mentioned Act, in relation to the death of every pensioner of the Fund who was a member on or after the first day of March, 1956, but ceased to be a member before—

- (a) the first day of April, 1961, if on the day immediately preceding the date of his retirement he was an officer, or an employee paid on a calendar month basis; or
- (b) the sixteenth day of March, 1961, if on the day immediately preceding the date of his retirement he was an employee other than one referred to in paragraph (a),

and whose death occurred or occurs on or after the thirty-first day of March, 1959.

Substitution of new section for section 69 of Act 28 of 1912.

4. (1) The following section is hereby substituted for section *sixty-nine* of the Railways and Harbours Service Act, 1912:

“Keeping of accounts of new funds. 69. The accounts of the new pension fund and the new widows’ pension fund shall be kept by the Chief Accountant of the Administration. These accounts shall show separately all the receipts and payments in respect of—

- (a) annuitants of the first-mentioned fund; and
- (b) members or annuitants of the last-mentioned fund.”

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1961.

Repeal of section 2 of Act 41 of 1953, as substituted by section 1 of Act 22 of 1956.

5. (1) Section *two* of the Railways and Harbours Special Pensions Act, 1953, is hereby repealed with effect from the fixed date, but subject to the provisions of sub-section (2).

(2) Notwithstanding the repeal of the said section *two*, the pensionable emoluments on which a person who was a member immediately prior to the fixed date shall contribute to the fund concerned, shall not be less than those on which he was contributing immediately prior to the fixed date, and for the purpose of the calculation of any benefit payable to such member, or to some other person in respect of his death, from the fund concerned or under section *eleven* or *thirteen* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), his pensionable emoluments in respect of any period of his service prior to the fixed date shall be deemed to include the amount by which they were enhanced by virtue of the said section *two*.

(3) For the purposes of this section—

“fixed date” means—

- (a) in relation to an officer, or an employee paid on a calendar month basis, the first day of April, 1961;
- (b) in relation to any other employee, the sixteenth day of March, 1961;

“member” means a member of the New Fund or of the Fund.

Amendment of section 1 of Act 70 of 1957.

6. Section *one* of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended by the substitution for the definition of the expression “Administration”, of the following definition:

“‘Administration’ means the Railway Administration according to the meaning assigned to that expression by section *two* of the Railway Board Act, 1916 (Act No. 17 of 1916);”.

Amendment of section 3 of Act 70 of 1957, as amended by section 43 of Act 30 of 1959, section 37 of Act 44 of 1959 and section 2 of Act 2 of 1960.

7. Section *three* of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended—

- (a) by the substitution in paragraph (j) of sub-section (1), for the words “any law relating to merchant shipping” of the words “the Merchant Shipping Act, 1951 (Act No. 57 of 1951),”;

- (b) by the substitution for paragraph (w)*bis* of sub-section (1), of the following paragraph:

“(w)*bis*. The regulation and control of road traffic on railway premises and at the harbours, including but without limiting the generality of the foregoing—

- (i) the prohibition of the driving of any vehicle in a dangerous, reckless or negligent manner, or by any person who is under the influence of intoxicating liquor or narcotic drugs;

nege-en-veertig van die eersgenoemde Wet, met betrekking tot die dood van elke pensioentrekker van die Fonds wat op of na die eerste dag van Maart 1956, 'n lid was, maar opgehou het om 'n lid te wees voor—

(a) die eerste dag van April 1961, indien hy op die dag wat die datum van sy uitdienstreding onmiddellik voorafgegaan het 'n amptenaar was, of 'n werksman wat op grondslag van 'n kalendermaand besoldig word; of

(b) die sestiende dag van Maart 1961, indien hy op die dag wat die datum van sy uitdienstreding onmiddellik voorafgegaan het, 'n ander as 'n in paragraaf (a) bedoelde werksman was,

en wat op of na die een-en-dertigste dag van Maart 1959 te sterwe gekom het of kom.

4. (1) Artikel *nege-en-sestig* van die „Spoorweg- en Haven-dienst Wet, 1912”, word hierby deur die volgende artikel vervang:

„Houden van rekeningen van nieuwe fondsen.

69. De rekeningen van het nieuwe pensioenfonds en van het nieuwe weduwepensioenfonds worden door de Hoofdrekenmeester van de Administratie gehouden. Deze rekeningen wijzen afzonderlijk alle ontvangsten en betalingen aan ten opzichte van—

(a) jaargeldtrekkers van het eerstgenoemd fonds;

en

(b) leden of jaargeldtrekkers van het laatstgenoemd fonds.”

(2) Sub-artikel (1) word geag op die eerste dag van April 1961 in werking te getree het.

5. (1) Artikel *twee* van die Spesiale Spoorweg- en Hawepensioenwet, 1953, word hierby herroep met ingang van die vasgestelde datum, maar onderworpe aan die bepalings van sub-artikel (2).

(2) Ondanks die herroeping van bedoelde artikel *twee*, is die pensioengewende emolumente waarop 'n persoon wat onmiddellik voor die vasgestelde datum 'n lid was, tot die betrokke fonds moet bydra, nie minder nie as dié waarop hy onmiddellik voor die vasgestelde datum bygedra het, en by die berekening van 'n voordeel betaalbaar aan so 'n lid, of aan iemand anders ten opsigte van sy dood, uit die betrokke fonds of ingevolge artikel *elf* of *dertien* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), word sy pensioengewende emolumente, ten opsigte van enige tydperk van sy diens vóór die vasgestelde datum, geag die bedrag in te sluit waarmee dit uit hoofde van bedoelde artikel *twee* verhoog is.

(3) By die toepassing van hierdie artikel beteken—
„lid” 'n lid van die Nuwe Fonds of van die Fonds;
„vastgestelde datum”—

(a) met betrekking tot 'n amptenaar, of 'n werksman wat op grondslag van 'n kalendermaand besoldig word, die eerste dag van April 1961;

(b) met betrekking tot 'n ander werksman, die sestiende dag van Maart 1961.

6. Artikel *een* van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hierby gewysig deur die omskrywing van die uitdrukking „Administrasie” deur die volgende omskrywing te vervang:

„Administrasie,” die Spoorwegadministrasie volgens die betekenis wat aan daardie uitdrukking toegeskryf word in artikel *twee* van die „Spoorwegraad Wet, 1916” (Wet No. 17 van 1916);”

7. Artikel *drie* van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hierby gewysig—

(a) deur in paragraaf (j) van sub-artikel (1) die woorde „wetsbepalings op die handelskeepvaart” deur die woorde „bepalings van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951),” te vervang;

(b) deur paragraaf (w)*bis* van sub-artikel (1) deur die volgende paragraaf te vervang:

„(w)*bis* die reëling en beheer van die padverkeer op spoorwegpersele en by die hawens, met inbegrip van maar sonder beperking van die algemeenheid van die voorgaande—

(i) 'n verbod op die bestuur van 'n voertuig op gevaarlike, roekelose of nalatige wyse, of deur iemand wat onder die invloed van sterk drank of narkotiese middels verkeer;

Vervanging van artikel 69 van Wet 28 van 1912.

Herroeping van artikel 2 van Wet 41 van 1953, soos vervang deur artikel 1 van Wet 22 van 1956.

Wysiging van artikel 1 van Wet 70 van 1957.

Wysiging van artikel 3 van Wet 70 van 1957, soos gewysig deur artikel 43 van Wet 30 van 1959, artikel 37 van Wet 44 van 1959 en artikel 2 van Wet 2 van 1960.

- (ii) the restriction of the speed at which vehicles may be driven;
- (iii) the stopping and parking of vehicles; the levying of charges in respect of the parking of vehicles; the installation of parking-meters for the collection of such charges, and the regulation, supervision, maintenance and control of such meters; the demarcation of parking places for use in conjunction with such meters; the creation of a rebuttable presumption that the period of time for which a vehicle may be lawfully parked in any such parking place is the period as measured by the parking-meter for that place, and that where a vehicle has been driven or parked in contravention of the regulations, the owner of such vehicle (who shall, in the case of a motor vehicle, be deemed to be the person in whose name the vehicle is registered) is the person who was driving or had charge of the vehicle at the time when the contravention occurred;”.

Amendment of section 35 of Act 70 of 1957.

8. Section *thirty-five* of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended by the substitution for paragraph (c) of the following paragraph:

“(c) is in a state of intoxication, or behaves in a violent or offensive manner, to the annoyance of others on the railways;”.

Amendment of section 42 of Act 70 of 1957.

9. Section *forty-two* of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) All property and rights relating to the Simonstown harbour which were vested in the Governor-General by sub-section (1) of section *forty-two* of the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916) shall remain so vested, subject to such liabilities, if any, to which the said property or rights may lawfully be subject.”

Amendment of section 75 of Act 70 of 1957.

10. Section *seventy-five* of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended by the insertion, in the proviso to sub-section (1), after the words “shall not” of the words “where the person concerned is still in the Service,” and by the substitution for the words “month in” of the words “date upon”.

Amendment of section 1 of Act 22 of 1960.

11. Section *one* of the Railways and Harbours Service Act, 1960, is hereby amended by the substitution for the definition of the expression “Administration”, of the following definition:

“‘Administration’ means the Railway Administration according to the meaning assigned to that expression by section *two* of the Railway Board Act, 1916 (Act No. 17 of 1916);”.

Insertion of new section in Act 22 of 1960.

12. The following new section is hereby inserted in the Railways and Harbours Service Act, 1960, after section *three*:

“Recovery from salary or wages of servants, of increments irregularly granted. *3bis.* (1) Whenever any increment within the limits of the scale of salary or wages applicable to his grade has been granted to a servant at a time when or under circumstances whereunder, in terms of the conditions governing his employment, it ought not to have been granted to him, and the officer by whom such increment was authorized acted in good faith and without knowledge that he was exceeding his authority in that regard, the Administration shall, notwithstanding anything in section *three* contained, and notwithstanding that the servant concerned did not know that a mistake had occurred, have the right to adjust the salary or wage of such servant to the correct notch and to recover from him, subject to the provisions of sub-section (2)—

- (a) if he is still in the Service, by deduction from his salary or wages in such instalments as the Administration may determine; or

- (ii) die beperking van die spoed waarteen voertuie bestuur mag word;
- (iii) die stilhou en parkeer van voertuie; die heffing van gelde ten opsigte van die parkeer van voertuie; die installering van parkeermeters vir die invordering van sulke gelde, en die regulering, toesig oor, instandhouding en beheer van sulke meters, die afmerk van parkeerplekke om saam met sulke meters gebruik te word; die daarstelling van 'n weerlegbare vermoede dat die tydperk waarvoor 'n voertuig wettig in 'n sodanige parkeerplek geparkeer mag word, die tydperk is soos gemeet deur die parkeermeter vir daardie plek, en dat wanneer 'n voertuig in stryd met die regulasies bestuur of geparkeer is, die eienaar van daardie voertuig (wat in die geval van 'n motorvoertuig geag word die persoon te wees in wie se naam die voertuig geregistreer is) die persoon is wat die voertuig bestuur of daarvoor toesig gehad het op die tydperk toe die oortreding plaasgevind het;".

8. Artikel *vyf-en-dertig* van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

Wysiging van artikel 35 van Wet 70 van 1957.

„(c) in 'n beskonke toestand is, of hom op 'n gewelddadige of aanstootlike manier gedra, tot ergenis van andere op die spoorweë;”.

9. Artikel *twee-en-veertig* van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 42 van Wet 70 van 1957.

„(1) Alle eiendom en regte met betrekking tot die hawe Simonstad wat ingevolge sub-artikel (1) van artikel *twee-en-veertig* van die ‚Spoorwegan en Hawens Reglement, Bestuur en Beheer Wet, 1916’ (Wet No. 22 van 1916) op die Goewerneur-generaal oorgegaan het, bly by hom berus, onderworpe aan sodanige verbintenisse, as daar is, waaraan bedoelde eiendom of regte wettig onderworpe mag wees.”

10. Artikel *vyf-en-sewentig* van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hierby gewysig deur in die voorbehoudsbepaling by sub-artikel (1) na die woorde „verstande dat” die woorde „waar die betrokke persoon nog in die Diens is,” in te voeg, en deur die woorde „maand waarin” deur die woorde „datum waarop” te vervang.

Wysiging van artikel 75 van Wet 70 van 1957.

11. Artikel *een* van die Wet op Spoorweg- en Hawediens, 1960, word hierby gewysig deur die omskrywing van die uitdrukking „Administrasie” deur die volgende omskrywing te vervang:

Wysiging van artikel 1 van Wet 22 van 1960.

„Administrasie,” die Spoorwegadministrasie volgens die betekenis wat aan daardie uitdrukking toegeskryf word in artikel *twee* van die ‚Spoorwegraad Wet, 1916’ (Wet No. 17 van 1916);”.

12. Die volgende nuwe artikel word hierby in die Wet op Spoorweg- en Hawediens, 1960, na artikel *drie* ingevoeg:

Invoeging van nuwe artikel in Wet 22 van 1960.

„Verhaal van onbehoorlik toegestane skaalverhogings op salaris of loon van dienare.

3bis. (1) Wanneer 'n skaalverhoging binne die perke van die salaris- of loonskaal op sy graad van toepassing, aan 'n dienaar toegestaan is op 'n tydperk wanneer of onder omstandighede waaronder dit ooreenkomstig die voorwaardes wat sy diens reël, nie aan hom toegestaan behoort te geword het nie, en die amptenaar wat so 'n skaalverhoging gemagtig het, te goeder trou gehandel het en sonder dat hy daarvan bewus was dat hy sy bevoegdheid in daardie opsig te buite gegaan het, het die Administrasie, ondanks andersluidende bepalings van artikel *drie* en niestandaard die feit dat die betrokke dienaar nie geweet het nie dat 'n fout begaan is, die reg om so 'n dienaar se salaris of loon op die korrekte kerf vas te stel en om, onderworpe aan die bepalings van sub-artikel (2), op hom te verhaal—

(a) as hy nog in die Diens is, by wyse van aftrekking van sy salaris of loon in sodanige paaitemente as wat die Administrasie bepaal; of

- (b) if he is no longer in the Service, by deduction from any moneys owing to him by the Administration, or by action in any competent court, or partly in the first-mentioned and partly in the last-mentioned manner,

the whole (or such portion thereof as the Administration may in its discretion determine) of the amount by which the servant has been overpaid in consequence of the irregular granting of such increment, including such portion of any allowance or other remuneration calculated upon his basic salary or wages as would not have been paid to him had such increment not been granted.

(2) Nothing contained in sub-section (1) shall be deemed to—

- (a) entitle the Administration to recover from the servant or former servant concerned any amount which was paid to him more than one year prior to the date upon which the erroneous granting of such increment was officially brought to notice; or
- (b) entitle the Administration to waive, in respect of a person who is still in the Service, its right to recover, in accordance with that sub-section, any amount which was overpaid during the twelve months immediately preceding the aforementioned date; or
- (c) affect any right which the Administration may have at common law or under any statute to recover any amount by which a servant has been overpaid under circumstances other than those referred to in the said sub-section including any case where the servant was aware of the overpayment.

(3) The Administration may delegate to the General Manager and to any other officer or officers the power to determine what portion of any amount overpaid is to be recovered from a servant or former servant in terms of sub-section (1).”.

Amendment of section 13 of Act 22 of 1960.

13. (1) Section *thirteen* of the Railways and Harbours Service Act, 1960, is hereby amended—

- (a) by the substitution, for paragraph (c) of sub-section (4), of the following paragraph:

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

- (i) an amount arrived at by adding to the annual average of the deceased person's pensionable emoluments for the seven years immediately preceding the date of his dismissal or resignation, as the case may be, an amount equal to five per cent. of such annual average in respect of each complete year in respect of which he contributed: Provided that for the purpose of ascertaining such annual average, the pensionable emoluments on which the deceased person contributed in respect of his service up to and including the fixed date shall be deemed to be increased by ten per cent., and that his pensionable emoluments in respect of his service after the fixed date shall be deemed to be not less than the amount obtained by increasing, by ten per cent., the pensionable emoluments on which he was contributing on the fixed date; or
- (ii) the total amount of the contributions paid by or on behalf of the deceased person to either fund mentioned in sub-section (1): Provided that in the case of a deceased person who was a member of either of those funds

- (b) as hy nie meer in die Diens is nie, by wyse van aftrekking van enige geldsomme wat deur die Administrasie aan hom verskuldig is, of by wyse van 'n geding in 'n bevoegde hof, of gedeeltelik op eersgenoemde en gedeeltelik op laasgenoemde wyse,

die hele bedrag (of so 'n gedeelte daarvan as wat die Administrasie na goeëdunke bepaal) wat aan die dienaar te veel betaal is ten gevolge van die onbehoorlike toestaan van sodanige skaalverhoging, met inbegrip van enige gedeelte van 'n toelae of ander besoldiging, bereken op sy basiese salaris of loon, wat nie aan hom betaal sou geword het as sodanige skaalverhoging nie toegestaan was nie.

(2) Die bepalings van sub-artikel (1) word nie geag nie—

- (a) aan die Administrasie die reg te verleen om op die betrokke dienaar of voormalige dienaar enige bedrag te verhaal wat aan hom betaal is meer as een jaar voor die datum waarop dit amptelik onder die aandag gebring is dat sodanige skaalverhoging foutief toegestaan is; of
- (b) aan die Administrasie die reg te verleen om ten opsigte van iemand wat nog in die Diens is, afstand te doen van sy reg om ooreenkomstig daardie sub-artikel 'n bedrag te verhaal wat te veel betaal is gedurende die twaalf maande wat die voornoemde datum onmiddellik voorafgegaan het; of
- (c) afbreuk te doen aan enige reg wat die Administrasie volgens die gemeenreg of een of ander wet mag hê om 'n bedrag te verhaal wat onder ander omstandighede as dié wat in genoemde sub-artikel bedoel word, aan 'n dienaar te veel betaal is, met inbegrip van enige geval waar die dienaar van die teveelbetaling bewus was.

(3) Die Administrasie kan aan die Hoofbestuurder en aan enige ander amptenaar of amptenare die bevoegdheid oordra om te bepaal watter gedeelte van 'n te veel betaalde bedrag ooreenkomstig sub-artikel (1) op 'n dienaar of voormalige dienaar verhaal moet word."

13. (1) Artikel *dertien* van die Wet op Spoorweg- en Hawediens, 1960, word hierby gewysig—

Wysiging van artikel 13 van Wet 22 van 1960.

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

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

- (i) 'n bedrag wat verkry word deur aan die jaarlikse gemiddelde van die oorlede persoon se pensioengewende emolumente oor die sewe jaar wat onmiddellik voorafgegaan het aan die datum van sy ontslag of bedanking, na gelang van die geval, 'n bedrag by te voeg wat gelykstaan met vyf persent van sodanige jaarlikse gemiddelde ten opsigte van elke voltooide jaar ten opsigte waarvan hy bygedra het: Met dien verstande dat by die vasstelling van sodanige jaarlikse gemiddelde, die pensioengewende emolumente waarop die oorlede persoon ten opsigte van sy diens tot en met die vasgestelde datum bygedra het, geag word met tien persent verhoog te wees, en dat sy pensioengewende emolumente ten opsigte van sy diens ná die vasgestelde datum geag word nie minder te wees nie as die bedrag wat verkry word deur die pensioengewende emolumente waarop hy op die vasgestelde datum bygedra het, met tien persent te verhoog; of

- (ii) die totaalbedrag van die bydraes wat deur of ten behoeve van die oorlede persoon in die een of die ander van die fondse in sub-artikel (1) bedoel, gestort is: Met dien verstande dat daar in die geval van 'n oorlede persoon wat op die vasgestelde datum 'n lid van een van daardie fondse

on the fixed date, it shall be assumed that the said contributions were enhanced by the addition thereto of an amount equal to ten per cent. of the deceased person's contributions in respect of his service up to and including the fixed date, and that the pensionable emoluments on which such deceased person contributed in respect of his service after the fixed date, were not less than the amount arrived at by increasing, by ten per cent., the pensionable emoluments on which he was contributing on the fixed date.

The sum which is thus found to be the greater (hereinafter in this section referred to as the 'basic sum') shall be utilised to provide the widow with an annuity, which shall be calculated by multiplying each one hundred pounds, or fraction thereof, of the basic sum by the appropriate factor appearing in the Table as set forth in sub-section (4) of section *thirty* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960), which factor shall be taken to be the one applicable to the widow's age at the date of her deceased husband's dismissal or resignation, as the case may be, or the age of sixteen years, whichever is the higher:

Provided that—

- (1) if any portion of the deceased person's annuity was commuted under section *seventy-four bis* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), or under section *fifty-eight* of the Railways and Harbours Superannuation Fund Act, 1960, the basic sum shall, for the purpose of calculating the widow's annuity, be deemed to be reduced in the proportion which the commuted portion of the annuity bears to the full annuity;
 - (2) if the annuity granted to the deceased person was less than one-half of the annuity which he could have claimed upon the date of his dismissal or resignation, if his services had upon that date been dispensed with in consequence of a reduction in or reorganisation of staff (hereinafter referred to as 'the reorganisation annuity') the amount referred to in sub-paragraph (i) of this paragraph shall, for the purpose of determining the basic sum, be deemed to be reduced in the same proportion as the annuity actually awarded bears to one-half of the reorganisation annuity.”;
- (b) by the insertion, after paragraph (c), of the following new paragraph:
- “(c)*bis* For the purpose of paragraph (c) 'fixed date' means—
- (i) in relation to an officer, or an employee paid on a calendar month basis, the thirty-first day of March, 1961; or
 - (ii) in relation to an employee other than one referred to in sub-paragraph (i), the fifteenth day of March, 1961.”

- (c) by the substitution, for paragraph (a) of sub-section (6), of the following paragraph:

“(a) Sub-section (4), as originally enacted, shall apply in relation to the death of every person to whom an annuity was granted under sub-section (1) of this section or under sub-section (1) of section *eleven bis* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), whose dismissal or resignation took effect after the first day of March, 1956, but on or before the thirty-first day of March, 1961 (in the case of an officer or of an employee paid on a calendar month basis)

was, veronderstel word dat bedoelde bydraes verhoog is deur byvoeging daaraan van 'n bedrag gelykstaande met tien persent van die oorlede persoon se bydraes ten opsigte van sy diens tot en met die vasgestelde datum, en dat die pensioengewende emolumente waarop so 'n oorlede persoon ten opsigte van sy diens ná die vasgestelde datum bygedra het, nie minder was nie as die bedrag wat verkry word deur die pensioengewende emolumente waarop hy op die vasgestelde datum bygedra het, met tien persent te verhoog.

Die som wat aldus bevind word die grootste te wees (hierna in hierdie artikel die 'basiese som' genoem) word aangewend om die weduwee te voorsien van 'n jaargeld, wat bereken word deur elke honderd pond, of breuk daarvan, van die basiese som te vermenigvuldig met die toepaslike faktor aangegee in die Tabel wat voorkom in sub-artikel (4) van artikel *dertig* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), welke faktor geag word daardie een te wees wat van toepassing is op die leeftyd van die weduwee op die datum waarop haar oorlede eggenoot ontslaan is of bedank het, na gelang van die geval, of die leeftyd van sestien jaar, na gelang van watter die hoogste is:

Met dien verstande dat—

- (1) indien 'n gedeelte van die oorlede persoon se jaargeld omgesit is ingevolge artikel *vier-en-sewentig bis* van die 'Spoorwegan en Havens Superannuatie Fonds Wet, 1925' (Wet No. 24 van 1925), of ingevolge artikel *agt-en-veertig* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, die basiese som by die berekening van die jaargeld aan die weduwee geag word verminder te wees in die verhouding waarin die omgesette gedeelte van die jaargeld tot die volle jaargeld staan;
 - (2) indien die jaargeld aan die oorlede persoon toegeken, minder was as die helfte van die jaargeld waarop hy op die datum van sy ontslag of bedanking aanspraak sou kon maak het indien hy ten gevolge van 'n vermindering of herorganisering van personeel op daardie datum afgedank was (hierna die 'jaargeld by herorganisering' genoem) die in sub-paragraaf (i) van hierdie paragraaf bedoelde bedrag by die vasstelling van die basiese som geag word verminder te wees in dieselfde verhouding as dié waarin die werklik toegekende jaargeld tot die helfte van die jaargeld by herorganisering staan.”;
- (b) deur die volgende nuwe paragraaf na paragraaf (c) in te voeg:
- „(c)*bis* By die toepassing van paragraaf (c) beteken 'vasgestelde datum'—
- (i) met betrekking tot 'n amptenaar, of 'n werksman wat op grondslag van 'n kalendermaand besoldig word, die een-en-dertigste dag van Maart 1961; of
 - (ii) met betrekking tot 'n ander as 'n in sub-paragraaf (i) bedoelde werksman, die vyftiende dag van Maart 1961.”
- (c) deur paragraaf (a) van sub-artikel (6) deur die volgende paragraaf te vervang:
- „(a) Sub-artikel (4), soos oorspronklik aangeneem, is van toepassing met betrekking tot die dood van iedereen aan wie 'n jaargeld toegeken is ingevolge sub-artikel (1) van hierdie artikel of ingevolge sub-artikel (1) van artikel *elf bis* van die 'Spoorwegan en Havens Dienst Wet, 1925' (Wet No. 23 van 1925), wie se ontslag of bedanking van krag geword het ná die eerste dag van Maart 1956 maar op of voor die een-en-dertigste dag van Maart 1961 (in die geval van 'n amptenaar of van 'n werksman wat op grondslag van 'n kalen-

or on or before the fifteenth day of March, 1961 (in the case of any other employee) and whose death occurred or occurs on or after the thirty-first day of March, 1959."

(2) Sub-section (4) of section *thirteen* of the Railways and Harbours Service Act, 1960, as amended by sub-section (1) of this section, shall apply in relation to the death of every person to whom an annuity was granted in terms of sub-section (1) of that section and whose dismissal or resignation took effect on or after—

- (a) the first day of April, 1961, in the case of an officer, or of an employee paid on a calendar month basis; or
- (b) the sixteenth day of March, 1961, in the case of any other employee.

Amendment of section 23 of Act 22 of 1960.

14. Section *twenty-three* of the Railways and Harbours Service Act, 1960, is hereby amended by the substitution in paragraph (a) for the word "serving" of the words "on duty".

Amendment of section 1 of Act 39 of 1960.

15. Section *one* of the Railways and Harbours Superannuation Fund Act, 1960, is hereby amended by the substitution for the definition of the expression "Administration" of the following definition:

"'Administration' means the Railway Administration according to the meaning assigned to that expression by section *two* of the Railway Board Act, 1916 (Act No. 17 of 1916);".

Amendment of section 8 of Act 39 of 1960.

16. (1) Section *eight* of the Railways and Harbours Superannuation Fund Act, 1960, is hereby amended—

(a) by the substitution, for the Table set forth in sub-section (1) thereof, of the following Table:

	Age at date from which contributions payable.	Percentage of pensionable emoluments.	
		Male members.	Female members.
	Not exceeding 21 years ..	8·00	6·25
	Over 21 but not exceeding 27 years	8·50	6·75
	Over 27 but not exceeding 33 years	9·00	7·25
	Over 33 but not exceeding 39 years	9·50	7·75
	Over 39 years	10·00	8·25"

(b) by the substitution, for paragraph (a) of sub-section (2), of the following paragraph:

"(a) (i) A member employed in the airways department of the Service to whom the provisions of paragraph (d) of sub-section (1) of section *sixteen* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), apply shall, in addition to the contributions prescribed in sub-section (1), make further contributions (hereinafter referred to as 'special contributions') to the New Fund at the rate of three and one-half per cent. of his pensionable emoluments.

(ii) If a member is transferred from another position in the Service to a position in the airways department wherein the provisions of paragraph (d) of sub-section (1) of the said section *sixteen* apply to him, he shall pay to the New Fund, over and above the contributions prescribed in sub-section (1), special contributions at the rate of four and three-quarters per cent. of his pensionable emoluments in respect of the period of his continuous pensionable employment up to and including the thirty-first day of March, 1960, and at the rate of three and one-half per cent. of his pensionable emoluments in respect of the period thereafter.";

(c) by the substitution, in paragraph (b) of sub-section (2), for the words "prescribed in paragraph (a) of this sub-section in respect of any period for which he contributed to a pension or provident fund constituted for the service from which he was transferred" of the words "referred to in paragraph (a) of this sub-section at the rate of four and three-quarters per cent.

dermaand besoldig word), of op of voor die vyftiende dag van Maart 1961 (in die geval van 'n ander werksman) en wat op of na die een-en-dertigste dag van Maart 1959 te sterwe gekom het of kom."

(2) Sub-artikel (4) van artikel *dertien* van die Wet op Spoorweg- en Hawediens, 1960, soos gewysig deur sub-artikel (1) van hierdie artikel, is van toepassing met betrekking tot die dood van iedereen aan wie 'n jaargeld toegeken is ingevolge sub-artikel (1) van daardie artikel en wie se ontslag of bedanking van krag geword het op of na—

- (a) die eerste dag van April 1961, in die geval van 'n amptenaar, of van 'n werksman wat op grondslag van 'n kalendermaand besoldig word; of
- (b) die sestiende dag van Maart 1961, in die geval van 'n ander werksman.

14. Artikel *drie-en-twintig* van die Wet op Spoorweg- en Hawediens, 1960, word hierby gewysig deur in paragraaf (a) die woord „werksaam” deur die woorde „aan diens” te vervang. Wysiging van artikel 23 van Wet 22 van 1960.

15. Artikel *een* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, word hierby gewysig deur die omskrywing van die uitdrukking „Administrasie” deur die volgende omskrywing te vervang: Wysiging van artikel 1 van Wet 39 van 1960.

„Administrasie”, die Spoorwegadministrasie volgens die betekenis wat aan daardie uitdrukking toegeskryf word in artikel *twee* van die „Spoorwegraad Wet, 1916” (Wet No. 17 van 1916);”.

16. (1) Artikel *agt* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, word hierby gewysig— Wysiging van artikel 8 van Wet 39 van 1960.

(a) deur die Tabel wat in sub-artikel (1) daarvan verskyn, deur die volgende Tabel te vervang:

„Leef tyd op datum vanaf welke bydraes betaalbaar is.	Persentasie van pensioengewende emolumente.	
	Manlike	Vroulike
	lede.	lede.
Nie oor 21 jaar nie	8·00	6·25
Oor 21 maar nie oor 27 jaar nie ..	8·50	6·75
Oor 27 maar nie oor 33 jaar nie ..	9·00	7·25
Oor 33 maar nie oor 39 jaar nie ..	9·50	7·75
Oor 39 jaar	10·00	8·25”

(b) deur paragraaf (a) van sub-artikel (2) deur die volgende paragraaf te vervang:

„(a) (i) 'n Lid wat in die lugdiensdepartement van die Diens werksaam is en op wie die bepalings van paragraaf (d) van sub-artikel (1) van artikel *sestien* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), van toepassing is, moet bo en behalwe die bydraes in sub-artikel (1) voorgeskryf, verdere bydraes (hierna „spesiale bydraes” genoem) in die Nuwe Fonds stort teen die skaal van drie-en-'n-half persent van sy pensioengewende emolumente.

(ii) As 'n lid oorgeplaas word uit 'n ander betrekking in die Diens na 'n betrekking in die lugdiensdepartement waarin die bepalings van paragraaf (d) van sub-artikel (1) van bedoelde artikel *sestien* op hom van toepassing is, moet hy bo en behalwe die bydraes in sub-artikel (1) voorgeskryf, in die Nuwe Fonds spesiale bydraes stort teen die skaal van vier-en-driekwart persent van sy pensioengewende emolumente ten opsigte van die tydperk van sy ononderbroke pensioengewende diens tot en met die een-en-dertigste dag van Maart 1960, en teen die skaal van drie-en-'n-half persent van sy pensioengewende emolumente ten opsigte van die tydperk daarna.”;

(c) deur in paragraaf (b) van sub-artikel (2) die woorde „voorgeskrewe spesiale bydraes in daardie Fonds stort ten opsigte van enige tydperk waarvoor hy bygedra het tot 'n pensioen- of voorsorgfonds ingestel vir die diens waaruit hy oorgeplaas is” te vervang deur die woorde „bedoelde spesiale bydraes in daardie Fonds stort teen die skaal van vier-en-driekwart

of his pensionable emoluments in respect of the period from the commencing date of his membership of any pension or provident fund constituted for the service from which he was transferred, up to and including the thirty-first day of March, 1960, and at the rate of three and one-half per cent. of his pensionable emoluments in respect of the period thereafter."

(d) by the substitution for the Table set forth in sub-section (4) thereof, of the following Table:

Age at date from which contributions payable.	Percentage of pensionable emoluments.	
	Male members.	Female members.
Not exceeding 21 years ..	7.50	5.75
Over 21 but not exceeding 27 years	8.00	6.25
Over 27 but not exceeding 33 years	8.50	6.75
Over 33 but not exceeding 39 years	9.00	7.25
Over 39 but not exceeding 45 years	9.50	7.75
Over 45 years	10.00	8.25

(2) Paragraphs (a) and (d) of sub-section (1) shall be deemed to have come into operation on the first day of April, 1961, in the case of officers, and of employees paid on a calendar month basis, and on the sixteenth day of March, 1961, in the case of all other employees, and paragraphs (b) and (c) of sub-section (1) shall be deemed to have come into operation on the first day of April, 1960.

Amendment of section 17 of Act 39 of 1960.

17. (1) Section *seventeen* of the Railways and Harbours Superannuation Fund Act, 1960, is hereby amended—

- (a) by the deletion, in sub-section (1), of the words "increased by ten per cent.," wherever they occur;
- (b) by the insertion after sub-section (1) of the following new sub-sections:

"(1)*bis* In assessing the annual average of a member's pensionable emoluments, in terms of sub-section (1), for the purpose of the award to him of an annuity from the New Fund or under section *eleven* or *thirteen* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), the member's pensionable emoluments for the period of his service in respect of which contributions have been paid by him or on his behalf—

- (i) up to and including the date immediately preceding the fixed date, shall be deemed to be increased by ten per cent;
- (ii) from and after the fixed date, shall be deemed to be not less than the amount obtained by increasing, by ten per cent., the emoluments on which he was contributing immediately prior to the fixed date.

(1)*ter* For the purposes of sub-section (1)*bis*, 'fixed date' means—

- (a) the first day of April, 1961, in the case of a member who was, on the immediately preceding date, an officer, or an employee paid on a calendar month basis; or
- (b) the sixteenth day of March, 1961, in the case of a member who was, on the immediately preceding date, an employee other than one referred to in paragraph (a)."

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1961, in the case of officers, and of employees paid on a calendar month basis, and on the sixteenth day of March, 1961, in the case of all other employees.

Substitution of new section for section 27 of Act 39 of 1960.

18. The following section is hereby substituted for section *twenty-seven* of the Railways and Harbours Superannuation Fund Act, 1960:

"Dismissal, or resignation in order to avoid dismissal, of members of New Fund.

27. If a member of the New Fund—

- (a) is dismissed or ordered to resign from the Service on account of a disciplinary infringement, or is deemed to have been dismissed in terms of paragraph (a) of sub-section (4) of section *nineteen* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960); or
- (b) resigns from the Service in order to avoid dismissal or in anticipation of a charge alleging a disciplinary infringement being laid against him,

persent van sy pensioengewende emolumente ten opsigte van die tydperk vanaf die aanvangsdatum van sy lidmaatskap van 'n pensioen- of voorsorgfonds ingestel vir die diens waaruit hy oorgeplaas is, tot en met die een-en-dertigste dag van Maart 1960, en teen die skaal van drie-en-n-half persent van sy pensioengewende emolumente ten opsigte van die tydperk daarna."

- (d) deur die Tabel wat in sub-artikel (4) daarvan verskyn, deur die volgende Tabel te vervang:

„Leeftyd op datum vanaf welke bydraes betaalbaar is.	Persentasie van pensioengewende emolumente.	
	Manlike lede.	Vroulike lede.
Nie oor 21 jaar nie	7·50	5·75
Oor 21 maar nie oor 27 jaar nie ..	8·00	6·25
Oor 27 maar nie oor 33 jaar nie ..	8·50	6·75
Oor 33 maar nie oor 39 jaar nie ..	9·00	7·25
Oor 39 maar nie oor 45 jaar nie ..	9·50	7·75
Oor 45 jaar	10·00	8·25".

(2) Paragrafe (a) en (d) van sub-artikel (1) word geag in werking te getree het op die eerste dag van April 1961 in die geval van amptenare, en van werksmanne wat op grondslag van 'n kalendermaand besoldig word, en op die sestiende dag van Maart 1961 in die geval van alle ander werksmanne, en paragrafe (b) en (c) van sub-artikel (1) word geag op die eerste dag van April 1960 in werking te getree het.

17. (1) Artikel *sewentien* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, word hierby gewysig—

Wysiging van artikel 17 van Wet 39 van 1960.

- (a) deur in sub-artikel (1) die woorde „verhoog met tien persent,” waar dit ook al voorkom, te skrap;
 (b) deur die volgende nuwe sub-artikels na sub-artikel (1) in te voeg:

„(1)*bis* By die berekening, ingevolge sub-artikel (1), van die jaarlikse gemiddelde van 'n lid se pensioengewende emolumente vir die doeleindes van die toekenning aan hom van 'n jaargeld uit die Nuwe Fonds of ingevolge artikel *elf* of *dertien* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), word die lid se pensioengewende emolumente vir die tydperk van sy diens ten opsigte waarvan bydraes deur of ten behoeve van hom gestort is—

- (i) tot en met die datum onmiddellik voor die vasgestelde datum, geag met tien persent verhoog te wees;
 (ii) van en na die vasgestelde datum, geag nie minder te wees nie as die bedrag wat verkry word deur die emolumente waarop hy onmiddellik voor die vasgestelde datum bygedra het, met tien persent te verhoog.

(1)*ter* By die toepassing van sub-artikel (1)*bis* beteken „vasgestelde datum”—

- (a) die eerste dag van April 1961, in die geval van 'n lid wat op die onmiddellik voorafgaande datum 'n amptenaar was, of 'n werksman wat op grondslag van 'n kalendermaand besoldig word; of
 (b) die sestiende dag van Maart 1961, in die geval van 'n lid wat op die onmiddellik voorafgaande datum 'n ander as 'n in paragraaf (a) bedoelde werksman was."

(2) Sub-artikel (1) word geag in werking te getree het op die eerste dag van April 1961 in die geval van amptenare, en van werksmanne wat op grondslag van 'n kalendermaand besoldig word, en op die sestiende dag van Maart 1961 in die geval van alle ander werksmanne.

18. Artikel *sewe-en-twintig* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, word hierby deur die volgende artikel vervang:

Vervanging van artikel 27 van Wet 39 van 1960 deur nuwe artikel.

„Ontslag, of bedanking ten einde ontslag te vermy, van lede van Nuwe Fonds.

27. Indien 'n lid van die Nuwe Fonds—

- (a) vanweë 'n tugoortreding ontslaan word uit die Diens of beveel word om daaruit te bedank, of geag word ontslaan te gewees het ingevolge paragraaf (a) van sub-artikel (4) van artikel *negentien* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960); of
 (b) uit die Diens bedank ten einde ontslag te vermy of in afwagting van die inbring van 'n aanklag van beweerde tugoortreding teen hom,

he shall, subject to the provisions of section *twenty-nine bis*, be refunded the amount of his contributions to the New Fund without any interest thereon, and thereafter such member shall have no further claim upon the New Fund or upon the Administration.”.

Insertion of new section in Act 39 of 1960.

19. The following new section is hereby inserted in the Railways and Harbours Superannuation Fund Act, 1960, after section *twenty-nine*:

“Recovery of certain debts due to Administration, from benefits payable to members on their dismissal or retirement. **29bis.** (1) If a member of the New Fund—

(a) is dismissed or ordered to resign from the Service on account of fraud or dishonesty, or is deemed to have been dismissed in terms of paragraph (a) of sub-section (4) of section *nineteen* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), where the offence in respect of which he was convicted involves fraud or dishonesty; or

(b) resigns or absconds from the Service in order to avoid dismissal on account of fraud or dishonesty, or in anticipation of a disciplinary or a criminal charge involving fraud or dishonesty being laid against him; or

(c) leaves the Service for any reason, or dies, before any loan or advance (other than a loan referred to in section *fifty-eight*) which had been made to him at his specific request by the Administration or from the Benevolent Fund referred to in section *thirty-four* of the said Railways and Harbours Service Act, 1960, has been repaid in full,

the Administration shall have the right to recover from any benefit payable from the New Fund to such former member or his estate or to some other person in respect of his death, the amount of any loss, as determined by the Administration, which it may have sustained by reason of such fraud or dishonesty, or the unpaid balance of such loan or advance, as the case may be: Provided that the onus of proving that a member resigned or absconded for any reason mentioned in paragraph (b), shall rest on the Administration.

(2) For the purpose of sub-section (1) the expression ‘benefit’ shall be deemed to include, in relation to a deceased member, the capital sum on which the calculation of any annuity payable to his widow is required to be based.”.

Amendment of section 30 of Act 39 of 1960.

20. (1) Section *thirty* of the Railways and Harbours Superannuation Fund Act, 1960, is hereby amended—

(a) by the substitution, for sub-section (3), of the following sub-section:

“(3) There shall be ascertained which of the sums respectively mentioned in paragraph (a) or (b) of this sub-section is the greater, namely—

(a) (i) in the case of a deceased member who had contributed to the New Fund in respect of a period of one year or longer: an amount arrived at by adding to twice the annual average of such member’s pensionable emoluments for the last seven years of his service, or for the actual period in respect of which he contributed if that period was less than seven years, an amount equal to ten per cent. of such annual average in respect of each complete year in respect of which he contributed; or

(ii) in the case of a deceased member who had contributed to the New Fund in respect of a period of less than one year: an amount equal to twice such member’s pensionable emoluments during the whole of the period of his membership and on which he contributed in respect of that period:

Provided that for the purposes of this paragraph it shall be assumed that the pensionable emoluments on which the deceased member con-

word daar, onderworpe aan die bepalings van artikel *nege-en-twintig bis*, aan hom terugbetaal die bedrag van sy bydraes tot die Nuwe Fonds sonder rente daarop, en daarna het so 'n lid geen verdere vordering teen die Nuwe Fonds of teen die Administrasie nie."

19. Die volgende nuwe artikel word hierby na artikel *nege-en-twintig* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, ingevoeg:

Invoeging van nuwe artikel in Wet 39 van 1960.

„Verhaal van sekere skulde aan Administrasie verskuldig, op voordele betaalbaar aan lede by hul ontslag of uitdienstreding.

29(bis). (1) Indien 'n lid van die Nuwe Fonds—
(a) vanweë bedrog of oneerlikheid ontslaan word uit die Diens of beveel word om daaruit te bedank, of geag word ontslaan te gewees het ingevolge paragraaf (a) van sub-artikel (4) van artikel *negentien* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), waar daar bedrog of oneerlikheid betrokke is by die oortreding ten opsigte waarvan hy skuldig bevind is; of

(b) uit die Diens bedank of dros ten einde ontslag vanweë bedrog of oneerlikheid te vermy, of in afwagting van die inbring teen hom van 'n tugaanklag of 'n strafregtelike aanklag waarby bedrog of oneerlikheid betrokke is; of

(c) die Diens om watter rede ook al verlaat, of te sterwe kom, voordat 'n lening of voorskot (behalwe 'n lening in artikel *agt-en-vyftig* bedoel) wat op sy uitdruklike versoek aan hom toegestaan is deur die Administrasie of uit die Hulpfonds in artikel *vier-en-dertig* van genoemde Wet op Spoorweg- en Hawediens, 1960, bedoel, ten volle terugbetaal is,

het die Administrasie die reg om die bedrag van enige verlies, soos deur die Administrasie vasgestel, wat hy ten gevolge van sodanige bedrog of oneerlikheid gely het, of die onbetaalde balans van sodanige lening of voorskot, na gelang van die geval, te verhaal op enige voordeel wat aan so 'n voormalige lid of sy boedel of aan iemand anders ten opsigte van sy dood uit die Nuwe Fonds betaalbaar is: Met die verstande dat die onus om te bewys dat 'n lid bedank of gedros het om enige rede in paragraaf (b) vermeld, op die Administrasie rus.

(2) By die toepassing van sub-artikel (1) word die uitdrukking „voordeel”, met betrekking tot 'n afgestorwe lid, geag die kapitaalsom in te sluit waarop die berekening van 'n aan sy weduwee betaalbare jaargeld gegrond moet word."

20. (1) Artikel *dertig* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, word hierby gewysig—

Wysiging van artikel 30 van Wet 39 van 1960.

(a) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Daar word vasgestel watter van die somme onderskeidelik in paragraaf (a) of (b) van hierdie sub-artikel genoem, die grootste is, naamlik—

(a) (i) in die geval van 'n oorlede lid wat tot die Nuwe Fonds bygedra het ten opsigte van 'n tydperk van een jaar of langer: 'n bedrag wat verkry word deur aan twee maal die jaarlikse gemiddelde van so 'n lid se pensioengewende emolumente vir die laaste sewe jaar van sy diens, of vir die werklike tydperk waarvoor hy bygedra het as daardie tydperk korter as sewe jaar was, 'n bedrag by te voeg wat gelykstaan met tien persent van sodanige jaarlikse gemiddelde ten opsigte van elke voltooide jaar ten opsigte waarvan hy bygedra het; of

(ii) in die geval van 'n oorlede lid wat ten opsigte van 'n tydperk van minder as een jaar tot die Nuwe Fonds bygedra het: 'n bedrag wat gelykstaan met twee maal so 'n lid se pensioengewende emolumente gedurende die hele tydperk van sy lidmaatskap en waarop hy ten opsigte van daardie tydperk bygedra het:

Met dien verstande dat daar by die toepassing van hierdie paragraaf veronderstel word dat die pensioengewende emolumente waarop die oorlede

tributed in respect of his service up to and including the fixed date were increased by ten per cent., and that his pensionable emoluments in respect of his service after the fixed date were not less than the amount obtained by increasing, by ten per cent., the pensionable emoluments on which he was contributing on the fixed date; or

(b) twice the amount of the deceased member's contributions or, in the case of a deceased member who died as a result of severe bodily injury sustained without his own default whilst in the discharge of his duties, twice the amount of his contributions plus two and one-half per cent. of twice the amount of his contributions, in respect of each complete year in respect of which he contributed: Provided that in the case of a deceased member who was a member on the fixed date, it shall be assumed that the applicable sum hereinbefore in this paragraph mentioned, were enhanced by the addition thereto of an amount equal to ten per cent. of twice the amount of the deceased member's contributions (augmented by two and one-half per cent., as aforementioned, where the case so requires) in respect of his service up to and including the fixed date, and that the pensionable emoluments on which such deceased member contributed in respect of his service after the fixed date, were not less than the amount arrived at by increasing, by ten per cent., the pensionable emoluments on which he was contributing on the fixed date.

(c) For the purposes of this sub-section 'fixed date' means—

(i) the thirty-first day of March, 1961, in the case of a deceased member who on that date was an officer, or an employee paid on a calendar month basis; or

(ii) the fifteenth day of March, 1961, in the case of a deceased member who on that date was an employee other than one referred to in sub-paragraph (i).";

(b) by the substitution, in sub-section (4), for the words "The sum which is in terms of sub-section (3) found to be the greater shall be increased by adding thereto an amount equal to ten per cent. of such sum, and of such increased sum" of the words "Of the sum which is in terms of sub-section (3) found to be the greater".

(2) Sub-sections (3) and (4) of section *thirty* of the Railways and Harbours Superannuation Fund Act, 1960, as substituted, and as amended, respectively, by sub-section (1) of this section, shall apply—

(a) in respect of every member of the New Fund who died or dies on or after—

(i) the first day of April, 1961, and who on the date of his death was an officer, or an employee paid on a calendar month basis; or

(ii) the sixteenth day of March, 1961, and who on the date of his death was an employee other than one referred to in sub-paragraph (i);

or, for the purpose of sub-section (2) of section *thirty-one* of the said Act—

(b) in relation to the death of every annuitant of the New Fund who ceased to be a member on or after—

(i) the second day of April, 1961, if on the day immediately preceding the date of his retirement he was an officer, or an employee paid on a calendar month basis; or

(ii) the seventeenth day of March, 1961, if on the day immediately preceding the date of his retirement he was an employee other than one referred to in sub-paragraph (i).

- lid bygedra het ten opsigte van sy diens tot en met die vasgestelde datum, met tien persent verhoog was, en dat sy pensioengewende emolumente ten opsigte van sy diens ná die vasgestelde datum nie minder was nie as die bedrag wat verkry word deur die pensioengewende emolumente waarop hy op die vasgestelde datum bygedra het, met tien persent te verhoog; of
- (b) twee maal die bedrag van die oorlede lid se bydraes of, in die geval van 'n oorlede lid wat te sterwe gekom het ten gevolge van ernstige liggaamlike besering sonder sy eie skuld opgedoen in die verrigting van sy dienspligte, twee maal die bedrag van sy bydraes met byvoeging van twee-en-'n-half persent van twee maal die bedrag van sy bydraes, ten opsigte van elke voltooide jaar ten opsigte waarvan hy bygedra het: Met dien verstande dat daar in die geval van 'n oorlede lid wat op die vasgestelde datum 'n lid was, veronderstel word dat die toepaslike som tevore in hierdie paragraaf vermeld, verhoog was deur die toevoeging daaraan van 'n bedrag wat gelykstaan met tien persent van twee maal die bedrag van die oorlede lid se bydraes (aangevul met twee-en-'n-half persent, soos vermeld, waar die geval dit vereis) ten opsigte van sy diens tot en met die vasgestelde datum, en dat die pensioengewende emolumente waarop so 'n oorlede lid ten opsigte van sy diens na die vasgestelde datum bygedra het, nie minder was nie as die bedrag wat verkry word deur die pensioengewende emolumente waarop hy op die vasgestelde datum bygedra het, met tien persent te verhoog.
- (c) By die toepassing van hierdie sub-artikel beteken 'vasgestelde datum'—
- (i) die een-en-dertigste dag van Maart 1961, in die geval van 'n oorlede lid wat op daardie datum 'n amptenaar was, of 'n werksman wat op grondslag van 'n kalendermaand besoldig word; of
 - (ii) die vyftiende dag van Maart 1961, in die geval van 'n oorlede lid wat op daardie datum 'n ander as 'n in sub-paragraaf (i) bedoelde werksman was.”;
- (b) deur in sub-artikel (4) die woorde „Die som wat ooreenkomstig sub-artikel (3) bevind word die grootste te wees, word verhoog deur byvoeging van 'n bedrag gelykstaande met tien persent daarvan, en van sodanige verhoogde som” te vervang deur die woorde „Van die som wat ooreenkomstig sub-artikel (3) bevind word die grootste te wees”.
- (2) Sub-artikels (3) en (4) van artikel *dertig* van die Wet op Spoorweg- en Hawesuperannuasiefonds, 1960, soos vervang en soos gewysig, onderskeidelik, deur sub-artikel (1) van hierdie artikel, is van toepassing—
- (a) ten opsigte van elke lid van die Nuwe Fonds wat te sterwe gekom het of kom op of na—
- (i) die eerste dag van April 1961, en op die datum van sy dood 'n amptenaar was, of 'n werksman wat op grondslag van 'n kalendermaand besoldig word; of
 - (ii) die sestiende dag van Maart 1961, en op die datum van sy dood 'n ander as 'n in sub-paragraaf (i) bedoelde werksman was;
- of, by die toepassing van sub-artikel (2) van artikel *een-en-dertig* van bedoelde Wet—
- (b) met betrekking tot die dood van elke jaargeldtrekker van die Nuwe Fonds wat opgehou het om 'n lid te wees of op na—
- (i) die tweede dag van April 1961, indien hy op die dag wat die datum van sy uitdienstreding onmiddellik voorafgegaan het, 'n amptenaar was, of 'n werksman wat op grondslag van 'n kalendermaand besoldig word; of
 - (ii) die sewentiende dag van Maart 1961, indien hy op die dag wat die datum van sy uitdienstreding onmiddellik voorafgegaan het, 'n ander as 'n in sub-paragraaf (i) bedoelde werksman was.

(3) The provisions of sub-sections (3) and (4) of section *thirty* of the Railways and Harbours Superannuation Fund Act, 1960, as originally enacted, shall for the purpose of sub-section (2) of section *thirty-one* of that Act continue to apply in relation to the death of every annuitant who was a member of the New Fund on or after the first day of March, 1956, but ceased to be a member on or before—

- (a) the first day of April, 1961, if on the day immediately preceding the date of his retirement he was an officer, or an employee paid on a calendar month basis; or
- (b) the sixteenth day of March, 1961, if on the day immediately preceding the date of his retirement he was an employee other than one referred to in paragraph (a),

and whose death occurred or occurs on or after the thirty-first day of March, 1959.

Amendment of section 55 of Act 39 of 1960.

21. (1) Section *fifty-five* of the Railways and Harbours Superannuation Fund Act, 1960, is hereby amended by the substitution for the words "eight and one-half" of the words "seven and three-quarters".

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1961, in the case of officers, and of employees paid on a calendar month basis, and on the sixteenth day of March, 1961, in the case of all other employees.

Amendment of section 6 of Act 41 of 1960.

22. Section *six* of the Level Crossings Act, 1960, is hereby amended—

- (a) by the substitution, for the expression "local authority" wherever it occurs in that part of sub-section (1) preceding paragraph (a), of the expression "divisional council";
- (b) by the substitution, in sub-section (2), for the words "for the elimination of a level crossing situated within the area of such local authority but not on a public road for the cost of maintenance whereof the provincial administration is wholly or partly responsible by law, or to which it contributes," of the words "other than a divisional council for the elimination of a level crossing situated on a public road within the area of such local authority,".

Amendment of section 7 of Act 41 of 1960.

23. Section *seven* of the Level Crossings Act, 1960, is hereby amended—

- (a) by the substitution, for sub-section (2), of the following sub-section:

„(2) Whenever in terms of any agreement between the Administration and a provincial administration or a local authority with respect to the elimination of a level crossing, the parties have agreed to add to the length or the width of any structure to be built in connection with such elimination, in order to provide for anticipated future rail or road traffic requirements not falling within the reasonable area of normal engineering planning, the parties shall state in such agreement what portion of the total cost of the work of elimination is attributable to such addition in length or width, as the case may be, and the amount so stated shall be excluded from the total cost of such work for the purpose of determining whether the percentage of the cost which the Administration has, in terms of such agreement, undertaken to bear, does or does not exceed the amount which may be defrayed from the Fund in accordance with the applicable provision of section *six*.”;

- (b) by the insertion, in sub-section (3), after the words "addition to" of the words "the length or" and by the deletion of the words "paragraph (b) of".

Validation of certain changes in conditions of employment.

24. All changes in conditions of employment for which provision is made in any regulation published under any Government Notice mentioned in the Schedule to this Act, and which were brought into operation with retrospective effect or in respect whereof the amending regulations

(3) Die bepalinge van sub-artikels (3) en (4) van artikel *dertig* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, soos oorspronklik aangeneem, bly van toepassing, vir die doeleindes van sub-artikel (2) van artikel *een-en-dertig* van daardie Wet, met betrekking tot die dood van elke jaargeldtrekker wat 'n lid van die Nuwe Fonds was op of na die eerste dag van Maart 1956, maar opgehou het om 'n lid te wees op of voor—

(a) die eerste dag van April 1961, indien hy op die dag wat die datum van sy uitdienstreding onmiddellik voorafgegaan het, 'n amptenaar was, of 'n werksman wat op grondslag van 'n kalendermaand besoldig word; of

(b) die sestiende dag van Maart 1961, indien hy op die dag wat die datum van sy uitdienstreding onmiddellik voorafgegaan het, 'n ander as 'n in paragraaf (a) bedoelde werksman was,

en wat op of na die een-en-dertigste dag van Maart 1959 te sterwe gekom het of kom.

21. (1) Artikel *vyf-en-vyftig* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, word hierby gewysig deur die woorde „agt-en-'n-half” deur die woorde „sewe-en-driekwart” te vervang. Wysiging van artikel 55 van Wet 39 van 1960.

(2) Sub-artikel (1) word geag in werking te getree het op die eerste dag van April 1961 in die geval van amptenare, en van werksmanne wat op grondslag van 'n kalendermaand besoldig word, en op die sestiende dag van Maart 1961 in die geval van alle ander werksmanne.

22. Artikel *ses* van die Wet op Spoorroorgange, 1960, word hierby gewysig: Wysiging van artikel 6 van Wet 41 van 1960.

(a) deur die uitdrukking „plaaslike bestuur” waar dit ook al voorkom in daardie gedeelte van sub-artikel (1) wat paragraaf (a) voorafgaan, deur die uitdrukking „afdelingsraad” te vervang;

(b) deur in sub-artikel (2) die woorde „vir die uitskakeling van 'n spoorroorgang geleë binne die gebied van daardie plaaslike bestuur maar nie op 'n publieke pad nie vir die instandhoudingskoste waarvan die provinsiale administrasie volgens wet in geheel of gedeeltelik verantwoordelik is, of waartoe hy bydra” te vervang deur die woorde „behalwe 'n afdelingsraad vir die uitskakeling van 'n spoorroorgang op 'n publieke pad binne die gebied van sodanige plaaslike bestuur.”.

23. Artikel *sewe* van die Wet op Spoorroorgange, 1960, word hierby gewysig: Wysiging van artikel 7 van Wet 41 van 1960.

(a) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Wanneer die partye ingevolge 'n ooreenkoms tussen die Administrasie en 'n provinsiale administrasie of 'n plaaslike bestuur met betrekking tot die uitskakeling van 'n spoorroorgang, ooreengekom het om 'n toevoeging te maak aan die lengte of die wydte van 'n bouwerk wat in verband met sodanige uitskakeling opgerig moet word, ten einde voorsiening te maak vir verwagte toekomstige spoor- of padverkeersvereistes wat nie binne die redelike bestek van normale ingenieursbeplanning val nie, moet die partye in sodanige ooreenkoms meld watter gedeelte van die totale koste van die uitskakelingswerk toe te skryf is aan sodanige toevoeging aan die wydte of die lengte, na gelang van die geval, en die bedrag aldus genoem, word nie in die totale koste van daardie werk ingesluit wanneer daar vasgestel word of die persentasie van die koste wat die Administrasie ingevolge so 'n ooreenkoms onderneem het om te dra, die bedrag wat ooreenkomstig die betrokke bepaling van artikel *ses* uit die Fonds bestry mag word, oorskry, al dan nie.”;

(b) deur in sub-artikel (3) die woorde „toevoeging tot” te vervang deur die woorde „toevoeging aan die lengte of”, en die woorde „paragraaf (b) van” te skrap.

24. Alle veranderings in diensvoorwaardes waarvoor voorsiening gemaak word in 'n regulasie gepubliseer in een van die Goewermentskennisgewings wat in die Bylae by hierdie Wet genoem word, en wat met terugwerkende krag in werking gestel is, of ten opsigte waarvan die wysigende regulasies nie Bekragtiging van sekere veranderings in diensvoorwaardes.

were not approved by the Governor-General until after the expiration of the period of three months mentioned in sub-section (4) of section *thirty-one* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925) or in sub-section (3) of section *thirty-two* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), are hereby validated with effect from the dates as from which such changes were respectively brought into operation.

Application of Act to South-West Africa.

25. This Act, other than sections *twenty-two* and *twenty-three*, shall apply to the Territory of South-West Africa.

Short Title.

26. This Act shall be called the Railways and Harbours Acts Amendment Act, 1961.

Schedule.

<i>No. of Government Notice.</i>	<i>Date of Publication.</i>
538	17.4.1959.
1705	23.10.1959.
1706	23.10.1959.
1707	23.10.1959.
1708	23.10.1959.
1709	23.10.1959.
1722	23.10.1959.
1723	23.10.1959.
1726	23.10.1959.
163	5.2.1960.
1328	2.9.1960.
1703	21.10.1960.
R.1849	18.11.1960.
R. 188	3.2.1961.

deur die Goewerneur-generaal goedgekeur is nie tot na die verstryking van die tydperk van drie maande vermeld in sub-artikel (4) van artikel *een-en-dertig* van die „Spoorwegan en Havens Dienst Wet, 1925” (Wet no. 23 van 1925) of in sub-artikel (3) van artikel *twee-en-dertig* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960) word hierby bekragtig met ingang van die datums wanneer sodanige veranderings onderskeidelik in werking gestel is.

25. Hierdie Wet, met uitsondering van artikels *twee-en-twintig* en *drie-en-twintig*, is op die gebied Suidwes-Afrika van toepassing. Toepassing van Wet op Suidwes-Afrika.

26. Hierdie Wet heet die Wysigingswet op Spoorweg- en Kort titel. Hawewette, 1961.

Bylae.

<i>Goewermentskennis- gewing No.</i>	..	..	..	<i>Datum van afkondiging.</i>
538	..	..	..	17.4.1959.
1705	..	..	..	23.10.1959.
1706	..	..	..	23.10.1959.
1707	..	..	..	23.10.1959.
1708	..	..	..	23.10.1959.
1709	..	..	..	23.10.1959.
1722	..	..	..	23.10.1959.
1723	..	..	..	23.10.1959.
1726	..	..	..	23.10.1959.
163	..	..	..	5.2.1960.
1328	..	..	..	2.9.1960.
1703	..	..	..	21.10.1960.
R.1849	..	..	..	18.11.1960.
R. 188	..	..	..	3.2.1961.

No. 63, 1961.]

ACT

To apply a further sum not exceeding fifty-nine million two hundred and seventy-six thousand nine hundred and forty-two rand from the Railway and Harbour Fund for the services of the railways and harbours for the year ending the thirty-first day of March, 1962.

*(English text signed by the State President.)
(Assented to 28th June, 1961.)*

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

Railway and Harbour Fund charged with R59,276,942.

1. The Railway and Harbour Fund is hereby charged with such sums of money as may be required for the services of the railways and harbours of the Republic for the year ending the thirty-first day of March, 1962, not exceeding in the whole for revenue services the sum of fifty-six million four hundred and twenty-one thousand nine hundred and forty-two rand and for capital and betterment services the sum of two million eight hundred and fifty-five thousand rand in addition to the sums provided by the Railways and Harbours Appropriation Act, 1961 (Act No. 21 of 1961).

How moneys to be applied.

2. The moneys appropriated by this Act shall be applied to the purposes set forth in the First and Second Schedules hereto and more particularly specified in the Estimates of Additional Expenditure [U.G. 28—1961] and the Estimates of Additional Expenditure [U.G. 29—1961] for the said year as approved by Parliament.

Minister may authorize variations.

3. (1) With the approval of the Minister of Transport a saving on any of the heads set out in column 1 of the First Schedule to this Act may be made available for any excess of expenditure on any other head appearing in column 1 of the First Schedule to Act No. 21 of 1961, and similarly a saving on any one of the heads set out in column 1 of the Second Schedule to this Act may be made available for any excess of expenditure on any other head appearing in column 1 of the Second Schedule to Act No. 21 of 1961.

(2) No excess shall be incurred on any sum appearing in column 2 of the First Schedule to this Act, and savings thereon shall not be available for any purpose other than that for which the money is hereby appropriated as indicated in that Schedule.

Sources from which moneys appropriated will be provided.

4. The moneys appropriated by this Act for capital and betterment services shall be provided from the sources set out in the Third Schedule hereto.

Short title.

5. This Act shall be called the Railways and Harbours Second Additional Appropriation Act, 1961.

No. 63, 1961.]

WET

Tot aanwending van 'n verdere som van hoogstens nege-en-vyftigmiljoen tweehonderd ses-en-sewentigduisend negehonderd twee-en-veertig rand uit die Spoorweg- en Hawefonds vir die dienste van die spoorweë en hawens vir die jaar wat op die een-en-dertigste dag van Maart 1962 eindig.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1961.)*

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

1. Die Spoorweg- en Hawefonds word hiermee belas met sodanige somme geld as wat nodig mag wees vir die dienste van die spoorweë en hawens van die Republiek gedurende die jaar wat op die een-en-dertigste dag van Maart 1962 eindig, maar gesamentlik ten bedrae van hoogstens ses-en-vyftigmiljoen vierhonderd een-en-twintigduisend negehonderd twee-en-veertig rand vir inkomstediens en tweemiljoen agthonderd vyf-en-vyftigduisend rand vir kapitaal- en verbeteringsdienste bo en behalwe die bedrae waarvoor voorsiening gemaak is deur die Spoorweg- en Hawebegrotingswet, 1961 (Wet No. 21 van 1961).

Spoorweg- en
Hawefonds belas
met R59,276,942.

2. Die gelde deur hierdie Wet beskikbaar gestel moet aangewend word vir die doeleindes vermeld in die Eerste en Tweede Bylaes by hierdie Wet en nader omskrywe in die Begroting van Addisionele Uitgawe [U.G. 28—1961] en die Begroting van Addisionele Uitgawe [U.G. 29—1961] vir die genoemde jaar soos deur die Parlement goedgekeur.

Hoe die gelde
bestee moet word.

3. (1) Met die goedkeuring van die Minister van Vervoer kan 'n besparing op een of ander van die hoofde aangetoon in kolom 1 van die Eerste Bylae by hierdie Wet beskikbaar gestel word vir 'n oorskryding van uitgawe op 'n ander hoof wat voorkom in kolom 1 van die Eerste Bylae by Wet No. 21 van 1961, en insgelyks kan 'n besparing op een of ander van die hoofde aangetoon in kolom 1 van die Tweede Bylae by hierdie Wet beskikbaar gestel word vir 'n oorskryding van uitgawe op 'n ander hoof wat voorkom in kolom 1 van die Tweede Bylae by Wet No. 21 van 1961.

Minister kan
afwykings magtig.

(2) Geen bedrag wat voorkom in kolom 2 van die Eerste Bylae by hierdie Wet mag oorskry word nie, en besparings daarop mag vir geen ander doel as dié waarvoor die geld hiermee beskikbaar gestel word, soos aangetoon in daardie Bylae, aangewend word nie.

4. Die gelde wat deur hierdie Wet vir kapitaal- en verbeteringsdienste beskikbaar gestel word, moet uit dié in die Derde Bylae by hierdie Wet vermelde bronne verskaf word.

Bronne waaruit
beskikbaargestelde
gelde verskaf sal
word.

5. Hierdie Wet heet die Tweede Addisionele Spoorweg- en Hawebegrotingswet, 1961.

Kort titel.

First Schedule.

REVENUE SERVICES.

Head No.	Head.	Column 1.	Column 2.
	RAILWAYS.	R	R
	<i>Transportation Services—</i>		
1	General Charges	1,548,385	—
2	Maintenance of Permanent Way and Works	7,660,509	—
3	Maintenance of Rolling Stock	7,300,725	—
4	Running Expenses	13,307,247	—
5	Traffic Expenses	18,722,625	—
6	Superannuation	1,944,000	—
7	Cartage Services	1,094,395	—
	<i>Subsidiary Services—</i>		
9	Catering, Bedding, Bookstalls and Automatic Machines	129,728	—
10	Publicity and Advertising	1,427	—
11	Grain Elevators	53,254	—
12	Road Transport Service	253,313	—
13	Tourist Service	5,700	—
	<i>Net Revenue Account—</i>		
15	Interest on Superannuation and other Funds	—	119,916
17	Miscellaneous Expenditure	—	21,744
	HARBOURS.		
	<i>Transportation Services—</i>		
18	Maintenance of Assets	1,117,289	—
19	Operating Expenses	1,184,190	—
20	General Charges	80,386	—
21	Superannuation	85,191	—
	<i>Subsidiary Service—</i>		
23	Lighthouses, Beacons, Bells and Signal Stations	25,944	—
	STEAMSHIPS.		
	<i>Transportation Services—</i>		
26	Working and Maintenance	5,430	—
	AIRWAYS.		
	<i>Transportation Services—</i>		
28	Working and Maintenance	1,760,544	—
	Total	R56,421,942	

Second Schedule.

CAPITAL AND BETTERMENT SERVICES.

Head No.	Head.	Column 1.	Column 2.
		R	R
2	New Works on Open Lines	2,745,300	—
3	Rolling Stock	93,800	—
4	Road Transport Service	15,900	—
	Total	R2,855,000	

SUMMARY.

Revenue Services (First Schedule)	R 56,421,942
Capital and Betterment Services (Second Schedule)	2,855,000
	R59,276,942

Third Schedule.

Sources from which the additional funds for capital and betterment services will be provided:—

1. Additional Loan Funds	R 2,650,000
2. Betterment Fund	205,000
	R2,855,000

Eerste Bylae.

INKOMSTEDIENSTE.

Hoof no.	Hoof.	Kolom 1.	Kolom 2.
	SPOORWEE.	R	R
	<i>Vervoerdienste</i> —		
1	Algemene koste	1,548,385	—
2	Onderhoud van spoorbaan en werke	7,660,509	—
3	Onderhoud van rollende materiaal	7,300,725	—
4	Treinloopkoste	13,307,247	—
5	Verkeerskoste	18,722,625	—
6	Superannuasie	1,944,000	—
7	Besteldiens	1,094,395	—
	<i>Hulpdienste</i> —		
9	Verversings, beddediens, boekwinkels en outomate	129,728	—
10	Publisiteit en reklame	1,427	—
11	Graansuiers	53,254	—
12	Padvervoerdien	253,313	—
13	Toeristediens	5,700	—
	<i>Netto inkomsterekening</i> —		
15	Rente op superannuasie- en ander fondse	—	119,916
17	Diverse uitgawe	—	21,744
	HAWENS.		
	<i>Vervoerdienste</i> —		
18	Onderhoud van bate	1,117,289	—
19	Bedryfskoste	1,184,190	—
20	Algemene koste	80,386	—
21	Superannuasie	85,191	—
	<i>Hulpdienste</i> —		
23	Vuurtorings, bakens, klokke en seinstasies	25,944	—
	STOOMSKEPE.		
	<i>Vervoerdienste</i> —		
26	Eksplorasie en onderhoud	5,430	—
	LUGDIENS.		
	<i>Vervoerdienste</i> —		
28	Eksplorasie en onderhoud	1,760,544	—
	Totaal	R56,421,942	

Tweede Bylae.

KAPITAAL- EN VERBETERINGSDIENSTE.

Hoof no.	Hoof.	Kolom 1.	Kolom 2.
		R	R
2	Nuwe werke aan oopgestelde lyne	2,745,300	—
3	Rollende materiaal	93,800	—
4	Padvervoerdien	15,900	—
	Totaal	R2,855,000	

SAMEVATTING.

Inkomstedienste (Eerste Bylae)	R
Kapitaal- en verbeteringsdienste (Tweede Bylae)	2,855,000
	R59,276,942

Derde Bylae.

Bronne waaruit die addisionele fondse vir kapitaal- en verbeteringsdienste verskaf sal word:—

	R
1. Addisionele leningsfondse	2,650,000
2. Verbeteringsfonds	205,000
	R2,855,000

No. 64, 1961.]

ACT

To amend the South African Citizenship Act, 1949.

(Afrikaans text signed by the State President.)
(Assented to 28th 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 44 of 1949.

1. Section *one* of the South African Citizenship Act, 1949 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion in sub-section (1), in the definition of "Commonwealth country", of the words "other than the Union", and the substitution therein for the words "Southern Rhodesia" of the words "the Federation of Rhodesia and Nyasaland"; and
- (b) by the substitution in the said sub-section, in the definition of "father", for the word "includes" of the word "means".

Amendment of
section 2 of
Act 44 of 1949.

2. Section *two* of the principal Act is hereby amended by the substitution in sub-section (2) for all the words after the word "Act", where it occurs for the third time, of the words: "shall be a South African citizen if—

- (a) at the commencement of this Act he resides in the Union or South-West Africa; or
- (b) at any time after the commencement of this Act he is lawfully admitted to the Union or South-West Africa for permanent residence therein, and he did not at any time whilst outside the Union or South-West Africa, by some voluntary and formal act, other than marriage, acquire the citizenship or nationality of a country other than the Union."

Amendment of
section 3 of
Act 44 of 1949.

3. Section *three* of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of sub-section (2) of the following paragraph:

- "(a) his father—
 - (i) was a person enjoying diplomatic immunity in the Union in terms of any law relating to diplomatic privileges, or was a career representative of the government of another country, or was a person employed in the embassy or legation of such a government or in the office of such a career representative, or was a member of the household or a servant of any such person; and
 - (ii) was not a South African citizen or had not been lawfully admitted to the Union for permanent residence therein, and his mother was not a South African citizen; or"; and

(b) by the insertion in paragraph (d) of the said sub-section, after the word "immigrant", of the words "or had no right of permanent residence in the Union", and the addition at the end of the said paragraph of the words "and his mother was not a South African Citizen".

Amendment of
section 4 of
Act 44 of 1949.

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

"(1) Any person who is by virtue of the provisions of—

- (a) section *two* or *three* a South African citizen; or
- (b) section *five* or *six* a South African citizen, and whose father was at the time of such person's birth—
 - (i) in the service of the Government of the Union; or
 - (ii) the representative or the employee of a person or an association of persons resident or established in the Union; or
 - (iii) in the service of an international organization of which the Government of the Union was then a member,
 shall, subject to the provisions of sub-section (2) of this section, be a South African citizen by birth."

No. 64, 1961.]

WET

Tot wysiging van die Wet op Suid-Afrikaanse Burgerskap, 1949.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 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 Suid-Afrikaanse Burgerskap, 1949 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur in sub-artikel (1) in die omskrywing van „Statebondslan”, die woorde „ander land dan die Unie” deur die woord „land”, en die woord „Suid-Rhodesië” deur die woorde „die Federasie van Rhodesië en Njassaland” te vervang; en
 - (b) deur in genoemde sub-artikel in die omskrywing van „vader”, die woord „ook” te skrap.

Wysiging van artikel 1 van Wet 44 van 1949.

2. Artikel *twee* van die Hoofwet word hierby gewysig deur in sub-artikel (2) al die woorde na die woorde „gebore is” deur die volgende woorde te vervang:
 - „is ’n Suid-Afrikaanse burger indien hy—
 - (a) by die inwerkingtreding van hierdie Wet in die Unie of Suidwes-Afrika woon; of
 - (b) te eniger tyd ná die inwerkingtreding van hierdie Wet wettiglik tot die Unie of Suidwes-Afrika vir permanente verblyf daarin toegelaat word, en nie te eniger tyd, terwyl hy buite die Unie of Suidwes-Afrika was, deur ’n vrywillige en formele handeling, behalwe ’n huwelik, die burgerskap of nasionaliteit van ’n ander land as die Unie verkry het nie.”.

Wysiging van artikel 2 van Wet 44 van 1949.

3. Artikel *drie* van die Hoofwet word hierby gewysig—
 - (a) deur paragraaf (a) van sub-artikel (2) deur die volgende paragraaf te vervang:
 - „(a) sy vader—
 - (i) iemand was wat in die Unie diplomatieke immunitet geniet het ingevolge ’n wetsbepaling op diplomatieke voorregte, of ’n beroepsverteenvoerder van die regering van ’n ander land was, of iemand in diens in die ambassade of gesantskap van so ’n regering of die kantoor van so ’n beroepsverteenvoerder was, of ’n lid van die huisgesin of ’n bediende van enige sodanige persoon was; en
 - (ii) nie ’n Suid-Afrikaanse burger was nie of nie wettiglik tot die Unie vir permanente verblyf daarin toegelaat was nie, en sy moeder nie ’n Suid-Afrikaanse burger was nie; of”;
 - (b) deur aan die end van paragraaf (d) van genoemde sub-artikel die woorde „of geen reg op permanente verblyf in die Unie gehad het nie en sy moeder nie ’n Suid-Afrikaanse burger was nie” by te voeg.

Wysiging van artikel 3 van Wet 44 van 1949.

4. Artikel *vier* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:
 - „(1) Iemand wat uit hoofde van die bepalings van—
 - (a) artikel *twee* of *drie* ’n Suid-Afrikaanse burger is; of
 - (b) artikel *vyf* of *ses* ’n Suid-Afrikaanse burger is, en wie se vader by die geboorte van so iemand—
 - (i) in diens van die Regering van die Unie was; of
 - (ii) die verteenwoordiger of werknemer was van ’n persoon of vereniging van persone wat in die Unie woonagtig of ingestel was; of
 - (iii) in diens was van ’n internasionale organisasie waarvan die Regering van die Unie toe ’n lid was, is, behoudens die bepalings van sub-artikel (2) van hierdie artikel, ’n Suid-Afrikaanse burger deur geboorte.”.

Wysiging van artikel 4 van Wet 44 van 1949.

Amendment of
section 5 of
Act 44 of 1949.

5. Section *five* of the principal Act is hereby amended—
- (a) by the insertion in paragraph (b) of sub-section (3), before the word "is", of the words "on the date of commencement of this Act"; and
 - (b) by the addition thereto of the following sub-section:

"(6) Notwithstanding the provisions of sub-section (4), any person born outside the Union prior to the date of commencement of this Act shall be a South African citizen if—

 - (a) he is adopted in terms of the provisions of the Children's Act, 1960 (Act No. 33 of 1960); and
 - (b) he would be such a citizen by virtue of the provisions of sub-section (1) if he were the natural child of his adoptive father."

Amendment of
section 6 of
Act 44 of 1949.

6. Section *six* of the principal Act is hereby amended—
- (a) by the substitution for paragraphs (a) and (b) of sub-section (1) of the following paragraphs:

"(a) his father was, at the time of the birth, a South African citizen and the birth is, within one year thereof or such longer period as the Minister may in the special circumstances of the case approve, registered at a Union consulate or such other place as may be prescribed; or

(b) a certificate of the resumption of previous South African citizenship has, in terms of section *twenty-five bis*, been issued to his responsible parent, he has entered the Union for permanent residence therein and the birth is within one year after the issue of such certificate or such longer period as the Minister may in the special circumstances of the case approve, registered in the Union in the prescribed manner; or

(c) he is adopted in terms of the provisions of the Children's Act, 1960 (Act No. 33 of 1960), by a South African citizen and his birth is registered in accordance with the provisions of paragraph (a)."; and
 - (b) by the substitution for sub-section (2) of the following sub-section:

"(2) Notwithstanding the provisions of sub-section (1), no person who, after the date of commencement of this Act, is born outside the Union shall be a South African citizen if—

 - (a) he, when he enters or is found in the Union, would be a prohibited immigrant in terms of any law relating to immigration; or
 - (b) his father or his mother was, at the time of his birth, a prohibited immigrant under the law then in force in the Union; or
 - (c) a marriage between his natural parents in the Union would, in terms of the Prohibition of Mixed Marriages Act, 1949 (Act No. 55 of 1949), be unlawful."

Amendment of
section 7 of
Act 44 of 1949.

7. Section *seven* of the principal Act is hereby amended by the insertion in sub-section (1), after the word "person", of the words "other than a person referred to in paragraph (b) of sub-section (1) of section *four*,".

Amendment of
section 8 of
Act 44 of 1949.

8. Section *eight* of the principal Act is hereby amended—
- (a) by the substitution in paragraph (c) of sub-section (1) for the word "six" of the word "seven";
 - (b) by the insertion in sub-section (2), after the word "aircraft", of the words "or a public means of transport" and, after the word "registered", of the words "or licensed", and by the addition at the end thereof of the following words: "and for such purposes the Minister may, in his discretion, regard as a period of residence in the Union any period during which an applicant for registration has been employed outside the Union on a ship, aircraft or public means of transport operating from the Union, and any period during which a woman who is an applicant for registration has been resident outside the Union with her husband while the latter was so employed, notwithstanding the fact that such ship, aircraft or public means of transport was not registered or licensed in the Union";
 - (c) by the insertion after sub-section (3) of the following sub-sections:

5. Artikel *vyf* van die Hoofwet word hierby gewysig— Wysiging van artikel 5 van Wet 44 van 1949.
- (a) deur in paragraaf (b) van sub-artikel (3), voor die woord „die”, die woorde „op die datum van die inwerking-treding van hierdie Wet” in te voeg; en
- (b) deur die volgende sub-artikel daarby te voeg:
- „(6) Ondanks die bepalings van sub-artikel (4) is iemand wat voor die datum van die inwerking-treding van hierdie Wet buite die Unie gebore is, ’n Suid-Afrikaanse burger indien hy—
- (a) ingevolge die bepalings van die Kinderwet, 1960 (Wet No. 33 van 1960), aangeneem word; en
- (b) uit hoofde van die bepalings van sub-artikel (1) so ’n burger sou gewees het indien hy die natuurlike kind van sy aangenome vader was.”.
6. Artikel *ses* van die Hoofwet word hierby gewysig— Wysiging van artikel 6 van Wet 44 van 1949.
- (a) deur paragrawe (a) en (b) van sub-artikel (1) deur die volgende paragrawe te vervang:
- „(a) sy vader, by die geboorte, ’n Suid-Afrikaanse burger was en dié geboorte binne ’n jaar daarná of die langer tydperk wat die Minister in die besondere omstandighede van die geval mag goedkeur, by ’n Unie-konsulaat of ’n ander plek wat voorgeskryf mag wees, geregistreer word; of
- (b) aan sy verantwoordelike ouer ’n sertifikaat van herneming van vorige Suid-Afrikaanse burgerskap uitgereik is ingevolge artikel *vyf-en-twintig bis*, hy die Unie vir permanente verblyf daarin binnegekome het en die geboorte binne ’n jaar ná die uitreiking van sodanige sertifikaat of die langer tydperk wat die Minister in die besondere omstandighede van die geval mag goedkeur, in die Unie geregistreer word op die voorgeskrewe wyse; of
- (c) hy ingevolge die bepalings van die Kinderwet, 1960 (Wet No. 33 van 1960), deur ’n Suid-Afrikaanse burger aangeneem en sy geboorte ooreenkomstig die bepalings van paragraaf (a) geregistreer word.”; en
- (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:
- „(2) Ondanks die bepalings van sub-artikel (1) is niemand wat ná die datum van die inwerking-treding van hierdie Wet buite die Unie gebore word, ’n Suid-Afrikaanse burger nie indien—
- (a) hy, as hy die Unie binnekom of daarin gevind word, ingevolge ’n wetsbepaling op immigrasie ’n verbode immigrant sou wees; of
- (b) sy vader of moeder by sy geboorte, volgens die wetsbepalings wat destyds in die Unie van krag was, ’n verbode immigrant was; of
- (c) ’n huwelik tussen sy natuurlike ouers in die Unie ingevolge die Wet op Verbod van Gemengde Huwelike, 1949 (Wet No. 55 van 1949), onwettig sou wees.”.
7. Artikel *sewe* van die Hoofwet word hierby gewysig deur Wysiging van artikel 7 van Wet 44 van 1949.
- in sub-artikel (1), na die woord „persoon”, die woorde „behalwe ’n persoon in paragraaf (b) van sub-artikel (1) van artikel vier vermeld,” in te voeg.
8. Artikel *agt* van die Hoofwet word hierby gewysig— Wysiging van artikel 8 van Wet 44 van 1949.
- (a) deur in paragraaf (c) van sub-artikel (1) die woord „ses” deur die woord „sewe” te vervang;
- (b) deur in sub-artikel (2) na die woord „lugvaartuig” die woorde „of ’n openbare vervoermiddel”, en na die woord „geregistreer” die woorde „of gelisensieer” in te voeg, en aan die end daarvan die volgende woorde by te voeg: „en by sodanige toepassing kan die Minister na goeëddunke enige tydperk wat ’n applikant om registrasie buite die Unie in diens was op ’n skip, lugvaartuig of openbare vervoermiddel wat vanuit die Unie bestuur is, en enige tydperk wat ’n vrou wat ’n applikant om registrasie is, buite die Unie saam met haar eggenoot woonagtig was terwyl laasgenoemde aldus in diens was, as ’n verblyftydperk in die Unie beskou, ondanks die feit dat sodanige skip, lugvaartuig of openbare vervoermiddel nie in die Unie geregistreer of gelisensieer was nie”;
- (c) deur na sub-artikel (3) die volgende sub-artikels in te voeg:

“(3)*bis* For the purposes of sub-section (1) the Minister shall regard one half of any previous period during which an applicant for registration had been resident in the Union prior to the period of seven years immediately preceding the date of his application, but not exceeding a period of two years, as a period of residence in the Union during the said period of seven years.

(3)*ter* If an applicant is able to read and write both official languages of the Union to the satisfaction of the Minister, the Minister may grant a certificate of registration to him, notwithstanding the fact that the applicant had been resident in the Union for a period of only three years during the seven years immediately preceding the date of his application.”;

(d) by the insertion in sub-section (4) after the word “child”, where it occurs for the first time, of the words “who is not or has not been married and who is a citizen of a Commonwealth country or of the Republic of Ireland or”, and, after the word “country”, of the words “or of the Republic of Ireland”;

(e) by the insertion after sub-section (4) of the following sub-sections:

“(4)*bis* The Minister may waive the requirements of paragraph (a) of sub-section (1) in relation to an applicant who is or has been married.

(4)*ter* The Minister may, notwithstanding the provisions of sub-section (1), upon application in the prescribed form, grant a certificate of registration as a South African citizen to any person who is not already a South African citizen and—

(a) who, or whose father or paternal grandfather or paternal great-grandfather, was born prior to the first day of September, 1900, in any part of South Africa included in the Union, or was a burgher of the late South African Republic or of the late Orange Free State Republic at any time prior to that date; and

(b) who satisfies the Minister that he has been lawfully admitted to the Union for permanent residence therein.”;

(f) by the deletion in sub-section (5) of the word “married”;

(g) by the substitution for paragraphs (a), (b) and (c) of the said sub-section of the following paragraphs:

“(a) she is the wife or widow of a South African citizen and she has been lawfully admitted to the Union for permanent residence therein and has resided in the Union for a period of not less than two years immediately preceding the date of her application and after the date of her marriage to such citizen; or

(b) she is the wife of a South African citizen, if she enters the Union or is found therein, she would not be a prohibited immigrant in terms of any law relating to immigration and she has resided with her husband in the Union or, while he was employed in the service of the Government of the Union, outside the Union for a period of not less than two years.”;

(h) by the insertion in sub-section (6) after the word “national” of the words “or if, in the opinion of the Minister, there are special circumstances present in his case,” and the substitution therein for the word “six” of the word “seven”;

(i) by the insertion after sub-section (6) of the following sub-section:

“(6)*bis* For the purposes of this section any person who, on the date on which his application is considered by the Minister, would comply with the requirements of this section in regard to residence and ordinary residence in the Union, if such date were the date of his application, shall be deemed to have complied therewith on the date of his application.”;

(j) by the deletion in sub-section (8) of the words “is not a citizen of a Commonwealth country and”;

(k) by the substitution in the said sub-section for the word “three” of the word “six”, and the insertion therein, after the word “Schedule”, of the words “or, if he

„(3)*bis* By die toepassing van sub-artikel (1) moet die Minister die helfte van enige vorige tydperk wat 'n applikant om registrasie sy verblyf in die Unie gehad het voor die tydperk van sewe jaar wat die datum van sy aansoek onmiddellik voorafgaan, maar hoogstens 'n tydperk van twee jaar, as 'n tydperk van verblyf in die Unie gedurende genoemde tydperk van sewe jaar beskou.

(3)*ter* Indien 'n applikant in staat is om albei amptelike tale van die Unie tot bevrediging van die Minister te lees en te skrywe, kan die Minister 'n sertifikaat van registrasie aan hom toeken, ondanks die feit dat die applikant vir 'n tydperk van slegs drie jaar sy verblyf in die Unie gehad het gedurende die sewe jaar onmiddellik voor die datum van sy aansoek.”;

(d) deur in sub-artikel (4) na die woord „kind”, waar dit die eerste maal voorkom, die woorde „wat nie getroud is of was nie en wat 'n burger van 'n Statebondsland of die Republiek Ierland is of”, en na die woord „Statebondsland” die woorde „of die Republiek Ierland” in te voeg;

(e) deur na sub-artikel (4) die volgende sub-artikels in te voeg:

„(4)*bis* Die Minister kan met betrekking tot 'n applikant wat getroud is of was, van die vereistes van paragraaf (a) van sub-artikel (1) afsien.

(4)*ter* Ondanks die bepalings van sub-artikel (1) kan die Minister, op aansoek in die voorgeskrewe vorm, 'n sertifikaat van registrasie as 'n Suid-Afrikaanse burger toeken aan iemand wat nie alreeds 'n Suid-Afrikaanse burger is nie en—

(a) wat, of wie se vader of grootvader of oorgrootvader aan vaderskant, in 'n deel van Suid-Afrika wat in die Unie opgeneem is, gebore is voor 1 September 1900, of te eniger tyd voor daardie datum 'n staatsburger van die gewese Suid-Afrikaanse Republiek of van die gewese Republiek Oranje-Vrystaat was; en

(b) wat die Minister oortuig dat hy wettiglik tot die Unie vir permanente verblyf daarin toegelaat is.”;

(f) deur in sub-artikel (5) die woord „getroude” te skrap;

(g) deur paragrawe (a), (b) en (c) van genoemde sub-artikel deur die volgende paragrawe te vervang:

„(a) sy die vrou of weduwee van 'n Suid-Afrikaanse burger is en sy wettiglik tot die Unie vir permanente verblyf daarin toegelaat is en vir 'n tydperk van minstens twee jaar onmiddellik voor die datum van haar aansoek en ná die datum van haar huwelik met dié burger in die Unie gewoon het; of

(b) sy die vrou van 'n Suid-Afrikaanse burger is, sy, indien sy die Unie sou binnekom of daarin gevind word, nie ingevolge 'n wetsbepaling op immigrasie 'n verbode immigrant sou wees nie en sy saam met haar eggenoot in die Unie of, terwyl hy in diens van die Regering van die Unie was, buite die Unie gewoon het vir 'n tydperk van minstens twee jaar.”;

(h) deur in sub-artikel (6) na die woorde „staatsburger was”, die woorde „of indien, volgens die oordeel van die Minister, besondere omstandighede in sy geval aanwesig is,” in te voeg, en die woord „ses” deur die woord „sewe” te vervang;

(i) deur na sub-artikel (6) die volgende sub-artikel in te voeg:

„(6)*bis* By die toepassing van hierdie artikel word dit geag dat iemand wat op die datum waarop sy aansoek deur die Minister oorweeg word, aan die vereistes van hierdie artikel betreffende verblyf en gewone verblyf in die Unie sou voldoen, indien dié datum die datum van sy aansoek was, op die datum van sy aansoek daaraan voldoen het.”;

(j) deur in sub-artikel (8) die woorde „nie 'n burger van 'n Statebondsland is nie, en” te skrap;

(k) deur in genoemde sub-artikel die woorde „binne 'n tydperk van drie” te vervang deur die woorde „of, indien hy op godsdienstige gronde teen die affê

- objects on religious grounds to the taking of an oath, made a corresponding solemn affirmation”;
- (l) by the insertion after the said sub-section of the following sub-section:
 “(8)*bis* If a certificate of registration has, in terms of this section, been granted to a person, a certificate of registration shall not be issued to him unless he has, within a period of six months from the date of notification of the grant of the certificate, complied with the conditions prescribed.”;
- (m) by the substitution in sub-section (9) for the word “require” of the words “in respect of”, and by the insertion therein, after the word “registration”, of the words “make such enquiries as he may deem fit and require such person”;
- (n) by the insertion after sub-section (9) of the following sub-section:
 “(9)*bis* If the Minister has refused an application for a certificate of registration by or on behalf of any person, the Minister shall not be obliged to reconsider such application at any time, but shall not consider another application for a certificate of registration by or on behalf of such person until the expiration of a period of at least one year from the date upon which the person in question was advised of the Minister’s decision.”; and
- (o) by the insertion in sub-section (10) after the word “shall”, where it occurs for the first time, of the words “subject to the provisions of sub-section 9*bis*,”.

Amendment of section 10 of Act 44 of 1949.

9. Section *ten* of the principal Act is hereby amended—
- (a) by the deletion of paragraph (b) of sub-section (1);
- (b) by the substitution in paragraph (d) of the said sub-section for the word “seven” of the word “eight”;
- (c) by the insertion in sub-section (2), after the word “aircraft”, of the words “or a public means of transport” and, after the word “registered”, of the words “or licensed”, and by the addition at the end thereof of the following words: “and for such purposes the Minister may, in his discretion, regard as a period of residence in the Union any period during which an applicant for naturalization has been employed outside the Union on a ship, aircraft or public means of transport operating from the Union, and any period during which a woman who is an applicant for naturalization has been resident outside the Union with her husband while the latter was so employed, notwithstanding the fact that such ship, aircraft or public means of transport was not registered or licensed in the Union”;
- (d) by the insertion after sub-section (3) of the following sub-sections:
 “(3)*bis* For the purposes of sub-section (1) the Minister shall regard one half of any previous period during which an applicant for naturalization had been resident in the Union prior to the period of eight years immediately preceding the date of his application, but not exceeding a period of two years, as a period of residence in the Union during the said period of eight years.
 (3)*ter* If an applicant is able to read and write both official languages of the Union to the satisfaction of the Minister, the Minister may grant a certificate of naturalization to him, notwithstanding the fact that the applicant had been resident in the Union for a period of only four years during the eight years immediately preceding the date of his application.”;
- (e) by the insertion in sub-section (4) after the word “child”, where it occurs for the first time, of the words “who is not or has not been married, and”;
- (f) by the substitution for sub-section (5) of the following sub-section:
 “(5) The Minister may waive the requirements of paragraph (a) of sub-section (1) in relation to an applicant who is or has been married.”;
- (g) by the deletion in sub-section (6) of the word “married”;
- (h) by the substitution for paragraphs (a), (b) and (c) of the said sub-section of the following paragraphs:

- van 'n eed beswaar het, 'n ooreenstemmende plegtige verklaring, binne 'n tydperk van ses'';
- (f) deur na genoemde sub-artikel die volgende sub-artikel in te voeg:
- „(8)*bis* Indien aan iemand 'n sertifikaat van registrasie ingevolge hierdie artikel toegeken is, word geen sertifikaat van registrasie aan hom uitgereik nie tensy hy binne 'n tydperk van ses maande vanaf die datum waarop kennis van die toekenning van die sertifikaat gegee is, die voorwaardes nagekom het wat voorgeskryf is.'';
- (m) deur in sub-artikel (9), na die woord „kan”, die woorde „ten opsigte van”, en na die woord „het”, die woorde „die navrae instel wat hy wenslik ag, en so iemand” in te voeg;
- (n) deur na sub-artikel (9) die volgende sub-artikel in te voeg:
- „(9)*bis* Indien die Minister 'n aansoek om 'n sertifikaat van registrasie deur of namens iemand van die hand gewys het, is die Minister nie verplig om daardie aansoek te eniger tyd te heroorweeg nie, maar oorweeg hy nie 'n ander aansoek om 'n sertifikaat van registrasie deur of namens daardie persoon nie voor die verstryking van 'n tydperk van minstens een jaar vanaf die datum waarop die betrokke persoon van die Minister se beslissing in kennis gestel is.''; en
- (o) deur in sub-artikel (10) na die woord „is”, waar dit die eerste maal voorkom, die woorde „behoudens die bepalinge van sub-artikel (9)*bis*,” in te voeg.
9. Artikel *tien* van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (b) van sub-artikel (1) te skrap;
- (b) deur in paragraaf (d) van genoemde sub-artikel die woord „sewe” deur die woord „agt” te vervang;
- (c) deur in sub-artikel (2) na die woord „lugvaartuig” die woorde „of 'n openbare vervoermiddel”, en na die woord „geregistreer” die woorde „of gelisensieer” in te voeg, en aan die end daarvan die volgende woorde by te voeg: „en by sodanige toepassing kan die Minister na goeddunke enige tydperk wat 'n applikant om naturalisasie buite die Unie in diens was op 'n skip, lugvaartuig of openbare vervoermiddel wat vanuit die Unie bestuur is, en enige tydperk wat 'n vrou wat 'n applikant om naturalisasie is, buite die Unie saam met haar eggenoot woonagtig was terwyl laasgenoemde aldus in diens was, as 'n verblyftydperk in die Unie beskou, ondanks die feit dat sodanige skip, lugvaartuig of openbare vervoermiddel nie in die Unie geregistreer of gelisensieer was nie'';
- (d) deur na sub-artikel (3) die volgende sub-artikels in te voeg:
- „(3)*bis* By die toepassing van sub-artikel (1) moet die Minister die helfte van enige vorige tydperk wat 'n applikant om naturalisasie sy verblyf in die Unie gehad het voor die tydperk van agt jaar wat die datum van sy aansoek onmiddellik voorafgaan, maar hoogstens 'n tydperk van twee jaar, as 'n tydperk van verblyf in die Unie gedurende genoemde tydperk van agt jaar beskou.
- (3)*ter* Indien 'n applikant in staat is om albei amptelike tale van die Unie tot bevrediging van die Minister te lees en te skrywe, kan die Minister 'n sertifikaat van naturalisasie aan hom toeken, ondanks die feit dat die applikant vir 'n tydperk van slegs vier jaar sy verblyf in die Unie gehad het gedurende die agt jaar onmiddellik voor die datum van sy aansoek.'';
- (e) deur in sub-artikel (4) na die woord „kind”, waar dit die eerste maal voorkom, die woorde „wat nie getroud is of was nie en” in te voeg;
- (f) deur sub-artikel (5) deur die volgende sub-artikel te vervang:
- „(5) Die Minister kan met betrekking tot 'n applikant wat getroud is of was, van die vereistes van paragraaf (a) van sub-artikel (1) afsien.'';
- (g) deur in sub-artikel (6) die woord „getroude” te skrap;
- (h) deur paragraawe (a), (b) en (c) van genoemde sub-artikel deur die volgende paragraawe te vervang:

Wysiging van
artikel 10 van
Wet 44 van 1949

- “(a) she is the wife or widow of a South African citizen and she has been lawfully admitted to the Union for permanent residence therein and has resided in the Union for a period of not less than three years immediately preceding the date of her application and after the date of her marriage to such citizen; or
- (b) she is the wife of a South African citizen, she has in terms of any law relating to immigration obtained permission to enter the Union for permanent residence therein and she has resided with her husband in the Union or, while he was employed in the service of the Government of the Union, outside the Union for a period of not less than three years.”;
- (i) by the substitution for sub-section (7) of the following sub-section:
- “(7) For the purposes of this section any person who, on the date on which his application is considered by the Minister, would comply with the requirements of this section in regard to residence and ordinary residence in the Union, if such date were the date of his application, shall be deemed to have complied therewith on the date of his application.”;
- (j) by the insertion in sub-section (8) after the word “national” of the words “or if, in the opinion of the Minister, there are special circumstances present in his case,” and the substitution therein for the word “seven” of the word “eight”;
- (k) by the substitution in sub-section (11) for the word “three” of the word “six”, and the insertion therein, after the word “Schedule”, of the words “or, if he objects on religious grounds to the taking of an oath, made a corresponding solemn affirmation”;
- (l) by the insertion after the said sub-section of the following sub-section:
- “(11)*bis* If a certificate of naturalization has, in terms of this section, been granted to a person, a certificate of naturalization shall not be issued to him unless he has, within a period of six months from the date of notification of the grant of the certificate, complied with the conditions prescribed.”;
- (m) by the substitution in sub-section (12) for the word “require” of the words “in respect of”, and by the insertion therein, after the word “naturalization” of the words “make such enquiries as he may deem fit and require such person”; and
- (n) by the substitution in sub-section (13) for all the words after the word “not” of the following words: “be obliged to reconsider such application at any time, but shall not consider another application for a certificate of naturalization by or on behalf of such person until the expiration of a period of at least one year from the date upon which the person in question was advised of the Minister’s decision.”.

Substitution
of section 15 of
Act 44 of 1949.

10. The following section is hereby substituted for section *fifteen* of the principal Act:

“Loss of
South
African
citizenship
generally.

15. (1) Subject to the provisions of sub-section (2), a South African citizen shall cease to be a South African citizen if—

- (a) he, whilst outside the Union, and not being a minor, by some voluntary and formal act, other than marriage, acquires the citizenship or nationality of a country other than the Union; or
- (b) he in terms of the laws of any other country also has the citizenship or nationality of that country, and serves in the armed forces of such country while it is at war with the Union; or
- (c) he becomes a prohibited immigrant for purposes of admission to the Union.

(2) If a person referred to in paragraph (a) or (b) of sub-section (1) acquired the citizenship or nationality of the country in question while it was at war with the Union, he shall not cease to be a

- „(a) sy die vrou of weduwee van 'n Suid-Afrikaanse burger is en sy wettiglik tot die Unie vir permanente verblyf daarin toegelaat is en vir 'n tyderk van minstens drie jaar onmiddellik voor die datum van haar aansoek en ná die datum van haar huwelik met dié burger in die Unie gewoon het; of
- (b) sy die vrou van 'n Suid-Afrikaanse burger is, sy ingevolge 'n wetsbepaling op immigrasie toestemming verkry het om die Unie vir permanente verblyf daarin binne te kom en sy saam met haar eggenoot in die Unie of, terwyl hy in diens van die Regering van die Unie was, buite die Unie gewoon het vir 'n tydperk van minstens drie jaar.”;
- (i) deur sub-artikel (7) deur die volgende sub-artikel te vervang:
- „(7) By die toepassing van hierdie artikel word dit geag dat iemand wat op die datum waarop sy aansoek deur die Minister oorweeg word, aan die vereistes van hierdie artikel betreffende verblyf en gewone verblyf in die Unie sou voldoen, indien dié datum die datum van sy aansoek was, op die datum van sy aansoek daaraan voldoen het.”;
- (j) deur in sub-artikel (8) na die woorde „staatsburger was”, die woorde „of indien, volgens die oordeel van die Minister, besondere omstandighede in sy geval aanwesig is,” in te voeg, en die woord „sewe” deur die woord „agt” te vervang;
- (k) deur in sub-artikel (11) die woorde „binne 'n tydperk van drie” te vervang deur die woorde „of, indien hy op godsdienstige gronde teen die aflê van 'n eed beswaar het, 'n ooreenstemmende plechtige verklaring, binne 'n tydperk van ses”;
- (l) deur na genoemde sub-artikel die volgende sub-artikel in te voeg:
- „(11)*bis* Indien aan iemand 'n sertifikaat van naturalisasie ingevolge hierdie artikel toegeken is, word geen sertifikaat van naturalisasie aan hom uitgereik nie, tensy hy binne 'n tydperk van ses maande vanaf die datum waarop kennis van die toekenning van die sertifikaat gegee is, die voorwaardes nagekom het wat voorgeskryf is.”;
- (m) deur in sub-artikel (12), na die woord „kan”, die woorde „ten opsigte van”, en na die woord „het”, die woorde „die navrae instel wat hy wenslik ag, en so iemand” in te voeg; en
- (n) deur in sub-artikel (13) die woorde „heroorweeg die Minister nie daardie aansoek en” te vervang deur die woorde „is die Minister nie verplig om daardie aansoek te eniger tyd te heroorweeg nie, maar”.

10. Artikel vyftien van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 15 van Wet 44 van 1949.

- „Verbeuring van Suid-Afrikaanse burgerskap in die algemeen.
15. (1) Behoudens die bepalings van sub-artikel (2) hou 'n Suid-Afrikaanse burger op om 'n Suid-Afrikaanse burger te wees indien—
- (a) hy, terwyl hy buite die Unie is en nie 'n minderjarige is nie, die burgerskap of nasionaliteit van 'n ander land as die Unie deur een of ander vrywillige en formele handeling, behalwe 'n huwelik, verkry; of
- (b) hy ingevolge die wette van 'n ander land ook die burgerskap of nasionaliteit van daardie land besit, en in die weermag van dié land diens doen terwyl dit in 'n staat van oorlog met die Unie verkeer; of
- (c) hy vir die doeleindes van toelating tot die Unie 'n verbode immigrant word.
- (2) Indien iemand vermeld in paragraaf (a) of (b) van sub-artikel (1) die burgerskap of nasionaliteit van die betrokke land verkry het terwyl dit in 'n staat van oorlog met die Unie verkeer het, hou hy nie kragtens

South African citizen under that sub-section, unless the Minister by order deprives him of his South African citizenship.”.

Amendment of section 16 of Act 44 of 1949.

11. Section *sixteen* of the principal Act is hereby amended—
(a) by the substitution for sub-section (3) of the following sub-sections:

“(3) A South African citizen who was by virtue of the provisions of paragraph (a) of section *one* of the Union Nationality and Flags Act, 1927 (Act No. 40 of 1927), a Union national immediately prior to the date of commencement of this Act, and who acquired the citizenship or nationality of a country other than the Union before that date and while he was a minor, may at any time, if he has attained the age of twenty-one years, make a declaration in the prescribed form renouncing his South African citizenship.

(3)*bis* A woman who is a South African citizen by virtue of the provisions of paragraph (b) of sub-section (1) of section *fourteen* and who in consequence of marriage acquired the citizenship or nationality of a country other than the Union, may at any time during the subsistence of the marriage or thereafter make a declaration in the prescribed form renouncing her South African citizenship.”; and

- (b) by the addition at the end of sub-section (5) of the following words: “Provided that the Minister may refuse to cause any declaration made in terms of this section to be registered while the Union is at war with any other country.”.

Amendment of section 17 of Act 44 of 1949.

12. Section *seventeen* of the principal Act is hereby amended—

(a) by the deletion of the word “or” at the end of paragraph (d), and of paragraph (e) of sub-section (1); and

(b) by the addition at the end of sub-section (4) of the words “or in relation to a woman who is in terms of sub-section (1) of section *fourteen* deemed to be a South African citizen by registration”.

Insertion of section 19*bis* in Act 44 of 1949.

13. The following section is hereby inserted in the principal Act after section *nineteen*:

“De-privat^{ion} of South African citizenship on grounds of acquisition of citizenship of another country. 19*bis*. (1) The minister may by order deprive a South African citizen, who is not a minor, of his South African citizenship if he is satisfied that such citizen—

(a) has at any time after the commencement of this Act, by some voluntary and formal act in the Union, other than marriage, acquired the citizenship or nationality of a country other than the Union; or

(b) has at any time after the commencement of this Act, whether in or outside the Union—

(i) made an oath or other declaration of allegiance to any country other than the Union; or

(ii) made a declaration renouncing his South African citizenship with intent to accept any other citizenship or nationality.

(2) If the Minister in terms of sub-section (1) deprives a South African citizen of his citizenship, such citizen shall cease to be a South African citizen.”.

Insertion of section 20*bis* in Act 44 of 1949.

14. The following section is hereby inserted in the principal Act after section *twenty*:

“De-privat^{ion} of citizenship in case of children. 20*bis*. (1) Whenever the responsible parent of a minor has in terms of the provisions of section *fifteen*, *nineteen*, *nineteen bis* or *twenty* ceased to be a South African citizen, the Minister may order that such minor, if he was born outside the Union, shall cease to be a South African citizen.

(2) Any person who has under sub-section (1) ceased to be a South African citizen, may at any time within one year after attaining the age of twenty-one years make a declaration in the pre-

daardie sub-artikel op om 'n Suid-Afrikaanse burger te wees nie, tensy die Minister hom by bevel sy Suid-Afrikaanse burgerskap ontnem.".

11. Artikel *sestien* van die Hoofwet word hierby gewysig— Wysiging van artikel 16 van Wet 44 van 1949.
- (a) deur sub-artikel (3) deur die volgende sub-artikels te vervang:
- „(3) 'n Suid-Afrikaanse burger wat uit hoofde van die bepalings van paragraaf (a) van artikel *een* van die Unie Nasionaliteit en Vlae Wet, 1927 (Wet No. 40 van 1927), onmiddellik voor die datum van die inwerkingtreding van hierdie Wet 'n Unie-staatsburger was en wat voor daardie datum en terwyl hy 'n minderjarige was, die burgerskap of nasionaliteit van 'n ander land as die Unie verkry het, kan te eniger tyd, indien hy die ouderdom van een-en-twintig jaar bereik het, 'n verklaring in die voorgeskrewe vorm doen waarin hy van sy Suid-Afrikaanse burgerskap afstand doen.
- (3)*bis* 'n Vrou wat uit hoofde van die bepalings van paragraaf (b) van sub-artikel (1) van artikel *veertien* 'n Suid-Afrikaanse burger is en wat ten gevolge van 'n huwelik die burgerskap of nasionaliteit van 'n ander land as die Unie verkry het, kan te eniger tyd gedurende die bestaan van die huwelik, of daarna, 'n verklaring in die voorgeskrewe vorm doen waarin sy van haar Suid-Afrikaanse burgerskap afstand doen.”; en
- (b) deur aan die end van sub-artikel (5) die volgende woorde by te voeg: „Met dien verstande dat die Minister kan weier om enige verklaring wat ingevolge hierdie artikel gedoen word, te laat registreer terwyl die Unie in 'n staat van oorlog met 'n ander land verkeer.”.

12. Artikel *sewentien* van die Hoofwet word hierby gewysig— Wysiging van artikel 17 van Wet 44 van 1949.
- (a) deur die woord „of” aan die end van paragraaf (d), en paragraaf (e) van sub-artikel (1) te skrap; en
- (b) deur in sub-artikel (4) na die woorde „verkry het” die woorde „of met betrekking tot 'n vrou wat ingevolge sub-artikel (1) van artikel *veertien* geag word 'n Suid-Afrikaanse burger deur registrasie te wees” in te voeg.

13. Die volgende artikel word hierby in die Hoofwet na Invoeging van artikel 19*bis* in Wet 44 van 1949.
- artikel *negentien* ingevoeg:
- „Ontneming van Suid-Afrikaanse burgerskap op grond van verkryging van burgerskap van 'n ander land. 19*bis*. (1) Die Minister kan 'n Suid-Afrikaanse burger wat nie 'n minderjarige is nie, sy Suid-Afrikaanse burgerskap deur bevel ontnem indien hy oortuig is dat so 'n burger—
- (a) te eniger tyd ná die inwerkingtreding van hierdie Wet die burgerskap of nasionaliteit van 'n ander land as die Unie verkry het deur een of ander vrywillige en formele handeling in die Unie, behalwe 'n huwelik; of
- (b) te eniger tyd ná die inwerkingtreding van hierdie Wet, binne of buite die Unie—
- (i) 'n eed of ander verklaring van getrouheid aan 'n ander land as die Unie afgelê het; of
- (ii) 'n verklaring afgelê het waarin hy van sy Suid-Afrikaanse burgerskap afstand gedoen het met die doel om 'n ander burgerskap of nasionaliteit te aanvaar.
- (2) Indien die Minister ingevolge sub-artikel (1) 'n Suid-Afrikaanse burger sy burgerskap ontnem, hou sodanige burger op om 'n Suid-Afrikaanse burger te wees.”.

14. Die volgende artikel word hierby in die Hoofwet na Invoeging van artikel 20*bis* in Wet 44 van 1949.
- artikel *twintig* ingevoeg:
- „Ontneming van burgerskap in die geval van kinders. 20*bis*. (1) Wanneer die verantwoordelike ouer van 'n minderjarige ingevolge die bepalings van artikel *vyftien*, *negentien*, *negentien bis* of *twintig* opgehou het om 'n Suid-Afrikaanse burger te wees, kan die Minister gelas dat daardie minderjarige, indien hy buite die Unie gebore is, ophou om 'n Suid-Afrikaanse burger te wees.
- (2) Iemand wat kragtens sub-artikel (1) opgehou het om 'n Suid-Afrikaanse burger te wees, kan te eniger tyd binne 'n jaar nadat hy die ouderdom van een-en-twintig jaar bereik het, 'n verklaring in die

scribed form that he wishes to resume South African citizenship, and if the Minister thinks fit he may direct that such declaration be registered, and upon registration thereof such person shall resume his former South African citizenship.”.

Amendment of Section 21 of Act 44 of 1949.

15. Section *twenty-one* of the principal Act is hereby amended by the addition thereto of the following sub-section:

“(3) Whenever a person ceases to be a South African citizen under the provisions of section *twenty bis*, he shall be regarded as having the citizenship or nationality which he had before he became a South African citizen, and if he had no other citizenship or nationality, he shall be regarded as having the citizenship or nationality of his responsible parent.”.

Insertion of section *25bis* in Act 44 of 1949.

16. The following section is hereby inserted in the principal Act after section *twenty-five*:

“Re-
sumption
of South
African
citizenship.

25bis. If any person who in terms of the provisions of section *fifteen* ceased to be a South African citizen by reason of the acquisition by him, by some voluntary and formal act, of the citizenship or nationality of any country or territory in Africa or of any other country by virtue of his residence in any country or territory in Africa, returns to the Union for permanent residence therein and is not a prohibited immigrant under the law then in force in the Union, the Minister may upon application in the prescribed form allow such person to resume his former South African citizenship and issue to him a certificate to that effect in the prescribed form.”.

Amendment of section 27 of Act 44 of 1949.

17. Section *twenty-seven* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the word “shall” of the word “may”; and
- (b) by the insertion in sub-section (2), after the word “indicate”, of the words “in addition to such other particulars as the Minister may think fit,”

Amendment of section 29 of Act 44 of 1949.

18. Section *twenty-nine* of the principal Act is hereby amended—

- (a) by the deletion of paragraph (a) of sub-section (1);
- (b) by the deletion in paragraph (b) of the said sub-section of the words “and in one Afrikaans and one English newspaper circulating in the district in which he ordinarily resides,”;
- (c) by the substitution in paragraph (c) of the said sub-section for all the words after the word “published” of the words “that notice”;
- (d) by the addition at the end of sub-section (2) of the words “or in respect of a person referred to in sub-section (6), (8) or (10) of the said section”; and
- (e) by the deletion of sub-section (3).

Amendment of section 35 of Act 44 of 1949.

19. Section *thirty-five* of the principal Act is hereby amended by the insertion in sub-section (1), after the word “Act”, of the words “or a prior law”.

Amendment of section 36 of Act 44 of 1949.

20. Section *thirty-six* of the principal Act is hereby amended by the insertion after the word “was” of the words “resident or”.

Insertion of section *36bis* in Act 44 of 1949.

21. The following section is hereby inserted in the principal Act after section *thirty-six*:

“Delegation of powers and duties. *36bis*. The Minister may authorize any officer in his Department to exercise or perform subject to his control and directions any power or duty conferred or imposed upon him by this Act, and any power or duty so exercised or performed by any such officer, shall be deemed to have been exercised or performed by the Minister.”.

Amendment of section 39 of Act 44 of 1949.

22. Section *thirty-nine* of the principal Act is hereby amended—

voorgeskrewe vorm aflê dat hy verlang om Suid-Afrikaanse burgerskap terug te neem, en indien die Minister dit goedvind kan hy gelas dat sodanige verklaring geregistreer word, en by registrasie daarvan herneem sodanige persoon sy vorige Suid-Afrikaanse burgerskap."

15. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg: Wysiging van artikel 21 van Wet 44 van 1949
- "(3) Wanneer iemand kragtens die bepalings van artikel *twintig bis* ophou om 'n Suid-Afrikaanse burger te wees, word hy geag die burgerskap of nasionaliteit te besit wat hy gehad het voordat hy 'n Suid-Afrikaanse burger geword het, en indien hy nie 'n ander burgerskap of nasionaliteit besit het nie, word hy geag die burgerskap of nasionaliteit van sy verantwoordelike ouer te besit."
16. Die volgende artikel word hierby in die Hoofwet na artikel *vyf-en-twintig* ingevoeg: Invoeging van artikel 25*bis* in Wet 44 van 1949.
- „Herneming 25*bis*. Indien iemand wat ingevolge die bepalings van artikel *vyftien* opgehou het om 'n Suid-Afrikaanse burger te wees omrede die verkryging deur hom, deur een of ander vrywillige en formele handeling, van die burgerskap of nasionaliteit van enige land of gebied in Afrika of van enige ander land uit hoofde van sy verblyf in enige land of gebied in Afrika, na die Unie terugkeer vir permanente verblyf daarin en volgens die wetsbepalings wat dan in die Unie van krag is, nie 'n verbode immigrant is nie, kan die Minister op aansoek in die voorgeskrewe vorm so iemand toelaat om sy vorige Suid-Afrikaanse burgerskap te herneem en 'n sertifikaat te dien effekte in die voorgeskrewe vorm aan hom uitreik."
17. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 27 van Wet 44 van 1949.
- (a) deur in sub-artikel (1) die woord „moet” deur die woord „kan” te vervang; en
- (b) deur in sub-artikel (2) na die woord „aan” die woorde „benewens die ander besonderhede wat die Minister goedvind,” in die voeg.
18. Artikel *nege-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 29 van Wet 44 van 1949.
- (a) deur paragraaf (a) van sub-artikel (1) te skrap;
- (b) deur in paragraaf (b) van genoemde sub-artikel die woorde „en in een Afrikaanse en een Engelse nuusblad wat in die distrik waarin hy sy gewone verblyf het, in omloop is,” te skrap;
- (c) deur in paragraaf (c) van genoemde sub-artikel al die woorde na die woord „hy” te vervang deur die woorde „daardie kennisgewing aldus laat publiseer het”;
- (d) deur in sub-artikel (2) na die woord „word” die volgende woorde in te voeg: „of ten opsigte van iemand vermeld in sub-artikel (6), (8) of (10) van genoemde artikel”; en
- (e) deur sub-artikel (3) te skrap.
19. Artikel *vyf-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „Wet”, die woorde „of 'n vorige wet” in te voeg. Wysiging van artikel 35 van Wet 44 van 1949.
20. Artikel *ses-en-dertig* van die Hoofwet word hierby gewysig deur na die woord „sy”, waar dit die eerste maal voorkom, die woorde „verblyf of” in te voeg. Wysiging van artikel 36 van Wet 44 van 1949.
21. Die volgende artikel word hierby in die Hoofwet na artikel *ses-en-dertig* ingevoeg: Invoeging van artikel 36*bis* in Wet 44 van 1949.
- „Oordrag 36*bis*. Die Minister kan 'n amptenaar in sy Departement magtig om onderworpe aan sy beheer en voorskrifte 'n bevoegdheid of plig wat deur hierdie Wet aan hom verleen of opgedra word, uit te oefen of uit te voer, en 'n bevoegdheid of plig wat aldus deur so 'n amptenaar uitgeoefen of uitgevoer word, word geag deur die Minister uitgeoefen of uitgevoer te gewees het."
22. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 39 van Wet 44 van 1949.

- (a) by the substitution in paragraph (b) for the words "or *twenty*" of the words "*nineteen bis, twenty or twenty bis*"; and
- (b) by the substitution for paragraph (d) of the following paragraph:
- "(d) once in every three months cause to be published in the *Gazette* a return of all persons to whom certificates of registration or naturalization have been issued during the preceding three months, and in that return cause to be set forth, in respect of each such person—
- (i) his full name;
 - (ii) his date of birth;
 - (iii) his place of birth;
 - (iv) his citizenship or nationality immediately prior to the grant of the certificate of registration or naturalization;
 - (v) the date of the issue and number of such certificate; and
 - (vi) such other information as he may from time to time deem fit."

Substitution of First Schedule to Act 44 of 1949.

23. The following Schedule is hereby substituted for the First Schedule to the principal Act:

"First Schedule.

OATH OF ALLEGIANCE.

I, A.B., do hereby swear that at all times I will be faithful to the Union of South Africa, will faithfully observe the Law of the said Union, and will fulfil my duties as a South African citizen."

Commencement of certain provisions.

24. (1) Sections *two, four and five*, paragraph (a) of section *six*, and section *seven* shall be deemed to have come into operation on the second day of September, 1949, and section *sixteen* on the twenty-fourth day of November, 1960.

(2) The provisions of sections *one and three*, paragraph (b) of section *six*, sections *eight to fifteen* inclusive and sections *seventeen to twenty-three* inclusive shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette* and different dates may be so fixed in respect of different provisions.

Application of Act.

25. This Act shall apply in the Territory of South-West Africa and in the Prince Edward Islands.

Short title.

26. This Act shall be called the South African Citizenship Amendment Act, 1961.

- (a) deur in paragraaf (b) die woorde „of *twintig*” deur die woorde „*negentien bis, twintig of twintig bis*” te vervang; en
- (b) deur paragraaf (d) deur die volgende paragraaf te vervang:
- „(d) een maal in elke drie maande in die *Staatskoerant* 'n opgawe laat publiseer van alle persone aan wie sertifikate van registrasie of naturalisasie gedurende die voorafgaande drie maande uitgereik is, en in daardie opgawe met betrekking tot iedere sodanige persoon laat uiteensit—
- (i) sy volle naam;
 - (ii) sy geboortedatum;
 - (iii) sy geboorteplek;
 - (iv) sy burgerskap of nasionaliteit onmiddellik voor die toekenning van die sertifikaat van registrasie of naturalisasie;
 - (v) die datum van uitreiking en nommer van sodanige sertifikaat; en
 - (vi) die ander besonderhede wat hy van tyd tot tyd mag goedvind.”

23. Die Eerste Bylae by die Hoofwet word hierby deur die volgende bylae vervang: Vervanging van Eerste Bylae by Wet 44 van 1949.

„Eerste Bylae.

EED VAN GETROUHEID.

Ek, A.B., sweer hierby dat te alle tye ek getrou sal wees aan die Unie van Suid-Afrika, die Reg van genoemde Unie getrou sal nakom, en my pligte as Suid-Afrikaanse burger sal vervul.”

24. (1) Artikels *twee, vier en vyf*, paragraaf (a) van artikel *ses*, en artikel *sewe* word geag op die tweede dag van September 1949, en artikel *sestien* op die vier-en-twintigste dag van November 1960 in werking te getree het. Inwerkingtreeding van sekere bepalings.

(2) Die bepalings van artikels *een en drie*, paragraaf (b) van artikel *ses*, artikels *agt* tot en met *vyftien* en artikels *sewentien* tot en met *drie-en-twintig* tree in werking op die datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, en hy kan verskillende datums ten opsigte van verskillende bepalings aldus bepaal.

25. Hierdie Wet is in die Gebied Suidwes-Afrika en in die Prince Edward-eilande van toepassing. Toepassing van Wet.

26. Hierdie Wet heet die Wysigingswet op Suid-Afrikaanse Burgerskap, 1961. Kort titel.

No. 65, 1961.]

ACT**To provide for certain pensions, grants, gratuities and other benefits.***(English text signed by the State President.)
(Assented to 28th June, 1961.)***BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Granting of certain benefits.

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

Short title.

2. This Act shall be called the Pensions (Supplementary) Act, 1961.**Schedule.****1.** If F. A. T. da Costa, R. J. B. de Souza, M. G. Fabre, A. F. Freitas, J. C. F. D. Pinto and M. I. A. Pinto, presently temporary clerks in the Department of Customs and Excise, are retired on any of the grounds referred to in sub-section (1) of section *sixty-nine* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), and become entitled to the benefits prescribed by paragraph (c) of that sub-section, there shall, in addition to such benefits, be paid to each of them a gratuity equal to the difference between—

- (a) the gratuity which could have been paid to each of them under sub-paragraph (ii) of paragraph (c) of sub-section (1) of section *thirty-nine* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), had that section not been amended by section *eight* of Act No. 32 of 1946 and had the said Act No. 32 of 1936 not been repealed by Act No. 58 of 1955; and
- (b) a gratuity calculated at the rate of ten rand for each rand of—
 - (i) any annuity accruing to each of them in terms of paragraph (c) of sub-section (1) of section *sixty-nine* of Act No. 58 of 1955; and
 - (ii) an annuity of two hundred rand.

2. There shall be paid to H. C. Rossouw, formerly senior road inspector, Transvaal Provincial Administration, from the Union Pension Fund a gratuity of R1,229.41 and an annuity of R341.50, with effect from the day on which he attains the age of sixty years.**3.** The award to Enid C. C. Joubert, widow of Captain the Honourable F. A. Joubert, Administrator of the Cape Province, of a pension of R300 per annum, with effect from 1st April, 1961, payable during widowhood.**4.** The award to Zacharia S. J. Potgieter, widow of burgher C. M. Potgieter, who served with the Republican forces during the Anglo-Boer War, 1899-1902, with effect from 1st April, 1960, of a pension of R276 per annum, payable during widowhood.**5.** The award to Catharina S. Meyer, who was wounded during the Anglo-Boer War, of a pension of R180 per annum, with effect from 1st April, 1960.**6.** The award, on compassionate grounds, to Janet M. Derby, with effect from 1st April, 1961, of a pension of R156 per annum: Provided that such pension shall lapse with effect from the date from which she is granted a pension under the Old Age Pensions Act, 1928.**7.** The award to Elsie C. E. Rocke, with effect from 1st April, 1960, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section *one* of that Act.**8.** The award to J. M. Koster, with effect from 1st April, 1961, of the pension to which he would have been entitled under the provisions of the Old Age Pensions Act, 1928, had his case conformed to the requirements of paragraph (d) of section *one* of that Act.**9.** The award to Gloudina M. M. Lewis, with effect from 1st April, 1961, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section *one* of that Act.**10.** The award to Dorothea R. Trichard, with effect from 1st April, 1961, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section *one* of that Act.

No. 65, 1961.]

WET**Om voorsiening te maak vir sekere pensioene, toelaes, gratifikasies en ander voordele.***(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1961.)***DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Ondanks andersluidende wetsbepalings, is elke persoon wat in 'n item van die Bylae by hierdie Wet as 'n bevoordeelde aangewys word, op die in daardie item vermelde voordeel geregtig. Toekenning van sekere voordele.
2. Hierdie Wet heet die Wet tot Aanvulling van Pensioene, 1961. Kort titel.

Bylae.

1. Indien F. A. T. da Costa, R. J. B. de Souza, M. G. Fabre, A. F. Freitas, J. C. F. D. Pinto en M. I. A. Pinto, tans tydelike klerke in die Departement van Doecane en Aksyns, op enige van die gronde vermeld in sub-artikel (1) van artikel *nege-en-sestig* van die Regeringsdienspensioenwet, 1955 (Wet No. 58 van 1955), afgedank word en op die voordele wat deur paragraaf (c) van daardie sub-artikel voorgeskryf word, geregtig word, word daar aan elkeen van hulle, benewens sodanige voordele, 'n gratifikasie betaal gelyk aan die verskil tussen—

- (a) die gratifikasie wat ingevolge sub-paragraaf (ii) van paragraaf (c) van sub-artikel (1) van artikel *nege-en-dertig* van die Regeringse diens Pensioenwet, 1936 (Wet No. 32 van 1936), aan elkeen van hulle betaal kon gewees het indien daardie artikel nie deur artikel *agt* van Wet No. 32 van 1946 gewysig is nie en indien bedoelde Wet No. 32 van 1936 nie deur Wet No. 58 van 1955 herroep is nie; en
- (b) 'n gratifikasie bereken volgens die skaal van tien rand vir elke rand van—
 - (i) enige jaargeld wat ingevolge paragraaf (c) van sub-artikel (1) van artikel *nege-en-sestig* van Wet No. 58 van 1955 aan elkeen van hulle verskuldig word; en
 - (ii) 'n jaargeld van tweehonderd rand.

2. Daar word aan H. C. Rossouw, voorheen senior padinspekteur, Transvaalse Provinsiale Administrasie, met ingang van die datum waarop hy die ouderdom van sestig jaar bereik 'n gratifikasie van R1,229.41 en 'n jaargeld van R341.50 uit die Unie-pensioenfonds betaal.

3. Die toekenning aan Enid C. C. Joubert, weduwee van Sy Edel-Kaptein F. A. Joubert, Administrateur van die Kaapprovinsie, van 'n pensioen van R300 per jaar, met ingang van 1 April 1961, betaalbaar gedurende weduweeskap.

4. Die toekenning aan Zacharia S. J. Potgieter, weduwee van burger C. M. Potgieter, wat gedurende die Anglo-Boere-oorlog, 1899-1902, in die Republikeinse magte gedien het, met ingang van 1 April 1960 van 'n pensioen van R276 per jaar, betaalbaar gedurende weduweeskap.

5. Die toekenning aan Catharina S. Meyer, wat gedurende die Anglo-Boere-oorlog gewond is, van 'n pensioen van R180 per jaar met ingang van 1 April 1960.

6. Die toekenning op gronde van barmhartigheid aan Janet M. Derby, met ingang van 1 April 1961, van 'n pensioen van R156 per jaar: Met dien verstande dat bedoelde pensioen verval met ingang van die datum waarvan 'n pensioen kragtens die Ouderdomspensioenwet, 1928, aan haar toegeken word.

7. Die toekenning aan Elsie C. E. Rocke, met ingang van 1 April 1960, van die pensioen waarop sy kragtens die bepaling van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel *een* van daardie Wet voldoen het.

8. Die toekenning aan J. M. Koster, met ingang van 1 April 1961, van die pensioen waarop hy kragtens die bepaling van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (d) van artikel *een* van daardie Wet voldoen het.

9. Die toekenning aan Gloudina M. M. Lewis, met ingang van 1 April 1961, van die pensioen waarop sy kragtens die bepaling van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel *een* van daardie Wet voldoen het.

10. Die toekenning aan Dorothea R. Trichard, met ingang van 1 April 1961, van die pensioen waarop sy kragtens die bepaling van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel *een* van daardie Wet voldoen het.

11. The pension of Louise E. Lansdown, widow of C. W. H. Lansdown, formerly Judge President of the Eastern Districts Local Division of the Supreme Court of South Africa, shall be increased from R480 to R720 per annum, with effect from 1st April, 1961.

12. The Honourable M. C. J. van Rensburg, formerly senator, shall be deemed to have elected in terms of sub-section (1) of section *three* of the Parliamentary Service and Administrators' Pensions Act, 1951, as amended, to count the period of his service as senator prior to 1st July, 1951, as pensionable service.

13. For the purposes of section *four* of the War Special Pensions Act, 1919, the pre-war earnings of Y. E. Slaney, formerly No. 10584, private, 4th South African Infantry, shall be accepted at R900 per annum, with effect from 1st April, 1961.

14. For the purposes of section *four* of the War Special Pensions Act, 1919, the pre-war earnings of G. C. Steyn, formerly No. 10344, private, 7th South African Infantry, shall be accepted at R900 per annum, with effect from 1st April, 1960.

15. The award to Blanche M. Bower, widow of H. G. Bower, formerly No. 1091, gunner, South African Heavy Artillery, with effect from 1st April, 1961, of the alternative allowance to which she would have been entitled in terms of section *eighteen* of the War Special Pensions Act, 1919, had the pre-war earnings of the said H. G. Bower amounted to R625 per annum.

16. The award to Nora Cooper, widow of J. H. Cooper, formerly No. 6238, private, 9th South African Infantry, with effect from 1st April, 1961, of the alternative allowance to which she would have been entitled in terms of section *eighteen* of the War Special Pensions Act, 1919, had the pre-war earnings of the said J. H. Cooper amounted to R625 per annum.

17. The award to Ivy P. Fox, widow of A. J. C. Fox, formerly lieutenant, 9th Royal Welsh Fusiliers, with effect from 1st April, 1961, of the alternative allowance to which she would have been entitled in terms of section *eighteen* of the War Special Pensions Act, 1919, had the pre-war earnings of the said A. J. C. Fox amounted to R625 per annum.

18. The award to Nellie Laxson, widow of W. Laxson, formerly No. X35, lance corporal, 1st South African Infantry, with effect from 1st April, 1961, of the alternative allowance to which she would have been entitled in terms of section *eighteen* of the War Special Pensions Act, 1919, had the pre-war earnings of the said W. Laxson amounted to R625 per annum.

19. The applications for compensation by the following persons shall be considered as if such applications had been lodged under the War Special Pensions Act, 1919, prior to the first day of April, 1932, subject to the condition that no compensation shall be payable in respect of any period prior to the first day of April, 1960:—

- (a) J. L. du Plessis, formerly No. 697, private, 5th Mounted Brigade;
- (b) W. M. Oosthuizen, formerly No. 7283, corporal, 1st South African Infantry;
- (c) C. I. K. J. van Rensburg, formerly No. 392, sergeant, 1st South African Mounted Rifles; and
- (d) W. H. Welsh, formerly No. 8948, private, 1st South African Infantry.

20. The applications for compensation by the following persons shall be considered as if such applications had been lodged under the War Special Pensions Act, 1919, prior to the first day of April, 1932, subject to the condition that no compensation shall be payable in respect of any period prior to the first day of April, 1961:—

- (a) P. L. de Kock, formerly No. 4109, private, 9th South African Horse; and
- (b) A. S. Matthews, formerly No. M. 12426, private, 1st South African Infantry.

21. The award to Cornelia E. Botha, widow of the late Johannes Marthinus Botha, ex stone mason, South African Railways, of compensation in respect of the death on 15th July, 1958, of her late husband as a result of silicosis which he contracted in the course of his employment as a stone mason with the South African Railways, which shall be assessed as if the provisions of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), had been applicable to him as at the date of his retirement, viz. 3rd December, 1949, and the said compensation shall be payable to her as from 16th July, 1958.

22. Subject to such conditions as the Secretary for Social Welfare and Pensions may determine, the following persons shall be deemed to have elected in terms of sub-section (1) of section *five* of the Government Service Pensions Act, 1955, to become contributors to the South African Police and Prisons Service Pension Fund:—

- (a) M. M. J. Benade, No. 15299, constable, South African Police;
- (b) D. J. Booysen, No. 14797, detective head constable, South African Police;
- (c) H. S. Dorey, major, South African Police;
- (d) W. J. A. Murray, No. 15585, detective head constable, South African Police;
- (e) S. G. Venter, No. 16116, constable, South African Police;
- (f) R. D. H. Vorster, No. 13261, constable, South African Police; and
- (g) P. M. Wilmans, No. 14297, sergeant, South African Police.

23. J. C. Hall, stores officer, grade II, Department of Education, Arts and Science, shall be deemed to have elected in terms of sub-section (2) of section *twenty-two* of the Government Service Pensions Act, 1955, to contribute to the Union Pensions Fund in respect of his service from 29th July, 1953.

11. Die pensioen van Louise E. Lansdown, weduwee van C. W. H. Lansdown, voorheen Regter-president van die Plaaslike Afdeling Oostelike Distrikte van die Hooggeregshof van Suid-Afrika, word met ingang van 1 April 1961 van R480 tot R720 per jaar verhoog.

12. Die Edelagbare M. C. J. van Rensburg, voorheen senator, word geag ooreenkomstig sub-artikel (1) van artikel *drie* van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1951, soos gewysig, te gekies het om die tydperk van sy diens as senator vóór 1 Julie 1951 as pensioengewende diens te tel.

13. By die toepassing van artikel *vier* van die „Oorlogs Speciale Pensioenen Wet, 1919”, word die vooroorlogse verdienste van Y. E. Slaney, voorheen No. 10584, manskap, 4de Suid-Afrikaanse Infanterie, met ingang van 1 April 1961 teen R900 per jaar aanvaar.

14. By die toepassing van artikel *vier* van die „Oorlogs Speciale Pensioenen Wet, 1919”, word die vooroorlogse verdienste van G. C. Steyn, voorheen No. 10344, manskap, 7de Suid-Afrikaanse Infanterie, met ingang van 1 April 1960 teen R900 per jaar aanvaar.

15. Die toekening aan Blanche M. Bower, weduwee van H. G. Bower, voorheen No. 1091, kanonnier, Suid-Afrikaanse Swaargeskut, met ingang van 1 April 1961, van die alternatiewe toelae waarop sy ingevolge artikel *agtien* van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien die vooroorlogse verdienste van bedoelde H. G. Bower R625 per jaar bedra het.

16. Die toekening aan Nora Cooper, weduwee van J. H. Cooper, voorheen No. 6238, manskap, 9de Suid-Afrikaanse Infanterie, met ingang van 1 April 1961, van die alternatiewe toelae waarop sy ingevolge artikel *agtien* van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien die vooroorlogse verdienste van bedoelde J. H. Cooper R625 per jaar bedra het.

17. Die toekening aan Ivy P. Fox, weduwee van A. J. C. Fox, voorheen luitenant, 9de Koninklike Walliese Fuseliers, met ingang van 1 April 1961, van die alternatiewe toelae waarop sy ingevolge artikel *agtien* van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien die vooroorlogse verdienste van bedoelde A. J. C. Fox R625 per jaar bedra het.

18. Die toekening aan Nellie Laxson, weduwee van W. Laxson, voorheen No. X35, onderkorporaal, 1ste Suid-Afrikaanse Infanterie, met ingang van 1 April 1961, van die alternatiewe toelae waarop sy ingevolge artikel *agtien* van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien die vooroorlogse verdienste van bedoelde W. Laxson R625 per jaar bedra het.

19. Die aansoek om vergoeding deur die volgende persone word beskou asof bedoelde aansoek voor die eerste dag van April 1932 ingevolge die „Oorlogs Speciale Pensioenen Wet, 1919”, ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van enige tydperk voor die eerste dag van April 1960 betaalbaar is nie:—

- (a) J. L. du Plessis, voorheen No. 697, manskap, 5de Berede Brigade;
- (b) W. M. Oosthuizen, voorheen No. 7283, korporaal, 1ste Suid-Afrikaanse Infanterie;
- (c) C. I. K. J. van Rensburg, voorheen No. 392, sersant, 1ste Suid-Afrikaanse Berede Skutters; en
- (d) W. H. Welsh, voorheen No. 8948, manskap, 1ste Suid-Afrikaanse Infanterie.

20. Die aansoek om vergoeding deur die volgende persone word beskou asof bedoelde aansoek voor die eerste dag van April 1932 ingevolge die „Oorlogs Speciale Pensioenen Wet, 1919”, ingedien was, onderworpe aan die voorwaarde dat geen vergoeding ten opsigte van enige tydperk voor die eerste dag van April 1961 betaalbaar is nie:—

- (a) P. L. de Kock, voorheen No. 4109, manskap, 9de Suid-Afrikaanse Ruiters; en
- (b) A. S. Matthews, voorheen No. M. 12426, manskap, 1ste Suid-Afrikaanse Infanterie.

21. Die toekening aan Cornelia E. Botha, weduwee van wyle Johannes Marthinus Botha, gewese klipmesselaar, Suid-Afrikaanse Spoorweë, van skadeloosstelling ten opsigte van haar oorlede eggenoot se afsterwe op 15 Julie 1958 as gevolg van silikose wat hy opgedoen het in die loop van sy diens as 'n klipmesselaar by die Suid-Afrikaanse Spoorweë, wat bereken sal word asof die bepalings van die Ongevalwet, 1941 (Wet No. 30 van 1941), op hom van toepassing was op die datum waarop hy uit diens getree het, t.w. 3 Desember 1949, en bedoelde skadeloosstelling is aan haar betaalbaar vanaf 16 Julie 1958.

22. Behoudens enige voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene bepaal, word die volgende persone geag ooreenkomstig sub-artikel (1) van artikel *vyf* van die Regeringsdiens-pensioenwet, 1955, te gekies het om bydraers tot die Suid-Afrikaanse Polisie- en Gevangensdiens-pensioenfonds te word:—

- (a) M. M. J. Benade, No. 15299, konstabel, Suid-Afrikaanse Polisie;
- (b) D. J. Booyens, No. 14797, speurderhoofkonstabel, Suid-Afrikaanse Polisie;
- (c) H. S. Dorey, majoor, Suid-Afrikaanse Polisie;
- (d) W. J. A. Murray, No. 15585, speurderhoofkonstabel, Suid-Afrikaanse Polisie;
- (e) S. G. Venter, No. 16116, konstabel, Suid-Afrikaanse Polisie;
- (f) R. D. H. Vorster, No. 13261, konstabel, Suid-Afrikaanse Polisie; en
- (g) P. M. Wilmans, No. 14297, sersant, Suid-Afrikaanse Polisie.

23. J. C. Hall, voorradebeampte, graad II, Departement van Onderwys, Kuns en Wetenskap, word geag ooreenkomstig sub-artikel (2) van artikel *twee-en-twintig* van die Regeringsdiens-pensioenwet, 1955, te gekies het om tot die Unie-pensioenfonds by te dra ten opsigte van sy diens vanaf 29 Julie 1953.

24. The period of military service of Z. van Rensburg, principal administrative officer, Department of Lands, from 2nd April, 1940, to 23rd September, 1945, shall, notwithstanding the expiry of the Public Servants (Military Service) Act, 1944, and notwithstanding any contrary election made under sub-section (5) of section *four* of that Act, be deemed to be included in the pensionable service of the said Z. van Rensburg as if he had elected in terms of the said sub-section within the prescribed period to have the said period of military service included in his pensionable service.

25. There shall be added to the pensionable service of W. T. W. Dedekind, teacher, Transvaal Education Department, for the purpose of calculating any pension or other benefit to which he may become entitled from the Transvaal Teachers' Pension Fund, the period 1st November, 1941, to 16th January, 1950, and in respect of that period there shall be paid from the Consolidated Revenue Fund to the said Teachers' Pension Fund:—

- (a) An amount equal to the contributions which would have been payable by and in respect of him to that fund had he been a member thereof and contributed thereto during the said period at a rate and on pensionable emoluments to be determined by the Secretary for Social Welfare and Pensions after consultation with the Director of Education, Transvaal;
- (b) interest on such contributions at the rate of five per cent. per annum, annually compounded as at the thirty-first day of March and calculated according to the dates upon which the said contributions would have become payable, up to and including the 16th January, 1950;
- (c) on the total amount of the contributions and interest payable under paragraphs (a) and (b), interest at the rate of four per cent. per annum, compounded annually as at the thirty-first day of March and calculated up to the date on which that amount is paid to the said Teachers' Pension Fund:

Provided that if he resigns or is discharged on account of misconduct before he attains the age at which he has the right to retire on pension from the service of the said Department, there shall be deducted from any benefit payable to him from the said Teachers' Pension Fund, and repaid to the Consolidated Revenue Fund, an amount equal to one-half of the amount referred to in paragraph (a).

26. Subject to such conditions as the Secretary for Social Welfare and Pensions may determine and to the payment by W. J. du P. Erlank, professor, University of Stellenbosch, to the University Institutions Provident Fund of the sum of R2,607.59 together with interest thereon at the rate of four per cent. per annum, compounded annually as at the 31st March, from the 1st January, 1950, to date of payment, he shall, for the purposes of section *seventeen* of the Transvaal Teachers' Pensions Ordinance, 1959, and the regulations governing the Provident Fund and Pension Scheme for University Institutions, be deemed—

- (a) to have been transferred from the service of the Transvaal Education Department to the service of the said University with effect from the 1st January, 1950; and
- (b) to have elected within the prescribed period to reckon his pensionable service as a teacher from the 18th January, 1921, to the 31st December, 1949, as service for the purpose of the said scheme.

27. The break in service of P. C. Robins, No. P9553, staff sergeant¹ South African Permanent Force, from 30th December, 1937, to 31st December, 1937, shall be condoned for pension purposes being regarded as special leave of absence without pay not counting as service, and subject to such conditions as the Secretary for Social Welfare and Pensions may determine he shall be permitted to contribute to the South African Permanent Force Pension Fund in accordance with the scale set forth in sub-section (1) of section *thirty-three* of the Government Service Pensions Act, 1955, in respect of his service from 20th January, 1936, to 29th December, 1937.

28. The award to J. G. Malan, with effect from 1st April, 1961, of the veterans' pension to which he would have been entitled under the provisions of Part II of the War Pensions Act, 1941, had his case conformed to the requirements of paragraph (c) of sub-section (1) of section *thirty* of that Act.

24. Die tydperk van militêre diens van Z. van Rensburg, eerste administratiewe beampte, Departement van Lande, vanaf 2 April 1940 tot 23 September 1945 word, nie teenstaande die buitewerkingtrekking van die Wet op Staatsamptenare (Militêre Diens), 1944, en nie teenstaande enige strydige keuse kragtens sub-artikel (5) van artikel vier van daardie Wet gedoen, geag ingesluit te wees by die pensioengewende diens van bedoelde Z. van Rensburg asof hy kragtens bedoelde sub-artikel binne die voorgeskrewe tydperk gekies het om bedoelde tydperk van militêre diens by sy pensioengewende diens te laat insluit.

25. Vir die doeleindes van die berekening van enige pensioen of ander voordeel waarop W. T. W. Dedekind, onderwyser, Transvaalse Onderwysdepartement, uit die Transvaalse Onderwyserspensioenfondse geregtig mag word, word by sy pensioengewende diens die tydperk 1 November 1941 tot 16 Januarie 1950 bygevoeg, en ten opsigte van daardie tydperk word uit die Gekonsolideerde Inkomstefondse in bedoelde Onderwyserspensioenfondse gestort:—

- (a) 'n bedrag gelyk aan die bydraes wat deur en ten opsigte van hom aan daardie fondse betaalbaar sou gewees het as hy 'n lid daarvan was en gedurende bedoelde tydperk daartoe bygedra het volgens 'n skaal en pensioengewende verdienste wat, na oorleg met die Direkteur van Onderwys, Transvaal, deur die Sekretaris van Volkswelsyn en Pensioene bepaal word;
- (b) rente op sodanige bydraes teen die koers van vyf persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel en bereken volgens die datums waarop bedoelde bydraes betaalbaar sou geword het, tot en met 16 Januarie 1950;
- (c) op die totale bedrag van die bydraes en rente betaalbaar ingevolge paragrawe (a) en (b), rente teen die koers van vier persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel en bereken tot die datum waarop daardie bedrag in bedoelde Onderwyserspensioenfondse gestort word:

Met dien verstande dat indien hy bedank of weens wangedrag afgedank word voordat hy die leeftyd bereik waarop hy die reg het om met pensioen uit die diens van bedoelde Departement af te tree, daar van enige voordeel wat uit bedoelde Onderwyserspensioenfondse aan hom betaalbaar word, 'n bedrag gelyk aan een helfte van die in paragraaf (a) bedoelde bedrag afgetrek word en aan die Gekonsolideerde Inkomstefondse terugbetaal word.

26. Behoudens die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene mag bepaal en op voorwaarde dat W. J. du P. Erlank, professor, Universiteit van Stellenbosch, die bedrag van R2,607.59 tesame met rente daarop teen die koers van vier persent per jaar, jaarliks op 31 Maart saamgestel vanaf 1 Januarie 1950 tot datum van betaling, aan die Voorsorgfondse vir Universiteitsinrigtings betaal, word hy by die toepassing van artikel sewentien van die Transvaalse Onderwysers Pensioene Ordonnansie, 1959, en die regulasies wat die Voorsorgfondse- en Pensioenskema vir Universiteitsinrigtings beheer, geag—

- (a) met ingang van 1 Januarie 1950 uit die diens van die Transvaalse Onderwysdepartement na die diens van bedoelde Universiteit oorgeplaas te gewees het; en
- (b) binne die voorgeskrewe tydperk te gekies het om sy pensioengewende diens as onderwyser vanaf 18 Januarie 1921 tot 31 Desember 1949 as diens vir die doeleindes van bedoelde skema te reken.

27. Die diensonderbreking van P. C. Robins, No. P. 9553, stafsersant, Suid-Afrikaanse Staande Mag, vanaf 30 Desember 1937 tot 31 Desember 1937, word vir pensioendoeleindes verskoon en beskou as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, en onderworpe aan die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene mag bepaal, word hy toegelaat om ooreenkomstig die skaal in sub-artikel (1) van artikel drie-en-dertig van die Regeringsdiens-pensioenwet, 1955, uiteengesit tot die Suid-Afrikaanse Staandemagpensioenfondse by te dra ten opsigte van sy diens vanaf 20 Januarie 1936 tot 29 Desember 1937.

28. Die toekenning aan J. G. Malan, met ingang van 1 April 1961, van die oudstryderspensioen waarop hy kragtens die bepalings van Deel II van die Oorlogspensioenwet, 1941, geregtig sou gewees het indien sy geval aan die vereistes van paragraaf (c) van sub-artikel (1) van artikel dertig van daardie Wet voldoen het.

No. 66, 1961.]

ACT**To amend the Export Credit Re-insurance Act, 1957.***(Afrikaans text signed by the State President.)
(Assented to 28th 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 78 of 1957.

1. Section *one* of the Export Credit Re-insurance Act, 1957 (hereinafter referred to as the principal Act), is hereby amended by the addition at the end of the definition of "trade with countries outside the Union" of the words "and any consignment of goods by a person carrying on business in the Union to a person carrying on business or other activities outside the Union with a view to such a transaction".

Amendment of section 2 of Act 78 of 1957.

2. Section *two* of the principal Act is hereby amended by the substitution for the words "resulting from failure to receive payment" of the words "arising out of or".

Short title and commencement.

3. This Act shall be called the Export Credit Re-insurance Amendment Act, 1961, and shall be deemed to have come into operation on the twelfth day of July, 1957.

No. 67, 1961.]

ACT**To amend the Industrial Development Act, 1940.***(English text signed by the State President.)
(Assented to 28th 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 22 of 1940.

1. Section *one* of the Industrial Development Act, 1940 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of Economic Affairs;".

Amendment of section 4 of Act 22 of 1940.

2. Section *four* of the principal Act is hereby amended by the addition at the end of paragraph (c) of the words "and where necessary, to act as trustee for debenture holders".

Amendment of section 6 of Act 22 of 1940.

3. Section *six* of the principal Act is hereby amended—
(a) by the substitution in sub-section (2) for the word "four", wherever it occurs, of the word "five", and for the word "seven" of the word "nine"; and
(b) by the substitution in sub-section (3) for the word "four" of the word "five", and for the word "three" of the word "four".

Short title.

4. This Act shall be called the Industrial Development Amendment Act, 1961.

No. 66, 1961.]

WET**Tot wysiging van die Uitvoerkrediet-herversekeringswet, 1957.***(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 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 Uitvoerkrediet-herversekeringswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig deur aan die end van die omskrywing van „handel met lande buite die Unie” die woorde „en enige versending van goedere met die oog op so ’n transaksie deur ’n persoon wat in die Unie sake doen na ’n persoon wat buite die Unie sake doen of ander bedrywighede voortsit” by te voeg. Wysiging van artikel 1 van Wet 78 van 1957.
2. Artikel *twee* van die Hoofwet word hierby gewysig deur die woorde „die nie-ontvangs van betaling in verband” deur die woorde „of in verband staan” te vervang. Wysiging van artikel 2 van Wet 78 van 1957.
3. Hierdie Wet heet die Wysigingswet op Uitvoerkrediet-herversekering, 1961, en word geag op die twaalfde dag van Julie 1957 in werking te getree het. Kort titel en inwerking-treding.

No. 67, 1961.]

WET**Tot wysiging van die Nywerheid-ontwikkelingswet, 1940.***(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 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 Nywerheid-ontwikkelingswet, 1940 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „Minister” deur die volgende omskrywing te vervang: Wysiging van artikel 1 van Wet 22 van 1940.
„,Minister’ die Minister van Ekonomiese Sake;”.
2. Artikel *vier* van die Hoofwet word hierby gewysig deur aan die end van paragraaf (c) die volgende woorde by te voeg: Wysiging van artikel 4 van Wet 22 van 1940.
„en waar nodig, as trustee vir obligasiehouers op te tree”.
3. Artikel *ses* van die Hoofwet word hierby gewysig— Wysiging van artikel 6 van Wet 22 van 1940.
 - (a) deur in sub-artikel (2) die woord „vier”, oral waar dit voorkom, deur die woord „vyf” en die woord „sewe” deur die woord „nege” te vervang; en
 - (b) deur in sub-artikel (3) die woord „vier” deur die woord „vyf” en die woord „drie” deur die woord „vier” te vervang.
4. Hierdie Wet heet die Wysigingswet op Nywerheid-ontwikkeling, 1961. Kort titel.

No. 69, 1961.]

ACT

To amend the Medical, Dental and Pharmacy Act, 1928.

(English text signed by the State President.)
(Assented to 28th 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 2 of Act 13 of 1928, as amended by section 2 of Act 41 of 1944, section 22 of Act 45 of 1944, section 1 of Act 14 of 1946, section 1 of Act 13 of 1950 and section 2 of Act 29 of 1954.

1. Section *two* of the Medical, Dental and Pharmacy Act, 1928 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion in sub-section (3) of all the words occurring after the words "same period";
- (b) by the addition of the following paragraphs at the end of sub-section (3), the existing sub-section becoming paragraph (a):
 - “(b) One of the members of the council so appointed shall be the chief health officer or deputy chief health officer of the Department of Health and one shall be the commissioner of mental health or the physician superintendent of a State mental hospital.
- (c) One of the members of the board so appointed shall be the chief health officer, deputy chief health officer or an assistant chief health officer of the Department of Health.”.

Amendment of section 7 of Act 13 of 1928, as amended by section 1 of Act 2 of 1935.

2. Section *seven* of the principal Act is hereby amended by the addition at the end thereof of the following proviso:

“Provided that an order made by any such committee under sub-section (2) of section *eighty-one* shall, if the committee so directs in the public interest, come into operation forthwith, but shall lapse after the expiration of a period of six months unless confirmed within that period by the council or board.”.

Amendment of section 22 of Act 13 of 1928, as amended by section 3 of Act 2 of 1935, section 4 of Act 14 of 1946, section 3 of Act 13 of 1950, section 1 of Act 23 of 1951 and section 6 of Act 29 of 1954.

3. Section *twenty-two* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (a) of sub-section (2) after the word “practitioners” wherever it occurs of the words “or dentists” and after the word “practitioner” of the words “or dentist”;
- (b) by the substitution in paragraph (i) of the proviso to the said paragraph (a) for the word “of” of the words “not exceeding”;
- (c) by the addition after sub-section (2) of the following sub-section:
 - “(3) The provisions of sub-section (2) shall *mutatis mutandis* apply with reference to interns.”.

Amendment of section 24 of Act 13 of 1928, as amended by section 4 of Act 41 of 1944 and section 7 of Act 29 of 1954.

4. Section *twenty-four* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (3) before the words “the applicant” where they occur for the first time of the words “in the case of a chemist and druggist who has not obtained his professional qualification in the Union,”;
- (b) by the deletion of the provisos to sub-section (3);
- (c) by the deletion of sub-section (3)*bis*.

Amendment of section 35 of Act 13 of 1928.

5. Section *thirty-five* of the principal Act is hereby amended by the substitution in sub-section (3) for the words “other than prosthetic dentistry” of the words “in case of emergency or where no dentist is readily available”.

Amendment of section 41 of Act 13 of 1928.

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

No. 69, 1961.]

WET**Tot wysiging van die Wet op Geneeshere, Tandartse en Aptekers, 1928.***(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1961.)***DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel twee van die Wet op Geneeshere, Tandartse en Aptekers, 1928 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur in sub-artikel (3) al die woorde wat na die woorde „dieselfde tydperk” voorkom, te skrap;
- (b) deur aan die end van sub-artikel (3) die volgende paragrawe by te voeg, terwyl die bestaande sub-artikel paragraaf (a) word:
- „(b) Een van die aldus benoemde lede van die raad moet die hoofgesondheidsbeampte of adjunk-hoofgesondheidsbeampte van die Departement van Gesondheid wees en een moet die kommissaris van geestesgesondheid of die geneesheerbestuurder van 'n Staatshospitaal vir sielsiektes wees.
- (c) Een van die aldus benoemde lede van die kommissie moet die hoofgesondheidsbeampte, adjunk-hoofgesondheidsbeampte of 'n assistent-hoofgesondheidsbeampte van die Departement van Gesondheid wees.”.
- Wysiging van artikel 2 van Wet 13 van 1928, soos gewysig deur artikel 2 van Wet 41 van 1944, artikel 22 van Wet 45 van 1944, artikel 1 van Wet 14 van 1946, artikel 1 van Wet 13 van 1950 en artikel 2 van Wet 29 van 1954.
2. Artikel sewe van die Hoofwet word hierby gewysig deur aan die end daarvan die volgende voorbehoudsbepaling by te voeg:
- „Met dien verstande dat 'n bevel deur so 'n komitee kragtens sub-artikel (2) van artikel een-en-tagtig uitgevaardig, onmiddellik in werking tree indien die komitee dit in die openbare belang gelas, maar na verstryking van 'n tydperk van ses maande verval tensy dit binne daardie tydperk deur die raad of kommissie bekragtig word.”.
- Wysiging van artikel 7 van Wet 13 van 1928, soos gewysig deur artikel 1 van Wet 2 van 1935.
3. Artikel twee-en-twintig van die Hoofwet word hierby gewysig—
- (a) deur in paragraaf (a) van sub-artikel (2) na die woord „geneeshere” oral waar dit voorkom die woorde „of tandartse” en na die woord „geneesheer” die woorde „of tandarts” in te voeg;
- (b) deur in paragraaf (i) van die voorbehoudsbepaling by genoemde paragraaf (a) na die woord „van” die woord „hoogstens” in te voeg;
- (c) deur na sub-artikel (2) die volgende sub-artikel by te voeg:
- „(3) Die bepalings van sub-artikel (2) is *mutatis mutandis* met betrekking tot interns van toepassing.”.
- Wysiging van artikel 22 van Wet 13 van 1928, soos gewysig deur artikel 3 van Wet 2 van 1935, artikel 4 van Wet 14 van 1946, artikel 3 van Wet 13 van 1950, artikel 1 van Wet 23 van 1951 en artikel 6 van Wet 29 van 1954.
4. Artikel vier-en-twintig van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (3) voor die woorde „die aansoeker” waar hulle die eerste keer voorkom, die woorde „in die geval van 'n apteker wat sy professionele kwalifikasie nie in die Unie verwerf het nie,” in te voeg;
- (b) deur die voorbehoudsbepalings by sub-artikel (3) te skrap;
- (c) deur sub-artikel (3)*bis* te skrap.
- Wysiging van artikel 24 van Wet 13 van 1928, soos gewysig deur artikel 4 van Wet 41 van 1944 en artikel 7 van Wet 29 van 1954.
5. Artikel vyf-en-dertig van die Hoofwet word hierby gewysig deur in sub-artikel (3) na die woord „praktyk” die woorde „in noodgevalle of waar geen tandarts geredelik beskikbaar is nie,” in te voeg en die woorde „behalwe insetting van kunsdele,” te skrap.
- Wysiging van artikel 35 van Wet 13 van 1928.
6. Artikel een-en-veertig van die Hoofwet word hierby gewysig deur aan die end daarvan die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:
- Wysiging van artikel 41 van Wet 13 van 1928.

“(2) The council or the board may, whenever it is in doubt as to whether an enquiry should be held, enter into preliminary negotiations with any person concerning any complaint, charge or allegation of improper or disgraceful conduct lodged against such person.”.

Amendment of section 72 of Act 13 of 1928, as amended by section 7 of Act 11 of 1957.

7. Section *seventy-two* of the principal Act is hereby amended by the insertion after paragraph (*f*) of the following paragraphs:

- “(f)*bis* authorizing and regulating the purchase, acquisition, keeping or use of habit-forming drugs by the masters of ships;
- (f)*ter* authorizing and regulating the purchase, acquisition, keeping or use of habit-forming drugs by the officer in charge of any aircraft engaged on a flight to or from a destination beyond the borders of the Union;
- (f)*quat* authorizing and regulating the purchase, acquisition, keeping or use of preparations containing morphine or any salts thereof or pethidine or any salts thereof by persons registered as midwives under the Nursing Act, 1957 (Act No. 69 of 1957);”.

Amendment of section 81 of Act 13 of 1928, as substituted by section 28 of Act 29 of 1954.

8. Section *eighty-one* of the principal Act is hereby amended by the deletion in sub-section (1) of the words “from information on oath”.

Amendment of section 83*bis* of Act 13 of 1928, as substituted by section 9 of Act 11 of 1957.

9. Section *eighty-three bis* of the principal Act is hereby amended—

- (a) by the addition at the end of paragraph (*e*) of sub-section (1) of the following sub-paragraph:
“(iii) the submission to the licensing authority of particulars furnished to licensed persons or organizations in terms of regulations made under this Act;”;
- (b) by the insertion in paragraph (*f*) of the said sub-section after the word “preparation” of the words “or to any other person”;
- (c) by the insertion after paragraph (*f*) of the said sub-section of the following paragraph:
“(f)*bis* prescribing the circumstances under which and the conditions subject to which a medical practitioner may infuse into a patient whole human blood or preparations separated therefrom and the particulars relating to any infusion which he shall furnish to the licensed person or organization which supplied such blood or preparation or to any other person;”.

Short title.

10. This Act shall be called the Medical, Dental and Pharmacy Amendment Act, 1961.

„(2) Die raad of die kommissie kan, wanneer by hom twyfel bestaan of 'n ondersoek gehou behoort te word, met iemand voorlopige onderhandelings aanknoop met betrekking tot 'n klagte, beskuldiging of bewering van onbetaamlike of skandelige gedrag wat teen so iemand ingebring is.”

7. Artikel *twee-en-sewentig* van die Hoofwet word hierby gewysig deur na paragraaf (f) die volgende paragrawe in te voeg:

„(f)*bis* tot magtiging en reëling van die koop, verkryging, aanhou of gebruik van gewoontevormende medisyne deur gesagvoerders van skepe;

(f)*ter* tot magtiging en reëling van die koop, verkryging, aanhou of gebruik van gewoontevormende medisyne deur die bevelvoerende offisier van 'n vliegtuig wat op 'n vlug na of van 'n bestemming buite die grense van die Unie gebruik word;

(f)*quat* tot magtiging en reëling van die koop, verkryging of gebruik van preparate wat morfien of soute daarvan of petedien of soute daarvan bevat, deur persone wat kragtens die Wet op Verpleging, 1957 (Wet No. 69 van 1957), as vroedvroue geregistreer is;”

Wysiging van artikel 72 van Wet 13 van 1928, soos gewysig deur artikel 7 van Wet 11 van 1957.

8. Artikel *een-en-tagtig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „volgens beëdigde inligting” te skrap.

Wysiging van artikel 81 van Wet 13 van 1928, soos vervang deur artikel 28 van Wet 29 van 1954.

9. Artikel *drie-en-tagtig bis* van die Hoofwet word hierby gewysig—

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

„(iii) die verstrekking aan die owerheid deur wie lisensies uitgereik word, van besonderhede wat aan gelisensieerde persone of organisasies verskaf is ingevolge regulasies kragtens hierdie Wet uitgevaardig;”;

(b) deur in paragraaf (f) van genoemde sub-artikel na die woorde „verskaf het” die woorde „of by 'n ander persoon” in te voeg;

(c) deur na paragraaf (f) van genoemde sub-artikel die volgende paragraaf in te voeg:

„(f)*bis* wat voorskryf die omstandighede waaronder en die voorwaardes onderworpe waaraan 'n geneesheer volbloed van 'n mens of daarvan afgeskeide preparate aan 'n pasiënt kan toedien en die besonderhede met betrekking tot 'n toediening wat hy moet verstrek aan die gelisensieerde persoon of organisasie wat die bloed of preparaat verskaf het of aan 'n ander persoon;”.

Wysiging van artikel 83*bis* van Wet 13 van 1928, soos vervang deur artikel 9 van Wet 11 van 1957.

10. Hierdie Wet heet die Wysigingswet op Geneeshere, Kort titel. Tandartse en Aptekers, 1961.

No. 70, 1961.]

ACT

To amend the Parliamentary Service and Administrators' Pensions Act, 1951, and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 28th 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 70 of 1951, as amended by section 1 of Act 68 of 1956, section 1 of Act 66 of 1957, section 1 of Act 46 of 1958 and section 1 of Act 48 of 1960.

1. (1) Section *one* of the Parliamentary Service and Administrators' Pensions Act, 1951 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution in sub-section (1) for the definition of "allowance" of the following definition:

" 'allowance' means the salary payable to a member in terms of section *one* of the Payment of Members of Parliament Act, 1961;";

(b) by the insertion after that definition of the following definition:

" 'commissioner-general' means a person who, having been a member of the Senate or the House of Assembly established under the South Africa Act, 1909, or the Republic of South Africa Constitution Act, 1961, has been appointed as a commissioner-general under sub-section (2) of section *two* of the Promotion of Bantu Self-government Act, 1959 (Act No. 46 of 1959), with effect from the date immediately following the date upon which he ceased to be such a member and who has, in the case of a person so appointed before the commencement of the Parliamentary Service and Administrators' Pensions Amendment Act, 1961, made the election provided for in sub-section (1) of section *seven* of that Act;";

(c) by the insertion in the definition of "member" in sub-section (1) after the words "House of Assembly" of the words "a commissioner-general";

(d) by the deletion of paragraph (a) of the definition of "salary" in sub-section (1), the addition at the end of paragraph (c) of that definition of the word "or" and at the end of that definition of the following paragraph:

"(d) the remuneration payable to any commissioner-general appointed under the Promotion of Bantu Self-government Act, 1959;"; and

(e) by the deletion at the end of paragraph (c) of the definition of "service" in sub-section (1) of the word "and", the addition at the end of paragraph (d) of that definition of the word "and", and the addition to that definition of the following paragraph:

"(e) in relation to service as a commissioner-general, service as certified by the Secretary for Bantu Administration and Development.".

(2) Paragraph (a) of sub-section (1), and that portion of paragraph (d) of the said sub-section which provides for the deletion of paragraph (a) of the definition of "salary" in sub-section (1) of section *one* of the principal Act, shall be deemed to have come into operation on the first day of April, 1961.

Amendment of section 3 of Act 70 of 1951, as amended by section 3 of Act 68 of 1956 and section 2 of Act 46 of 1958.

2. Section *three* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "(other than an Administrator) who" of the words "who by reason of the fact that he is a senator or a member of the House of Assembly".

Amendment of section 9 of Act 70 of 1951, as amended by section 7 of Act 68 of 1956 and section 6 of Act 46 of 1958.

3. Section *nine* of the principal Act is hereby amended by the insertion in paragraph (a) and in paragraph (b) of sub-section (1) after the word "Administrator" of the words "or a commissioner-general".

No. 70, 1961.]

WET

Tot wysiging van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1951, en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 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 Wet op Pensioene vir Parlementsdiens en Administrateurs, 1951 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur aan die end van paragraaf (c) van die omskrywing van „diens” in sub-artikel (1) die woord „en” te skrap, aan die end van paragraaf (d) van daardie omskrywing die woord „en” by te voeg, en die volgende paragraaf by daardie omskrywing te voeg:
- „(e) met betrekking tot diens as ’n kommissaris-generaal, diens soos deur die Sekretaris van Bantoe-administrasie en -ontwikkeling gesertifiseer;”;
- (b) deur na die omskrywing van „inkomste” die volgende omskrywing in te voeg:
- „kommissaris-generaal’ iemand wat lid was van die Senaat of die Volksraad ingestel ingevolge die ‚Zuid-Afrika Wet, 1909’, of die Grondwet van die Republiek van Suid-Afrika, 1961, wat, met ingang van die datum onmiddellik na die datum waarop hy opgehou het om so ’n lid te wees, kragtens sub-artikel (2) van artikel *twee* van die Wet op die Bevordering van Bantoe-selfbestuur, 1959 (Wet No. 46 van 1959), as ’n kommissaris-generaal aangestel is, en wat, in die geval van iemand aldus aangestel voor die inwerkingtreding van die Wysigingswet op Pensioene vir Parlementsdiens en Administrateurs, 1961, die keuse waarvoor sub-artikel (1) van artikel *sewe* van daardie Wet voorsiening maak, uitgeoefen het;”;
- (c) deur in die omskrywing van „lid” in sub-artikel (1) na die woord „Volksraad” die woorde „’n kommissaris-generaal” in te voeg;
- (d) deur paragraaf (a) van die omskrywing van „salaris” in sub-artikel (1) te skrap, aan die end van paragraaf (c) van daardie omskrywing die woord „of” by te voeg, en aan die end van daardie omskrywing die volgende paragraaf by te voeg:
- „(d) die besoldiging betaalbaar aan ’n kommissaris-generaal aangestel ingevolge die Wet op die Bevordering van Bantoe-selfbestuur, 1959;”;
- (e) deur die omskrywing van „toelae” in daardie sub-artikel deur die volgende omskrywing te vervang:
- „toelae’ die salaris aan ’n lid betaalbaar ingevolge artikel *een* van die Wet op die Betaling van Parlementslede, 1961;”.
- (2) Paragraaf (e) van sub-artikel (1), en dié deel van paragraaf (d) van daardie sub-artikel wat vir die skraping van paragraaf (a) van die omskrywing van „salaris” in sub-artikel (1) van artikel *een* van die Hoofwet voorsiening maak, word geag op die eerste dag van April 1961 in werking te getree het.
2. Artikel *drie* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „(behalwe ’n Administrateur) wat” deur die woorde „wat uit hoofde van die feit dat hy ’n senator of ’n lid van die Volksraad is” te vervang.
3. Artikel *nege* van die Hoofwet word hierby gewysig deur in paragraaf (a) en in paragraaf (b) van sub-artikel (1) na die woord „Administrateur” die woorde „of ’n kommissaris-generaal” in te voeg.

Wysiging van artikel 1 van Wet 70 van 1951, soos gewysig deur artikel 1 van Wet 68 van 1956, artikel 1 van Wet 66 van 1957, artikel 1 van Wet 46 van 1958 en artikel 1 van Wet 48 van 1960.

Wysiging van artikel 3 van Wet 70 van 1951, soos gewysig deur artikel 3 van Wet 68 van 1956 en artikel 2 van Wet 46 van 1958.

Wysiging van artikel 9 van Wet 70 van 1951, soos gewysig deur artikel 7 van Wet 68 van 1956 en artikel 6 van Wet 46 van 1958.

Amendment of section 11 of Act 70 of 1951, as substituted by section 9 of Act 68 of 1956 and amended by section 7 of Act 46 of 1958 and section 4 of Act 48 of 1960.

4. Section *eleven* of the principal Act is hereby amended—
- (a) by the insertion in that part of sub-section (1) which precedes paragraph (a), after the words "House of Assembly" where they occur for the second time of the words "a commissioner-general"; and
 - (b) by the insertion in paragraph (b) of sub-section (1) after the words "House of Assembly" of the words "as a commissioner-general".

Amendment of section 11*bis* of Act 70 of 1951, as inserted by section 5 of Act 48 of 1960.

5. Section *eleven bis* of the principal Act is hereby amended by the insertion in sub-section (2) after the word "Deputy-Minister" of the words "a commissioner-general".

Amendment of section 17 of Act 70 of 1951.

6. Section *seventeen* of the principal Act is hereby amended by the substitution in sub-section (2) for the word "Finance" wherever it occurs of the words "Social Welfare and Pensions".

Option to contribute under Act 70 of 1951 in respect of certain service as commissioner-general.

7. (1) Any person who, having been a member of the Senate or the House of Assembly established under the South Africa Act, 1909, was prior to the commencement of this Act appointed as a commissioner-general under sub-section (2) of section *two* of the Promotion of Bantu Self-government Act, 1959 (Act No. 46 of 1959), with effect from the date immediately following the date upon which he ceased to be such a member, may within ninety days of the commencement of this Act elect in writing to become a member within the meaning of the principal Act, and shall thereupon be deemed to have become such a member with effect from the commencement of this Act.

(2) Any person who has made an election as provided in sub-section (1), may, within sixty days of the date on which he made such election, elect in writing to count his continuous service as a commissioner-general immediately prior to the commencement of this Act as pensionable service for the purposes of the principal Act.

(3) Any person who makes an election in terms of sub-section (2) shall—

- (a) pay to the Consolidated Revenue Fund an amount calculated at the rate of twelve rand for each month of the period of his continuous service as a commissioner-general immediately prior to the commencement of this Act;
- (b) repay to that Fund the amount of any benefit which may have been paid to him under the principal Act; and
- (c) again become liable to pay any amount which in terms of section *five* of the principal Act, may have been set off against the pension payable to him in terms of section *six* of that Act.

(4) Any amount which may become due by any person in terms of sub-section (3) may, if he so desires, be deducted by the responsible accounting officer from his remuneration in monthly instalments at the rate of not less than six rand per month and shall be paid to the Consolidated Revenue Fund.

(5) Whenever any person by whom an amount is due in terms of sub-section (3), or the widow of such a person, becomes entitled to a pension under the principal Act before the total amount so due has been paid by such person, the amount which remains unpaid shall be set off against such pension.

(6) If any person to whom sub-section (1) applies, does not make an election in terms of sub-section (2), the period of his service as a commissioner-general immediately prior to the commencement of this Act shall not be taken into account for the purpose of calculating any pension which may become payable to him under sub-section (1) of section *eleven* of the principal Act.

(7) An election made under sub-section (1) or (2) shall be communicated to the Secretary for Bantu Administration and Development.

Construction of references in Act 70 of 1951 to South Africa Act, 1909.

8. Any reference in the principal Act to a provision of the South Africa Act, 1909, shall be construed as a reference also to the corresponding provision of the Republic of South Africa Constitution Act, 1961.

Short title.

9. This Act shall be called the Parliamentary Service and Administrators' Pensions Amendment Act, 1961.

4. Artikel *elf* van die Hoofwet word hierby gewysig—
- (a) deur in daardie deel van sub-artikel (1) wat paragraaf (a) voorafgaan, na die woord „Volksraad” waar dit die tweede maal voorkom die woorde „’n kommissaris-generaal” in te voeg; en
- (b) deur in paragraaf (b) van sub-artikel (1) na die woord „Volksraad” die woorde „as ’n kommissaris-generaal” in te voeg.
- Wysiging van artikel 11 van Wet 70 van 1951, soos vervang deur artikel 9 van Wet 68 van 1956, en gewysig deur artikel 7 van Wet 46 van 1958 en artikel 4 van Wet 48 van 1960.
5. Artikel *elf bis* van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woord „Adjunk-minister” die woorde „’n kommissaris-generaal” in te voeg.
- Wysiging van artikel 11*bis* van Wet 70 van 1951, soos ingevoeg deur artikel 5 van Wet 48 van 1960.
6. Artikel *sewentien* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „Finansies” waar dit ook al voorkom deur die woorde „Volkswelsyn en Pensioene” te vervang.
- Wysiging van artikel 17 van Wet 70 van 1951.
7. (1) Iemand wat lid van die ingeolge die „Zuid-Afrika Wet, 1909” ingestelde Senaat of Volksraad was en voor die inwerkingtreding van hierdie Wet as ’n kommissaris-generaal aangestel is kragtens sub-artikel (2) van artikel *twee* van die Wet op die Bevordering van Bantoe-selfbestuur, 1959 (Wet No. 46 van 1959), met ingang van die datum onmiddellik na die datum waarop hy opgehou het om so ’n lid te wees, kan binne negentig dae vanaf die inwerkingtreding van hierdie Wet skriftelik kies om ’n lid binne die bedoeling van die Hoofwet te word, en word daarop geag met ingang van die inwerkingtreding van hierdie Wet so ’n lid te geword het.
- (2) Iemand wat volgens voorskrif van sub-artikel (1) gekies het, kan, binne sestig dae vanaf die datum waarop hy aldus gekies het, skriftelik kies om sy ononderbroke diens as ’n kommissaris-generaal onmiddellik voor die inwerkingtreding van hierdie Wet as pensioengewende diens vir die doeleindes van die Hoofwet te reken.
- (3) Iemand wat ooreenkomstig sub-artikel (2) ’n keuse doen—
- (a) moet aan die Gekonsolideerde Inkomstefonds ’n bedrag betaal, bereken teen twaalf rand vir elke maand van die tydperk van sy ononderbroke diens as ’n kommissaris-generaal onmiddellik voor die inwerkingtreding van hierdie Wet;
- (b) moet aan daardie Fonds die bedrag terugbetaal van enige voordeel wat kragtens die Hoofwet aan hom betaal mag gewees het; en
- (c) word weer aanspreeklik vir die betaling van enige bedrag wat ingeolge artikel *vyf* van die Hoofwet teen die pensioen ooreenkomstig artikel *ses* van daardie Wet aan hom betaalbaar, verreken mag gewees het.
- (4) ’n Bedrag wat ingeolge sub-artikel (3) deur iemand verskuldig mag word, kan, indien hy dit verlang, deur die verantwoordelike rekenpligtige amptenaar van sy besoldiging afgetrek word in maandelikse paaieimente teen minstens ses rand per maand, en word aan die Gekonsolideerde Inkomstefonds betaal.
- (5) Wanneer iemand deur wie ’n bedrag ingeolge sub-artikel (3) verskuldig is, of die weduwee van so iemand, kragtens die Hoofwet op ’n pensioen geregtig word voordat die volle aldus verskuldigde bedrag deur so iemand betaal is, word die bedrag wat nog nie betaal is nie, teen so ’n pensioen verreken.
- (6) Indien iemand op wie sub-artikel (1) van toepassing is, nie ’n keuse volgens sub-artikel (2) doen nie, word die tydperk van sy diens as ’n kommissaris-generaal onmiddellik voor die inwerkingtreding van hierdie Wet nie by die berekening van enige pensioen wat ingeolge sub-artikel (1) van artikel *elf* van die Hoofwet aan hom betaalbaar mag word, in aanmerking geneem nie.
- (7) ’n Keuse ingeolge sub-artikel (1) of (2) gedoen, moet aan die Sekretaris van Bantoe-administrasie en -ontwikkeling meegedeel word.
8. ’n Verwysing in die Hoofwet na ’n bepaling van die „Zuid-Afrika Wet, 1909”, word uitgelê ook as ’n verwysing na die ooreenstemmende bepaling van die Grondwet van die Republiek van Suid-Afrika, 1961.
- Uitleg van verwysings in Wet 70 van 1951 na „Zuid-Afrika Wet, 1909”.
9. Hierdie Wet heet die Wysigingswet op Pensioene vir Kort titel. Parlementsdiens en Administrateurs, 1961.

No. 71, 1961.]

ACT

To amend the Stamp Duties and Fees Act, 1911, the Licences Consolidation Act, 1925, the Licences (Amendment) Act, 1927, the Estate Duty Act, 1955, and the Cinematograph Films Tax Act, 1960.

(English text signed by the State President.)
(Assented to 28th June, 1961.)

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

PART I.**STAMP DUTIES AND FEES.**

Amendment of Item 10 of Second Schedule to Act 30 of 1911, as substituted by section 3 of Act 24 of 1944 and amended by section 4 of Act 20 of 1945, section 11 of Act 32 of 1948 and section 1 of Act 29 of 1960.

1. Item 10 of the Second Schedule to the Stamp Duties and Fees Act, 1911, is hereby amended by the insertion in paragraph (b) of the exemptions after the word "authority," of the words "the South African Broadcasting Corporation,".

Amendment of Item 19 of Second Schedule to Act 30 of 1911, as substituted by section 7 of Act 49 of 1935 and amended by section 6 of Act 20 of 1945, section 3 of Act 30 of 1946 and section 5 of Act 54 of 1960.

2. Item 19 of the Second Schedule to the Stamp Duties and Fees Act, 1911, is hereby amended—

(a) by the insertion after paragraph (4) of the following paragraph:

"(4)*bis* Policy or certificate of marine insurance (including voyage and time policies and floating and declaration policies) or any renewal thereof £ s. d. 6";

(b) by the deletion in paragraph (5) of the words "marine insurance,"; and

(c) by the substitution in the said paragraph for the expression "or (4)" of the expression "(4) or (4)*bis*".

PART II.**LICENCES.**

Amendment of section 1 of Act 32 of 1925, as amended by section 1 of Act 31 of 1946.

3. Section *one* of the Licences Consolidation Act, 1925, is hereby amended with effect from the first day of January, 1962, by the addition of the following sub-section:

"(4) (a) Any social, sporting or recreation club, which supplies commodities to its members, whether by sale, barter, exchange or otherwise, shall, for the purposes of this Act, be deemed to carry on a trade or business, and shall be required to take out such of the licences, specified in the Second Schedule to this Act, as may be applicable to the trade or business so deemed to be carried on: Provided that where any such club, which is a non-proprietary club, restricts its trading activities to its members and to any of the articles specified in paragraph (b), such club shall not be deemed to carry on any trade or business for which a licence would otherwise be required.

(b) The articles referred to in paragraph (a) shall be—

(i) *Toilet requisites:*

Soap, hairdressings (including petroleum jelly), shaving creams and soaps, toothpaste, toothbrushes, combs, razor blades, shaving brushes.

(ii) *Refreshments:*

Mineral waters, fruit squashes, tomato juice, cordials, milk and milk beverages, sugar, tea, coffee, soda fountain drinks, ice-creams.

(iii) *Confectionery and foodstuffs:*

Sweets, biscuits, chocolates, bread, cakes, buns, salted peanuts, pastries.

No. 71, 1961.]

WET

Tot wysiging van die „Zegelwet, 1911”, die „Licenties Konsolidatie Wet, 1925”, die Lisensies Wysigingswet, 1927, die Boedelbelastingwet, 1955, en die Wet op Belasting van Kinematograaffilms, 1960.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1961.)

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

DEEL I.**SEËLREGTE.**

1. Item 10 van die Tweede Bylae by die „Zegelwet, 1911”, word hierby gewysig deur in paragraaf (b) van die vrystellings na die woord „bestuur,” die woorde „de Suid-Afrikaanse Uitsaaikorporasie,” in te voeg.

Wysiging van Item 10 van Tweede Bylae by Wet 30 van 1911, soos vervang deur artikel 3 van Wet 24 van 1944 en gewysig deur artikel 4 van Wet 20 van 1945, artikel 11 van Wet 32 van 1948 en artikel 1 van Wet 29 van 1960.
2. Item 19 van die Tweede Bylae by die „Zegelwet, 1911”, word hierby gewysig—
 - (a) deur na paragraaf (4) die volgende paragraaf in te voeg:

„(4)bis Polis of sertifikaat van zeeverzekering £ s. d. (waarbij inbegrepen reis- en tijdpolissen en vlottende en declaratie polissen) of enige vernieuwing daarvan 6”;
 - (b) deur in paragraaf (5) die woord „zeeverzekering,” te skrap; en
 - (c) deur in gemelde paragraaf die uitdrukking „of (4)” deur die uitdrukking „(4) of (4)bis” te vervang.

Wysiging van Item 19 van Tweede Bylae by Wet 30 van 1911, soos vervang deur artikel 7 van Wet 49 van 1935 en gewysig deur artikel 6 van Wet 20 van 1945, artikel 3 van Wet 30 van 1946 en artikel 5 van Wet 54 van 1960.

DEEL II.**LISENSIES.**

3. Artikel een van die „Licenties Konsolidatie Wet, 1925”, word hierby met ingang van die eerste dag van Januarie 1962 gewysig deur die volgende sub-artikel by te voeg:

„(4) (a) Een maatschappelijke, sport- of ontspanningsclub die waren aan zijn leden verschaft, hetzij bij verkoop, ruil of anderszins wordt bij de toepassing van deze Wet geacht handel of bezigheid te drijven en is verplicht de licenties in de Tweede Bylage tot deze Wet vermeld te verkrijgen die voor de handel of bezigheid aldus gedreven geacht, vereist worden: Met dien verstande dat zulk een club die niet een eigendomsclub is en zijn handelsbedrijvigheden tot zijn leden en tot de in paragraaf (b) vermelde artikelen beperkt, niet geacht wordt handel of bezigheid te drijven waarvoor anderszins een licentie vereist zou zijn.

(b) De in paragraaf (a) bedoelde artikelen zijn—

 - (i) *Toilet benodigdheden:*
Zeep, haarmiddelen (met inbegrip van petroleumgelei), scheerroom en -zeep, tandenpasta, tandenborstels, kammen, scheermeslemmen, scheerkwasten.
 - (ii) *Verversings:*
Minerale waters, vruchtemoes, tomatenzap, verfrissende dranken, melk en melkdranken, suiker, tee, koffie, spuitwaterdranken, roomijs.
 - (iii) *Banket- en voedselwaren:*
Lekkers, beschuitjes, chocolaadjes, brood, koek, bolletjes, gezouten grondnoten, pasteigebak.

Wysiging van artikel 1 van Wet 32 van 1925, soos gewysig deur artikel 1 van Wet 31 van 1946.

(iv) *Smokers' requisites:*

Cigarettes, tobacco, matches, pipes, cigars, snuff, pipe cleaners, flints, lighter fuel.”.

Amendment of Item 5 of Part I of Second Schedule to Act 32 of 1925, as amended by section 5 of Act 31 of 1946 and section 25 of Act 48 of 1947.

4. Item 5 of Part I of the Second Schedule to the Licences Consolidation Act, 1925, is hereby amended by the substitution for paragraphs (3) and (4) of the exemptions of the following paragraphs:

“(3) Any local authority in respect of the letting of residential flats or rooms erected under an approved scheme in terms of the provisions of the Housing Act, 1957 (Act No. 10 of 1957).

(4) The National Housing Commission and the Bantu Housing Board, established under sections *six* and *eight*, respectively, of the Housing Act, 1957; or any utility company or other body in respect of a dwelling or scheme constructed or carried out wholly or partly by means of a housing loan made under section *forty-nine* of the Housing Act, 1957.”.

Amendment of Item 8 of Part I of Second Schedule to Act 32 of 1925, as amended by section 14 of Act 33 of 1939.

5. Item 8 of Part I of the Second Schedule to the Licences Consolidation Act, 1925, is hereby amended—

(a) by the deletion in paragraph (1) of the words “otherwise than in the course of his business as a general dealer”; and

(b) by the substitution for the exemption of the following exemptions:

“(1) Any person in respect of the buying of live-stock or produce in the course of any business for which he requires a licence to trade as a general dealer, fresh produce dealer, hawker or pedlar.

(2) A farmer in respect of the buying of livestock or produce in the course of his ordinary farming operations.”.

Amendment of Item 11 of Part I of Second Schedule to Act 32 of 1925, as amended by section 3 of Act 49 of 1956.

6. Item 11 of Part I of the Second Schedule to the Licences Consolidation Act, 1925, is hereby amended by the substitution for exemption (a) of the following exemption:

“(a) A market gardener in respect of the sale of produce raised or grown by himself and a farmer in respect of the sale of livestock bred or produce raised or grown by him or bought in the course of his ordinary farming operations.”.

Amendment of Item 7 of Part III of Second Schedule to Act 32 of 1925, as amended by section 12 of Act 49 of 1935, section 10 of Act 31 of 1946, section 29 of Act 7 of 1947 and section 10 of Act 81 of 1957.

7. (1) Item 7 of Part III of the Second Schedule to the Licences Consolidation Act, 1925, is hereby amended by the addition to the exemptions of the following paragraph:

“(6) Any agent for the receipt or delivery in any shop or place of business of articles which are to be or have been laundered, dry-cleaned or dyed or for the conduct of transactions incidental to such receipt or delivery.”.

(2) Notwithstanding anything to the contrary in the said Act contained no agent referred to in paragraph (6) of the exemptions in the said Item 7 shall be liable for the payment of any licence duty payable under the said Item in respect of any period prior to the date of commencement of this section, if such duty remains unpaid at that date.

Amendment of section 1 of Act 26 of 1927.

8. Section *one* of the Licences (Amendment) Act, 1927, is hereby amended by the substitution for sub-sections (1) and (2) of the following sub-sections:

“(1) No licence issued under, or exemption provided for in the Licences Consolidation Act, 1925 (Act No. 32 of 1925), hereinafter referred to as the principal Act, shall confer upon the holder of such licence or upon any person entitled to exemption the right to carry on any of the trades or occupations specified in the First or Second Schedules to that Act within the territory of Zululand unless he has obtained the written authority of the Administrator of the province of Natal but nothing herein contained shall be construed as affecting the powers of the Minister of Bantu Administration and Development under any law.

(iv) *Rokersbenodigdheden:*

Cigaretten, tabak, vuurhoutjes, pijpen, cigaren, snuif, pijschoonmakers, vuurstenen, brandstof voor aanstekers."

4. Item 5 van Deel I van die Tweede Bylae by die „Licenties Konsolidatie Wet, 1925", word hierby gewysig deur paragrawe (3) en (4) van die vrystellings deur die volgende paragrawe te vervang:

„(3) Een plaatselike bestuur ten opzichte van het verhuren van woonstellen of kamers opgericht ingevolge een goedgekeurd schema overeenkomstig de bepalingen van de ‚Behuisingwet, 1957' (Wet No. 10 van 1957).

(4) De ‚Nasionale Behuisingkommissie' en de ‚Bantoe-behuisingraad' ingesteld krachtens artikels *ses* en *agt* onderscheidelik, van de ‚Behuisingwet, 1957'; of een nutsmaatschappy of ander lichaam, ten aanzien van een woning of schema geheel en al of gedeeltelik gebouwd of uitgevoerd door middel van een behuizinglening toegestaan krachtens artikel *nege-en-veertig* van de ‚Behuisingwet, 1957'."

Wysiging van Item 5 van Deel I van Tweede Bylae by Wet 32 van 1925,

soos gewysig deur artikel 5 van Wet 31 van 1946 en artikel 25 van Wet 48 van 1947.

5. Item 8 van Deel I van die Tweede Bylae by die „Licenties Konsolidatie Wet, 1925", word hierby gewysig—

(a) deur in paragraaf (1) die woorde „anders dan in de loop van zijn bezigheid als een algemene handelaar" te skrap; en

(b) deur die vrystelling deur die volgende vrystellings te vervang:

„(1) Enige persoon ten opzichte van het kopen van levende have of voortbrengselen in de loop van een bezigheid waarvoor hy een licentie moet hebben om handel te drijven als een algemene handelaar, handelaar in verse voortbrengselen, marskramer of venter.

(2) Een boer ten opzichte van het kopen van levende have of voortbrengselen in de loop van zijn gewone boerderij werkzaamheden."

Wysiging van Item 8 van Deel I van Tweede Bylae by Wet 32 van 1925, soos gewysig deur artikel 14 van Wet 33 van 1939.

6. Item 11 van Deel I van die Tweede Bylae by die „Licenties Konsolidatie Wet, 1925", word hierby gewysig deur vrystelling (a) deur die volgende vrystelling te vervang:

„(a) Een groentekweker ten opzichte van het verkopen van voortbrengselen door hem zelf gekweekt of verbouwd en een boer ten opzichte van het verkopen van levende have of voortbrengselen door hem geteeld, gekweekt of verbouwd of gekocht in de loop van zijn gewone boerderij werkzaamheden."

Wysiging van Item 11 van Deel I van Tweede Bylae by Wet 32 van 1925, soos gewysig deur artikel 3 van Wet 49 van 1956.

7. (1) Item 7 van Deel III van die Tweede Bylae by die „Licenties Konsolidatie Wet, 1925", word hierby gewysig deur by die vrystellings die volgende paragraaf by te voeg:

„(6) Een agent voor de ontvangst of aflevering in een winkel of bezigheidsplek van artikelen die gewassen, met chemiese middelen gereinigd of getint zijn of moeten worden of voor het bestuur van zaken die met zodanige ontvangst of aflevering in verband staan."

(2) Ondanks andersluidende bepalingen in genoemde Wet vervat, is geen in paragraaf (6) van die vrystellings in genoemde Item 7 bedoelde agent vir die betaling van enige lisensiereg wat ingevolge genoemde item ten opsigte van enige tydperk voor die datum van inwerkingtreding van hierdie artikel betaalbaar is aanspreeklik nie, indien bedoelde lisensiereg op daardie datum nie betaal is nie.

Wysiging van Item 7 van Deel III van Tweede Bylae by Wet 32 van 1925, soos gewysig deur artikel 12 van Wet 49 van 1935, artikel 10 van Wet 31 van 1946, artikel 29 van Wet 7 van 1947 en artikel 10 van Wet 81 van 1957.

8. Artikel *een* van die Lisensies Wysigingswet, 1927, word hierby gewysig deur sub-artikels (1) en (2) deur die volgende sub-artikels te vervang:

„(1) Geen lisensie uitgereik ingevolge, of vrystelling verleen in die „Licenties Konsolidatie Wet, 1925" (Wet No. 32 van 1925), hieronder die Hoofwet genoem, verleen aan die houder van sodanige lisensie of aan iemand wat op vrystelling geregtig is die reg om binne die gebied Soeloeland enige van die besighede of bedrywe vermeld in die Eerste of Tweede Bylaes by daardie Wet te dryf of uit te oefen nie, tensy hy skriftelike magtiging van die Administrateur van die provinsie Natal ontvang het maar niks hierin vervat word uitgelê as sou dit die bevoegdhede van die Minister van Bantoe-administrasie en -ontwikkeling ingevolge enige wet aantas nie.

Wysiging van artikel 1 van Wet 26 van 1927.

(2) If the holder of a licence for any of the trades or occupations specified in either of the said Schedules carries on within the territory of Zululand the trade or occupation for which that licence was issued without having obtained written authority as provided in sub-section (1) he shall be deemed to be carrying on such trade or occupation without being in possession of a licence as required by the principal Act and shall be subject to the penalty provided by section *seven* of that Act.

(2)*bis* Any person entitled to exemption from holding a licence under the principal Act for any trade or occupation specified in either of the said Schedules who carries on such trade or occupation within the territory of Zululand without the written authority provided for in sub-section (1) having been obtained shall be guilty of an offence and liable on conviction to the penalties prescribed in section *seven* of the principal Act as if a licence were required under that Act for the carrying on of such trade or occupation.”.

PART III.

ESTATE DUTY.

Amendment of section 4 of Act 45 of 1955, as amended by section 2 of Act 59 of 1957 and section 3 of Act 65 of 1960.

9. Section *four* of the Estate Duty Act, 1955, is hereby amended—

- (a) by the addition at the end of sub-paragraph (iii) of paragraph (*h*) of the words “within the Republic”;
- (b) by the substitution for paragraph (*l*) of the following paragraph:

“(l) so much of the aggregate amount of the proceeds of any local registered stock issued in terms of paragraph (*a*) of sub-section (1) of section *five* of the General Loans Act, 1961 (Act No. 16 of 1961), or any similar provision of any previous Act of Parliament, and any debentures issued by the Land and Agricultural Bank of South Africa, included as property of the deceased, as does not exceed the difference between the sum of ten thousand rand and the amount allowed under paragraph (*k*);” and

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

“(o) any amount included in the estate in respect of—

- (i) the value of books, pictures, statuary or other objects of art; or
- (ii) so much of the value of any shares in a body corporate as is attributable to such body's ownership of books, pictures, statuary or other objects of art;

if such books, pictures, statuary or other objects of art have been lent under a notarial deed to the State or any local authority within the Republic or to any institution referred to in sub-paragraph (ii) of paragraph (*h*) for a period of not less than fifty years, and the deceased died during such period.”.

Amendment of section 5 of Act 45 of 1955, as amended by section 3 of Act 59 of 1957 and section 4 of Act 65 of 1960.

10. Section *five* of the Estate Duty Act, 1955, is hereby amended—

- (a) by the substitution in paragraph (*f*)*bis* of sub-section (1) for the words “shares, not quoted on any stock exchange, in a company controlled, directly or indirectly, whether through a majority of the shares thereof or other interest therein or in any other manner whatsoever, by the deceased or by the deceased and one or more persons connected with him by blood relationship, marriage or adoption or by any other person on his or their behalf, the value of such shares in the hands of the deceased as at the date of his death as determined by the Commissioner” of the words “shares in any company not quoted on any

(2) Indien die houer van 'n lisensie vir enige van die besighede of bedrywe vermeld in enigeen van genoemde Bylaes binne die gebied Soeloeland die besigheid of bedryf waarvoor daardie lisensie uitgereik is, dryf of uitoefen sonder dat hy skriftelike magtiging soos bepaal in sub-artikel (1), ontvang het, word hy geag sodanige besigheid of bedryf te dryf of uit te oefen sonder in besit te wees van 'n deur die Hoofwet voorgeskrewe lisensie en is strafbaar met die strawwe voorgeskryf in artikel *sewe* van daardie Wet.

(2)*bis* Iemand wat op vrystelling geregtig is om 'n lisensie ingevolge die Hoofwet te hê vir enige besigheid of bedryf vermeld in enigeen van genoemde Bylaes en wat sodanige besigheid of bedryf binne die gebied Soeloeland dryf of uitoefen sonder dat die skriftelike magtiging waarvoor in sub-artikel (1) voorsiening gemaak is, ontvang is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel *sewe* van die Hoofwet voorgeskryf asof 'n lisensie ingevolge daardie Wet nodig was vir die dryf of uitoefening van sodanige besigheid of bedryf."

DEEL III.

BOEDELBELASTING.

9. Artikel *vier* van die Boedelbelastingwet, 1955, word hierby gewysig—
- (a) deur aan die end van sub-paragraaf (iii) van paragraaf (h) die woorde „binne die Republiek” by te voeg;
- (b) deur paragraaf (l) deur die volgende paragraaf te vervang:
- „(l) soveel van die totale bedrag van die opbrengs van enige plaaslik geregistreerde effekte uitgereik ingevolge paragraaf (a) van sub-artikel (1) van artikel *vyf* van die Algemene Leningswet, 1961 (Wet No. 16 van 1961) of enige gelykluidende bepaling van enige vorige Wet van die Parlement, en obligasies deur die Land- en Landboubank van Suid-Afrika uitgereik, as eiendom van die oorledene ingesluit, as wat nie die verskil tussen tienduisend rand en die bedrag wat kragtens paragraaf (k) toegelaat is, te bowe gaan nie;”;
- (c) deur aan die end daarvan die volgende paragraaf by te voeg:
- „(o) enige bedrag by die boedel ingesluit ten opsigte van—
- (i) die waarde van boeke, skilderstukke, beeldhouwerk of ander kunstukke; of
- (ii) soveel van die waarde van enige aandele in 'n regs persoon as wat aan sodanige regs persoon se besit van boeke, skilderstukke, beeldhouwerk of ander kunstukke toe te skryf is;
- indien sodanige boeke, skilderstukke, beeldhouwerk of ander kunstukke ingevolge 'n notariële akte vir 'n tydperk van nie minder as vyftig jaar nie aan die Staat of enige plaaslike bestuur binne die Republiek of 'n in sub-paragraaf (ii) van paragraaf (h) bedoelde inrigting, geleen is, en die oorledene gedurende bedoelde tydperk te sterwe gekom het.”
10. Artikel *vyf* van die Boedelbelastingwet, 1955, word hierby gewysig—
- (a) deur in sub-paragraaf (f)*bis* van sub-artikel (1) die woorde „wat nie op die aandelebeurs gekwoteer word nie, in 'n maatskappy wat regstreeks of onregstreeks beheer word, hetsy by wyse van 'n meerderheid van die aandele daarvan of 'n ander reg daarin of op enige ander wyse hoegenaamd, deur die oorledene of deur die oorledene en een of meer persone wat deur bloedverwantskap, huwelik of aanneming aan hom verbind is of deur enige ander persoon ten behoeve van hom of hulle, die waarde van sodanige aandele in die besit van die oorledene op die datum van sy dood soos deur die Kommissaris onderworpe aan die volgende bepalings bepaal,” deur die woorde „in 'n maatskappy wat nie op enige effektebeurs

Wysiging van artikel 4 van Wet 45 van 1955, soos gewysig deur artikel 2 van Wet 59 van 1957 en artikel 3 van Wet 65 van 1960.

Wysiging van artikel 5 van Wet 45 van 1955, soos gewysig deur artikel 3 van Wet 59 van 1957 en artikel 4 van Wet 65 van 1960.

stock exchange, the value of such shares in the hands of the deceased at the date of his death as determined, subject to the provisions of section *eight*, by some impartial person appointed by the Commissioner”;

(b) by the substitution for sub-paragraph (iv) of the said paragraph of the following sub-paragraph:

“(iv) no regard shall be had to any provision or arrangement resulting in any variation in the rights attaching to any shares through or on account of the death of the deceased;”;

(c) by the deletion of sub-paragraph (vi) of the said paragraph; and

(d) by the deletion of paragraph (b) of sub-section (5).

Amendment of section 24 of Act 45 of 1955, as amended by section 17 of Act 59 of 1956 and section 5 of Act 59 of 1957.

11. Section *twenty-four* of the Estate Duty Act, 1955, is hereby amended by the insertion in sub-section (1) after the words “section *one* of the” of the words “value of the”.

Amendment of First Schedule to Act 45 of 1955, as amended by section 6 of Act 59 of 1957.

12. The First Schedule to the Estate Duty Act, 1955, is hereby amended by the substitution in paragraph (iii) of the first proviso for the words “or a spouse surviving the deceased” of the words “surviving the deceased or a spouse surviving the deceased who had not remarried on or before the date of death of the deceased”.

Date of commencement of Estate Duty amendments.

13. The amendments effected by this Part shall apply in respect of the estate of any person who dies or died on or after the first day of April, 1961.

PART IV.

CINEMATOGRAPH FILMS TAX.

Amendment of section 5 of Act 56 of 1960.

14. Section *five* of the Cinematograph Films Tax Act, 1960, is hereby amended by the substitution for the words “not exceeding twenty-five per cent. of such proceeds” of the words “which it is proved to the satisfaction of the Commissioner was”.

Short title.

15. This Act shall be called the Revenue Laws Amendment Act, 1961.

gekwoeteer word nie, die waarde van sodanige aandele in die besit van die oorledene op die datum van sy dood soos bepaal, behoudens die bepalings van artikel *agt*, deur een of ander deur die Kommissaris aangestelde onpartydige persoon onderworpe aan die volgende bepalings," te vervang;

(b) deur sub-paragraaf (iv) van genoemde paragraaf deur die volgende sub-paragraaf te vervang:

„(iv) geen ag word geslaan op enige bepaling of reëling ten gevolge waarvan enige verandering in die regte verbonde aan enige aandele deur of as gevolg van die dood van die oorledene plaasvind nie;”;

(c) deur sub-paragraaf (vi) van genoemde paragraaf te skrap; en

(d) deur paragraaf (b) van sub-artikel (5) te skrap.

11. Artikel *vier-en-twintig* van die Boedelbelastingwet, 1955, word hierby gewysig deur in sub-artikel (1) na die woorde „artikel *een* van die” die woorde „waarde van die” in te voeg.

Wysiging van artikel 24 van Wet 45 van 1955, soos gewysig deur artikel 17 van Wet 59 van 1956 en artikel 5 van Wet 59 van 1957.

12. Die Eerste Bylae by die Boedelbelastingwet, 1955, word hierby gewysig deur in paragraaf (iii) van die eerste voorbehoudsbepaling die woorde „of 'n eggenoot nagelaat het wat die oorledene oorleef” deur die woorde „nagelaat het wat die oorledene oorleef of 'n eggenoot nagelaat het wat die oorledene oorleef en wat nie op of voor die datum van dood van die oorledene hertrou het nie” te vervang.

Wysiging van Eerste Bylae by Wet 45 van 1955, soos gewysig deur artikel 6 van Wet 59 van 1957.

13. Die wysigings deur hierdie Deel aangebring, is van toepassing ten opsigte van die boedel van enige persoon wat op of na die eerste dag van April 1961 te sterwe kom of gekom het.

Datum van inwerkingtreding van Boedelbelasting-wysigings.

DEEL IV.

BELASTING OP KINEMATOGRAAFFILMS.

14. Artikel *vyf* van die Wet op Belasting van Kinematograaffilms, 1960, word hierby gewysig deur die woorde „van hoogstens vyf-en-twintig persent van bedoelde opbrengs, wat” deur die woorde „ten opsigte waarvan daar tot bevrediging van die Kommissaris bewys word dat dit” te vervang.

Wysiging van artikel 5 van Wet 56 van 1960.

15. Hierdie Wet heet die Wysigingswet op Inkomstewette, Kort titel. 1961.

No. 72, 1961.]

ACT**To amend the Liquor Act, 1928.***(Afrikaans text signed by the State President.)
(Assented to 28th June, 1961.)***BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Substitution for "Governor-General" in Act 30 of 1928, as amended by Act 41 of 1934, Act 46 of 1935, Act 39 of 1937, Act 20 of 1943, Act 38 of 1945, Act 40 of 1945, Proclamation No. 219 of 1946, Act 14 of 1951, Act 5 of 1952, Act 12 of 1954, Act 38 of 1954, Act 62 of 1955, Act 35 of 1956, Act 61 of 1956 and Act 58 of 1957 of "State President".

Amendment of section 6 of Act 30 of 1928, as amended by section 3 of Act 41 of 1934 and section 1 of Act 39 of 1937.

Amendment of section 53 of Act 30 of 1928, as amended by section 2 of Act 39 of 1937 and section 25 of Act 61 of 1956.

1. The Liquor Act, 1928 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the word "Governor-General" wherever it occurs therein of the words "State President".

2. Section six of the principal Act is hereby amended—

- (a) by the deletion at the end of paragraph (g) of sub-section (1) of the word "or";
- (b) by the addition at the end of paragraph (h) of the said sub-section of the word "or"; and
- (c) by the addition to the said sub-section of the following paragraph:
 - "(i) any person or the nominee of any urban local authority, any association of persons, any divisional council or any Bantu territorial, regional or tribal authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or any employer, acting under an authority granted or renewed under section *one hundred bis*."

3. (1) Section *fifty-three* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "licence under this Act shall" of the words "licence under this Act other than a temporary liquor licence or a late hours occasional licence shall";
- (b) by the addition to the said sub-section of the following paragraph:
 - "(d) in or within half a mile of the boundary of any area set apart for the occupation of coloured or Asiatic persons";
- (c) by the substitution for the first and second provisos to the said sub-section of the following proviso:
 - "Provided that the State President may, subject to the provisions of the Group Areas Act, 1957 (Act No. 77 of 1957), and subject to such conditions and restrictions as he may impose, authorize the licensing board to consider and grant an application for a licence for the sale of liquor in any place to which any prohibition of paragraph (a), (b) or (d) applies."; and
- (d) by the insertion after sub-section (1) of the following sub-sections:
 - "(1)*bis* (a) No licence for the sale of liquor granted or renewed under this Act shall be removed whether temporarily or permanently to premises situate in any place to which any prohibition of paragraph (a), (b) or (d) of sub-section (1) applies unless the State President has, subject to the provisions of the Group Areas Act, 1957 (Act No. 77 of 1957), authorized the licensing board to consider an application for such removal.

No. 72, 1961.]

WET**Tot wysiging van die Drankwet, 1928.***(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1961.)***DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Die Drankwet, 1928 (hieronder die Hoofwet genoem), word hierby gewysig deur die woord „Goewerneur-generaal” oral waar dit daarin voorkom deur die woord „Staatspresident” te vervang.
- Vervanging van „Goewerneur-generaal” in Wet 30 van 1928, soos gewysig deur Wet 41 van 1934, Wet 46 van 1935, Wet 39 van 1937, Wet 20 van 1943, Wet 38 van 1945, Wet 40 van 1945, Proklamasie No. 219 van 1946, Wet 14 van 1951, Wet 5 van 1952, Wet 12 van 1954, Wet 38 van 1954, Wet 62 van 1955, Wet 35 van 1956, Wet 61 van 1956 en Wet 58 van 1957 deur „Staatspresident”.
2. Artikel *ses* van die Hoofwet word hierby gewysig—
- (a) deur aan die end van paragraaf (g) van sub-artikel (1) die woord „of” te skrap;
- (b) deur aan die end van paragraaf (h) van gemelde sub-artikel die woord „of” by te voeg; en
- (c) deur by gemelde sub-artikel die volgende paragraaf by te voeg:
- „(i) iemand of die benoemde van ’n stedelike plaaslike bestuur, assosiasie van persone, afdelingsraad of Bantoe-gebieds-, -streeks- of -stamowerheid ingestel kragtens die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951), of werkgewer, wat handel kragtens ’n magtiging wat ingevolge artikel *honderd bis* verleen of vernuwe is.”
3. (1) Artikel *drie-en-vyftig* van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (1) die woorde „lisensies mag kragtens hierdie Wet” deur die woorde „lisensie behalwe ’n tydelike dranklisensie of ’n nagtelike geleentheidslisensie mag kragtens hierdie Wet” te vervang;
- (b) deur aan gemelde sub-artikel die volgende paragraaf by te voeg:
- „(d) in of binne ’n halfmyl van die grens van ’n streek wat opsygesit is vir besetting deur Kleurlinge of Asiate.”;
- (c) deur die eerste en tweede voorbehoudsbepalings by gemelde sub-artikel deur die volgende voorbehoudsbepaling te vervang:
- „Met die verstande dat die Staatspresident, met inagneming van die bepaling van die Groepsgebiedewet, 1957 (Wet No. 77 van 1957), en onderworpe aan die voorwaardes en beperkings wat hy mag opleë, die lisensieraad kan magtig om ’n aanvraag om ’n lisensie vir die verkoop van drank in enige plek waarop die verbod van paragraaf (a), (b) of (d) van toepassing is, te oorweeg en toe te staan.”; en
- (d) deur na sub-artikel (1) die volgende sub-artikels in te voeg:
- „(1)bis (a) Geen lisensie vir die verkoop van drank ingevolge hierdie Wet verleen of vernuwe mag verplaas word, hetsy tydelik of permanent, na ’n gebou geleë in ’n plek waarop ’n verbod van paragraaf (a), (b) of (d) van sub-artikel (1) van toepassing is nie, tensy die Staatspresident, met inagneming van die bepaling van die Groepsgebiedewet, 1957 (Wet No. 77 van 1957), die lisensieraad gemagtig het om ’n aanvraag om sodanige verplasing te oorweeg.

- (b) No licence for the sale of liquor granted or renewed under this Act in respect of premises situate in any place to which any prohibition of paragraph (a), (b) or (d) of sub-section (1) applies, shall be transferred to any person unless the State President has, subject to the provisions of the Group Areas Act, 1957 (Act No. 77 of 1957), authorized the licensing board to consider an application for such transfer.
- (c) The State President may attach to any authority granted under paragraph (a) or (b) such conditions and restrictions as he may deem fit and may, in respect of any licence granted, renewed, removed or transferred pursuant to the provisions of sub-section (1) or of this sub-section, whatever the case may be, veto the issue, removal or transfer of such licence.

(1)*ter* The licensing board shall set forth in or endorse upon or attach to any licence granted, renewed, removed or transferred pursuant to the provisions of this section, any condition or restriction imposed or attached by the State President.

(1)*quat* Every licence granted and every removal or transfer of a licence authorized contrary to the provisions of sub-section (1) or (1)*bis*, on or after the date of coming into operation thereof, shall be null and void unless the licensee obtains the authority of the State President on or before the first day of November, 1961.

(1)*quin* If an application for the grant of a licence or the removal or transfer of a licence is to be considered at the annual meeting of the licensing board, the application for the authority of the State President shall reach the Secretary for Justice not later than the first day of September of that year.”; and

- (e) by the insertion in paragraph (c) of sub-section (2) after the word “Act” of the words “but subject to the provisions of sub-section (1)*quat*,”.

(2) The provisions of sub-section (1) shall be deemed to have come into operation on the tenth day of May, 1960.

Repeal of section 81 of Act 30 of 1928, as amended by section 31 of Act 61 of 1956.

4. Section *eighty-one* of the principal Act is hereby repealed and any restriction or condition imposed under the said section shall lapse.

Repeal of section 91 of Act 30 of 1928.

5. Section *ninety-one* of the principal Act is hereby repealed.

Amendment of section 94 of Act 30 of 1928.

6. Section *ninety-four* of the principal Act is hereby amended by the insertion after the word “Act” of the words “or by the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and notwithstanding anything in any other law contained,”.

Repeal of section 95 of Act 30 of 1928.

7. Section *ninety-five* of the principal Act is hereby repealed.

Insertion of section 100*bis*, 100*ter*, 100*quat* and 100*quin* in Act 30 of 1928.

8. The following sections are hereby inserted in the principal Act after section *one hundred*:

“Special authority for sale of liquor to natives.

100*bis*. (1) The Minister or any person acting under his directions may, subject to such conditions or restrictions whatsoever as he may deem fit to impose, grant written authority to any person or the nominee of—

- (a) any urban local authority,
 (b) any association of persons,
 (c) any divisional council,
 (d) any Bantu territorial, regional or tribal authority established under the provisions of the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or
 (e) any *bona fide* employer regularly employing and housing native labourers as defined in paragraph (a) of the definition of “native labourer” contained in sub-section (1) of section *two* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911),

- (b) Geen lisensie vir die verkoop van drank ingevolge hierdie Wet verleen of vernuwe ten opsigte van 'n gebou geleë in 'n plek waarop 'n verbod van paragraaf (a), (b) of (d) van sub-artikel (1) van toepassing is, mag aan iemand oorgedra word nie, tensy die Staatspresident, met inagneming van die bepalings van die Groepsgebiedewet, 1957 (Wet No. 77 van 1957), die lisensieraad gemagtig het om 'n aanvraag om sodanige oordrag te oorweeg.
- (c) Die Staatspresident mag aan enige magtiging kragtens paragraaf (a) of (b) verleen sodanige voorwaardes en beperkings heg as wat hy mag goedvind en kan, ten opsigte van enige lisensie ooreenkomstig die bepalings van sub-artikel (1) of van hierdie sub-artikel verleen, vernuwe, verplaas of oorgedra, wat ook al die geval mag wees, die uitreiking, verplasing of oordrag van daardie lisensie verbied.

(1)ter Die lisensieraad moet uiteensit in of aanteken op of aanheg aan 'n lisensie verleen, vernuwe, verplaas of oorgedra ooreenkomstig die bepalings van hierdie artikel, enige voorwaarde of beperking opgelê of aangeheg deur die Staatspresident.

(1)quat Elke lisensie verleen en elke verplasing of oordrag van 'n lisensie gemagtig strydig met die bepalings van sub-artikel (1) of (1)bis op of na die datum van die inwerkingtreeding daarvan, is nietig tensy die lisensiehouer die magtiging van die Staatspresident op of voor die eerste dag van November 1961, verkry.

(1)quin Indien 'n aanvraag om die verlening van 'n lisensie of die verplasing of oordrag van 'n lisensie by die jaarlikse vergadering van die lisensieraad oorweeg moet word, moet die aansoek om die magtiging van die Staatspresident die Sekretaris van Justisie nie later as die eerste dag van September van daardie jaar bereik nie." en

- (e) deur aan die end van paragraaf (c) van sub-artikel (2) die volgende woorde by te voeg „dog behoudens die bepalings van sub-artikel (1)quat;”.

(2) Die bepalings van sub-artikel (1) word geag op die tiende dag van Mei 1960 in werking te getree het.

4. Artikel *een-en-tagtig* van die Hoofwet word hierby herroep en enige beperking of voorwaarde kragtens die vermelde artikel vasgestel, verval.

Herroeping van artikel 81 van Wet 30 van 1928, soos gewysig deur artikel 31 van Wet 61 van 1956.

5. Artikel *een-en-negentig* van die Hoofwet word hierby herroep.

Herroeping van artikel 91 van Wet 30 van 1928.

6. Artikel *vier-en-negentig* van die Hoofwet word hierby gewysig deur die woorde „uitdruklik anders bepaal” deur die woorde „of die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), uitdruklik anders bepaal, en niteenstaande andersluidende wetsbepalings,” te vervang.

Wysiging van artikel 94 van Wet 30 van 1928.

7. Artikel *vyf-en-negentig* van die Hoofwet word hierby herroep.

Herroeping van artikel 95 van Wet 30 van 1928.

8. Die volgende artikels word hierby in die Hoofwet na artikel *honderd* ingevoeg:

Invoeging van artikels 100bis, 100ter, 100quat en 100quin in Wet 30 van 1928.

„Spesiale magtiging vir die verkoop van drank aan naturelle.

100bis. (1) Die Minister of iemand wat op sy gesag handel, mag, onderworpe aan watter voorwaardes of beperkings ook wat hy mag wenslik ag om op te lê, skriftelike magtiging verleen aan iemand of die benoemde van—

- (a) 'n stedelike plaaslike bestuur,
 (b) 'n assosiasie van persone,
 (c) 'n afdelingsraad,
 (d) 'n Bantoe-gebieds-, -streeks- of -stamowerheid kragtens die bepalings van die Wet op Bantoeowerhede, 1951 (Wet No. 68 van 1951), ingestel, of
 (e) 'n *bona fide*-werkgewer wat gereeld naturelle-arbeiders soos omskryf in paragraaf (a) van die omskrywing van „naturellearbeider” in sub-artikel (1) van artikel *twee* van die Naturellearbeid Regelingswet, 1911 (Wet No. 15 van 1911), in diens het en huisves,

to sell liquor or such kinds of liquor as he may determine, to any native or class of natives of the age of eighteen years or more, for consumption on or off such premises as may be described in such authority.

(2) Any authority granted under sub-section (1) shall remain in force for a period of twelve months from the date of issue thereof and may from time to time on application be renewed by the Minister or any person acting under his directions, for a period not exceeding twelve months at a time and subject to such conditions or restrictions as may then be imposed.

(3) The Minister may at any time revoke any authority granted under sub-section (1) or renewed under sub-section (2), and his decision shall be final.

(4) The Minister or any person acting under his directions may, in addition to any conditions or restrictions which he may impose under this section, specify in the written authority that such provisions of this Act as are set forth in such authority, shall *mutatis mutandis* be applicable to the holder of the authority and to or in respect of the premises in respect of which it has been granted or renewed.

(5) Any conditions or restrictions imposed under this section may at any time be amended or withdrawn by the Minister or any person acting under his directions.

(6) No authority shall be issued under sub-section (1) to any person or the nominee of an association of persons in respect of premises situate in an area under the control of an urban local authority unless the Minister or the person acting under his directions, has first consulted such urban local authority.

(7) All profits derived from the sale of liquor under any authority granted or renewed under this section, shall (after deduction of any legal costs incurred by the Minister in connection with the recovery thereof) be dealt with in the manner specified in such authority after consultation with the Treasury, by the Minister or the person acting under his directions, and the Minister is hereby empowered to cause action to be brought in any court of competent jurisdiction against the holder of such authority for the recovery of an amount equal to such profits.

(8) Any person to whom written authority has been granted or whose authority has been renewed under this section, who fails or neglects to comply with any condition or restriction imposed or with any provision of this Act which has been made applicable to him or to or in respect of the premises concerned, by the Minister or the person acting under his directions, shall be guilty of an offence.

(9) The person to whom an authority is granted or in whose name it is renewed under this section, shall pay to the receiver of revenue for the benefit of the Consolidated Revenue Fund, such fee, not exceeding two hundred pounds, as the Minister after consultation with the Minister of Finance, may in each case determine.

(10) Any person to whom authority has been granted or whose authority has been renewed under this section, may, subject to such conditions or restrictions imposed and any provisions of this Act which have been made applicable to him or to or in respect of the premises concerned sell and supply liquor to any native, and any native may purchase liquor from such person and possess it.

(11) The powers conferred on the Minister by this section shall be exercised by him or the person acting under his directions after consultation with the Minister of Bantu Administration and Development or any person acting under his directions: Provided that no authority shall be granted under sub-section (1) except upon the recommendation of the National Liquor Board established under section one hundred and eighteen bis made after

om drank of sodanige soorte van drank as wat hy mag bepaal, te verkoop aan enige naturel of klas van naturelle van die ouderdom van agtien jaar of meer, vir gebruik binne of buite die gebou wat in daardie magtiging beskryf word.

(2) 'n Kragtens sub-artikel (1) verleende magtiging bly van krag vir 'n tydperk van twaalf maande vanaf die datum van uitreiking daarvan en kan van tyd tot tyd op aanvraag vernuwe word deur die Minister of iemand wat op sy gesag handel, vir 'n tydperk wat nie twaalf maande op 'n keer te bowe gaan nie en onderworpe aan die voorwaardes of beperkings wat dan opgelê word.

(3) Die Minister kan te eniger tyd 'n magtiging kragtens sub-artikel (1) verleen of kragtens sub-artikel (2) vernuwe, intrek, en sy besluit is finaal.

(4) Die Minister of iemand wat op sy gesag handel mag, benewens enige voorwaardes of beperkings wat hy kragtens hierdie artikel mag oplê, in die skriftelike magtiging vermeld dat die bepaling van hierdie Wet wat in daardie magtiging uiteengesit word, *mutatis mutandis* van toepassing is op die houer van die magtiging en op of met betrekking tot die gebou in verband waarmee dit verleen of vernuwe is.

(5) Enige voorwaardes of beperkings wat kragtens hierdie artikel opgelê is, mag te eniger tyd gewysig of teruggetrek word deur die Minister of iemand wat op sy gesag handel.

(6) Geen magtiging mag kragtens sub-artikel (1) uitgereik word nie aan iemand of die benoemde van 'n vereniging van persone met betrekking tot 'n gebou geleë in 'n gebied onder die beheer van 'n stedelike plaaslike bestuur tensy die Minister of die persoon wat op sy gesag handel, eers daardie stedelike plaaslike bestuur geraadpleeg het.

(7) Oor alle winste verkry van die verkoop van drank kragtens 'n magtiging wat kragtens hierdie artikel verleen of vernuwe is, word (na aftrekking van enige regskoste deur die Minister aangegaan in verband met die verhaal daarvan) beskik op die wyse in die magtiging na oorlegpleging met die Tesourie vermeld, deur die Minister of die persoon wat op sy gesag handel, en die Minister word hierby gemagtig om 'n geding in 'n bevoegde hof in te stel teen die houer van die magtiging vir die verhaal van 'n bedrag gelykstaande aan daardie winste.

(8) Iemand aan wie skriftelike magtiging verleen is of wie se magtiging vernuwe is kragtens hierdie artikel, wat versuim of nalaat om te voldoen aan 'n voorwaarde of beperking opgelê, of aan 'n bepaling van hierdie Wet wat deur die Minister of die persoon wat op sy gesag handel, op hom of op of met betrekking tot die betrokke gebou van toepassing gemaak is, is aan 'n misdryf skuldig.

(9) Die persoon aan wie 'n magtiging verleen word of op wie se naam dit vernuwe word kragtens hierdie artikel, moet aan die ontvanger van staatsinkomste ten voordele van die Gekonsolideerde Inkomstefonds die fooi, wat nie tweehonderd pond te bowe gaan nie, betaal wat die Minister, na oorlegpleging met die Minister van Finansies, in iedere geval vasstel.

(10) Iemand aan wie magtiging verleen is of wie se magtiging vernuwe is kragtens hierdie artikel, mag, onderworpe aan die voorwaardes of beperkings opgelê en enige bepaling van hierdie Wet wat op hom of op of met betrekking tot die betrokke gebou van toepassing gemaak is, drank aan enige naturel verkoop en lewer, en enige naturel kan drank van so iemand koop en dit besit.

(11) Die bevoegdhede deur hierdie artikel aan die Minister verleen, word deur hom of die persoon wat op sy gesag handel, uitgeoefen na oorlegpleging met die Minister van Bantoe-administrasie en -ontwikkeling of iemand wat op gesag van laasgenoemde Minister handel: Met die verstande dat geen magtiging kragtens sub-artikel (1) verleen word nie behalwe op aanbeveling van die Nasionale Drankraad ingevolge artikel *honderd-en-agtien bis* ingestel, gemaak na oorweging van alle relevante

consideration of all relevant documents, information, objections, police reports and representations submitted to the Minister under the regulations.

(12) The provisions of the Precious and Base Metals Act, 1908 (Act No. 35 of 1908 of the Transvaal), the Trading on Mining Ground Regulation Act, 1910 (Act No. 13 of 1910 of the Transvaal), the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936) and of any other law restricting or prohibiting the carrying on of trade or business on proclaimed land or land held under mining title, shall not apply to the sale of liquor on such land by the nominee of any employer referred to in paragraph (e) of sub-section (1) under any authority granted or renewed under this section: Provided that any such authority shall only be granted or renewed after consultation also with the Minister of Mines.

(13) Within two weeks after the commencement of an ordinary session of Parliament the Minister shall lay upon the Table in the Senate and in the House of Assembly a report of all authorities granted or renewed under sub-section (1) or (2) during the preceding calendar year stating the manner in which the profits shall be dealt with in terms of each authority.

Sale of liquor to natives by holders of certain licences.

100ter. The holder of an off-consumption licence and a licensee who has been granted a special right of off-sale in terms of section *sixty-four* may sell liquor to any native of the age of eighteen years or more, for consumption off the licensed premises and any such native may purchase and be in possession of liquor.

Consumption and possession of liquor by natives, Asiatics and coloured persons, on private premises.

100quat. Any native, Asiatic or coloured person who—

(a) consumes any liquor on any private premises, or
(b) is in possession of any liquor on any private premises,

without the consent of the owner or lawful occupier of such premises first having been obtained, shall be guilty of an offence.

Prohibition of sale or supply of liquor in certain areas.

100quin. The State President may, by proclamation in the *Gazette*, declare that within any area defined in such proclamation, no liquor shall be sold or supplied to any particular class of persons by the holder of an off-consumption licence or a licensee who has been granted a special right to off-sale in terms of section *sixty-four*."

Amendment of section 101 of Act 30 of 1928, as substituted by section 16 of Act 62 of 1955 and amended by section 33 of Act 61 of 1956.

9. Section *one hundred and one* of the principal Act is hereby amended—

(a) by the deletion in paragraph (a) of sub-section (1) of the words "Asiatic or coloured person";

(b) by the deletion of paragraph (b) of the said sub-section; and

(c) by the deletion of sub-sections (2) and (3).

Amendment of section 102 of Act 30 of 1928, as amended by section 24 of Act 41 of 1934.

10. Section *one hundred and two* of the principal Act is hereby amended by the deletion in paragraph (a) of sub-section (2) of the words "or as a member of a class"; and by the deletion in the said paragraph of all the words after the word "prohibited".

Amendment of section 103 of Act 30 of 1928.

11. Section *one hundred and three* of the principal Act is hereby amended by the deletion in paragraph (a) of sub-section (3) of the words "Asiatic, coloured person or".

Insertion of section 118bis in Act 30 of 1928.

12. The following section is hereby inserted in the principal Act after section *one hundred and eighteen*:

"National Liquor Board.

118bis. (1) The State President shall establish a board, to be known as the National Liquor Board, to advise him or the Minister, as the case may be, as to any matter arising out of the application of the provisions of this Act or the general distribution of liquor which may be referred to it.

(2) The Board shall consist of—

(a) an officer in the Department of Justice who has attained the rank of at least magistrate, to be nominated by the Minister and who shall be the chairman thereof;

dokumente, inligting, besware, poliesierapporte en vertoë aan die Minister kragtens die regulasies voorgelê.

(12) Die bepalinge van die „Precious and Base Metals Act, 1908” (Wet No. 35 van 1908 van die Transvaal), die „Trading on Mining Ground Regulation Act, 1910” (Wet No. 13 van 1910 van die Transvaal), die Oranje-Vrystaatse Metaal-myn Wet, 1936 (Wet No. 13 van 1936), en van enige ander wet wat die dryf van handel of besigheid op geproklameerde grond of grond gehou kragtens myntitel, beperk of verbied, is nie op die verkoop van drank op sodanige grond deur die benoemde van 'n in paragraaf (e) van sub-artikel (1) bedoelde werkgewer kragtens 'n magtiging wat kragtens hierdie artikel verleen of vernuwe is, van toepassing nie: Met die verstande dat so 'n magtiging alleenlik verleen of vernuwe word na oorlegpleging ook met die Minister van Mynwese.

(13) Binne twee weke na die aanvang van 'n gewone sessie van die Parlement lê die Minister in die Senaat en in die Volksraad 'n verslag ter Tafel van alle magtigings ingevolge sub-artikel (1) of (2) gedurende die voorafgaande kalenderjaar verleen of vernuwe, met vermelding van die wyse waarop daar ingevolge elke magtiging oor die winste beskik moet word.

Verkoop van drank aan naturelle deur houers van sekere lisensies.

100ter. Die houer van 'n buiteverbruik-lisensie en 'n lisensiehouer aan wie 'n spesiale reg van buiteverkoop ingevolge artikel vier-en-sestig verleen is, mag drank verkoop aan enige naturel van die ouderdom van agtien jaar of meer, vir gebruik buite die gelisensieerde gebou, en enige sodanige naturel kan drank koop en in besit daarvan wees.

Gebruik en besit van drank deur naturelle, Asiate en Kleurlinge op 'n private perseel.

100quat. 'n Naturel, Asiaat of Kleurling wat—
(a) drank op 'n private perseel gebruik, of
(b) in besit is van drank op 'n private perseel, sonder dat die toestemming van die eienaar of wet-tige bewoner van daardie perseel vooraf verkry is, is aan 'n misdryf skuldig.

Verbod op verkoop of verstrekking van drank in sekere gebiede.

100quin. Die Staatspresident mag, by proklamasie in die *Staatskoerant*, verklaar dat binne 'n gebied in daardie proklamasie omskryf, geen drank verkoop of verstrek mag word nie aan 'n bepaalde klas van persone deur die houer van 'n buiteverbruik-lisensie of 'n lisensiehouer aan wie 'n spesiale reg van buiteverkoop ingevolge artikel vier-en-sestig verleen is.”

9. Artikel honderd-en-een van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) die woorde „Asiaat, Kleurling of” te skrap;
(b) deur paragraaf (b) van gemelde sub-artikel te skrap; en
(c) deur sub-artikels (2) en (3) te skrap.

Wysiging van artikel 101 van Wet 30 van 1928, soos vervang deur artikel 16 van Wet 62 van 1955 en gewysig deur artikel 33 van Wet 61 van 1956.

10. Artikel honderd-en-twee van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (2) die woorde „of as lid van 'n klas” te skrap; en deur in gemelde paragraaf al die woorde na die woord „nie” te skrap.

Wysiging van artikel 102 van Wet 30 van 1928, soos gewysig deur artikel 24 van Wet 41 van 1934.

11. Artikel honderd-en-drie van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (3) die woorde „'n Asiaat, 'n Kleurling of” te skrap.

Wysiging van artikel 103 van Wet 30 van 1928.

12. Die volgende artikel word hierby in die Hoofwet ingevoeg na artikel honderd-en-agtien:

„Nasionale Drankraad.

118bis. (1) Die Staatspresident moet 'n raad instel, bekend te staan as die Nasionale Drankraad, om hom of die Minister, na gelang van die geval, met advies te dien betreffende enige aangeleentheid wat ontstaan uit die toepassing van die bepalinge van hierdie Wet of die algemene distribusie van drank en wat na hom verwys word.

(2) Die Raad bestaan uit—

- (a) 'n beampste in die Departement van Justisie wat minstens die rang van magistraat bereik het, deur die Minister benoem te word, en wat die voorsitter daarvan is;

Invoeging van artikel 118bis in Wet 30 van 1928.

- (b) the Secretary for Justice or a person nominated by him;
- (c) the Commissioner of the South African Police or a person nominated by him; and
- (d) three other members to be appointed by the State President for a period of two years.

(3) The members of the Board appointed by the State President under paragraph (d) of sub-section (2) shall receive such allowances to meet the reasonable expenses to which they are put in connection with the business of the Board as the Minister in consultation with the Minister of Finance, may determine.

(4) Retiring members of the Board shall be eligible for re-appointment.

(5) Whenever for any reason the office of any member of the Board appointed under paragraph (d) of sub-section (2) becomes vacant before the expiration of the period for which he has been appointed, the State President may appoint any other person to fill the vacancy until the expiration of the period for which the vacating member was appointed.

(6) Three members of the Board shall form a quorum.

(7) If the chairman of the Board is absent from any meeting, the Minister shall appoint one of the members present thereat to preside at such meeting.

(8) The decision of the majority of the members of the Board present at any meeting thereof shall be deemed to be the decision of the Board.

(9) In the event of an equality of votes on any matter before a meeting of the Board, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote".

Amendment of section 134 of Act 30 of 1928.

13. Section *one hundred and thirty-four* of the principal Act is hereby amended—

- (a) by the substitution for the words "Save in circumstances in which the possession and use of liquor for medicinal or sacramental purposes is rendered lawful by sections *ninety-seven, ninety-eight and ninety-nine*" of the words "Save in circumstances in which the sale, possession and use of liquor to or by a native is rendered lawful by this Act,";
- (b) by the deletion at the end of paragraph (a) of the word "or"; and
- (c) by the deletion of paragraph (b).

Amendment of section 135 of Act 30 of 1928, as amended by section 9 of Act 35 of 1956.

14. Section *one hundred and thirty-five* of the principal Act is hereby amended by the insertion in paragraph (a) of sub-section (3) after the word "licensee" where it occurs for the second time, of the words "or the holder of an authority granted or renewed under section *one hundred bis*".

Amendment of section 162 of Act 30 of 1928.

15. Section *one hundred and sixty-two* of the principal Act is hereby amended by the insertion after paragraph (b) of sub-section (1) of the following paragraph:

"(b)*bis* sells or supplies liquor in contravention of a proclamation issued under section *one hundred quin*,".

Amendment of section 164 of Act 30 of 1928.

16. Section *one hundred and sixty-four* of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

"(b) gives, sells, supplies or delivers liquor to any person contrary to the provisions of this Act or any prohibition, restriction or condition imposed under any authority therein contained, or places liquor in the possession or under the control of any such person;".

Amendment of section 166 of Act 30 of 1928, as amended by section 33 of Act 41 of 1934, section 42 of Act 61 of 1956 and section 10 of Act 58 of 1957.

17. Section *one hundred and sixty-six* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (h) after the word "premises" wherever it occurs, of the words "or any premises in respect of which an authority under section *one hundred bis* has been granted or renewed"; and by the insertion in the said paragraph after the word "licensee" of the words "or holder of such authority";

- (b) die Sekretaris van Justisie of iemand deur hom benoem;
- (c) die Kommissaris van die Suid-Afrikaanse Polisie of iemand deur hom benoem; en
- (d) drie ander lede deur die Staatspresident aangestel te word vir 'n tydperk van twee jaar.
- (3) Die lede van die Raad aangestel deur die Staatspresident kragtens paragraaf (d) van sub-artikel (2) ontvang sodanige toelaes ter dekking van die redelike uitgawes wat hulle aangaan in verband met die besigheid van die Raad as wat die Minister, in oorleg met die Minister van Finansies, vasstel.
- (4) Aftredende lede van die Raad mag weer aangestel word.
- (5) Wanneer om enige rede die amp van 'n kragtens paragraaf (d) van sub-artikel (2) aangestelde lid van die Raad vakant raak voor die verstryking van die tydperk waarvoor hy aangestel is, mag die Staatspresident iemand anders aanstel om die vakature te vul totdat die tydperk verstryk waarvoor die lid wat sy amp ontruim, aangestel was.
- (6) 'n Kworum bestaan uit drie lede van die Raad.
- (7) Indien die voorsitter van die Raad van 'n vergadering afwesig is, stel die Minister een van die lede wat aldaar aanwesig is aan om by daardie vergadering voor te sit.
- (8) Die beslissing van 'n meerderheid van die lede van die Raad wat op 'n vergadering daarvan aanwesig is, word geag 'n besluit van die Raad te wees.
- (9) By 'n staking van stemme oor enige aangeleentheid voor 'n vergadering van die Raad, het die persoon wat op daardie vergadering voorsit, benewens sy beraadslagende stem ook 'n beslissende stem".

13. Artikel *honderd-vier-en-dertig* van die Hoofwet word hierby gewysig—
- (a) deur die woorde „Behalwe onder die omstandighede waarin artikels *sewen-en-negentig*, *ag-en-negentig* en *negen-en-negentig* die besit en gebruik van drank vir medisyne of as 'n sakrament wettig" deur die woorde „Behalwe onder die omstandighede waarin die verkoop, besit en gebruik van drank aan of deur 'n naturel deur hierdie Wet wettig gemaak word," te vervang;
- (b) deur aan die end van paragraaf (a) die woord „of" te skrap; en
- (c) deur paragraaf (b) te skrap.
14. Artikel *honderd-vyf-en-dertig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (3) na die woord „lisensiehouer" waar dit die tweede maal voorkom die woorde „of die houer van 'n magtiging verleen of vernuwe kragtens artikel *honderd bis*" in te voeg.
15. Artikel *honderd-twee-en-sestig* van die Hoofwet word hierby gewysig deur na paragraaf (b) van sub-artikel (1) die volgende paragraaf in te voeg:
- „(b)bis enige drank verkoop of verstrek in stryd met 'n kragtens artikel *honderd quin* uitgereikte proklamasie;"
16. Artikel *honderd-vier-en-sestig* van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:
- „(b) drank aan iemand gee, verkoop, verstrek of aflewer in stryd met die bepalings van hierdie Wet of 'n verbod, beperking of voorwaarde opgelê kragtens 'n magtiging daarin vervat, of drank in die besit of onder die beheer van so iemand plaas;"
17. Artikel *honderd-ses-en-sestig* van die Hoofwet word hierby gewysig—
- (a) deur in paragraaf (h) na die woord „gebou" oral waar dit voorkom die woorde „of 'n gebou in verband waarmee 'n magtiging kragtens artikel *honderd bis* verleen of vernuwe is," in te voeg; en deur in gemelde paragraaf na die woord „lisensiehouer" die woorde „of houer van so 'n magtiging" in te voeg;

Wysiging van artikel 134 van Wet 30 van 1928.

Wysiging van artikel 135 van Wet 30 van 1928, soos gewysig deur artikel 9 van Wet 35 van 1956.

Wysiging van artikel 162 van Wet 30 van 1928.

Wysiging van artikel 164 van Wet 30 van 1928.

Wysiging van artikel 166 van Wet 30 van 1928, soos gewysig deur artikel 33 van Wet 41 van 1934, artikel 42 van Wet 61 van 1956 en artikel 10 van Wet 58 van 1957.

- (b) by the insertion in paragraph (i) after the words "licensed premises" of the words "or any premises in respect of which an authority under section *one hundred bis* has been granted or renewed";
- (c) by the insertion after paragraph (i) of the following paragraphs:
 - "(i)*bis* consumes any liquor in any street, road, lane or other public thoroughfare or on vacant land adjoining any street, road, lane or other public thoroughfare, in any urban area (except where such liquor has been sold and supplied on such land under an on-consumption licence): Provided that the provisions of this paragraph shall not apply in relation to any entertainment provided on such vacant land as aforesaid by any person who owns or otherwise lawfully occupies such land, or to the use of such land by such person in the ordinary course of his occupation thereof;
 - (i)*ter* consumes or possesses liquor in contravention of section *one hundred quat*;"
- (d) by the deletion in paragraph (q) of the words "or purchases or possesses any yeast, malt or other substance or thing in contravention of any provision of sub-section (1) or (4) of section *one hundred and twenty-three*"; and
- (e) by the insertion after paragraph (q) of the following paragraph:
 - "(q)*bis* purchases or possesses any yeast, malt or other substance or thing in contravention of any provision of sub-section (1) or (4) of section *one hundred and twenty-three*;"

Amendment of section 168 of Act 30 of 1928, as amended by section 34 of Act 41 of 1934, section 12 of Act 35 of 1956, and section 43 of Act 61 of 1956.

18. Section *one hundred and sixty-eight* of the principal Act is hereby amended—

- (a) by the deletion in paragraph (a) of sub-section (1) of the expression "(i)" where it occurs for the second time; and by the substitution in the said paragraph for the words "twenty-five pounds" of the words "fifty pounds or in default of payment to imprisonment for a period not exceeding three months";
- (b) by the insertion in paragraph (b) of the said sub-section after the word "is" of the words "of the provisions of sub-section (8) of section *one hundred bis* or"; by the insertion in the said paragraph after the expression "(f)" of the expression "(i), (i)*bis*, (i)*ter*,"; by the substitution in the said paragraph for the expression "(q)" of the expression "(q)*bis*"; and by the substitution in the said paragraph for the words "one hundred pounds" of the words "two hundred pounds or in default of payment to imprisonment for a period not exceeding twelve months"; and
- (c) by the insertion after paragraph (c) of the said sub-section of the following paragraph:
 - "(d) if the contravention is of a provision of paragraph (q) of section *one hundred and sixty-six*, on a first conviction, to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment; and upon a second or subsequent conviction, to imprisonment for a period of not less than six months but not exceeding five years and a fine not exceeding five hundred pounds, or to such imprisonment only."

Amendment of section 173 of Act 30 of 1928, as amended by section 44 of Act 61 of 1956.

19. Section *one hundred and seventy-three* of the principal Act is hereby amended by the insertion after paragraph (b) of the following paragraphs:

- „(b)*bis* applications and publication of applications for authorities and renewals of authorities under section *one hundred bis* and the submission of documents, information, objections, police reports and representations in regard thereto to the Minister;
- (b)*ter* meetings of the National Liquor Board and the procedure at such meetings;"

Repeal of section 9 of Act 54 of 1949, as amended by section 21 of Act 32 of 1952.

20. Section *nine* of the General Law Amendment Act, 1949 (Act No. 54 of 1949), is hereby repealed.

- (b) deur in paragraaf (i) na die woorde „gelisensieerde gebou” die woorde „of ’n gebou in verband waarmee ’n magtiging kragtens artikel *honderd bis* verleen of vernuwe is,” in te voeg;
- (c) deur na paragraaf (i) die volgende paragrafe in te voeg:
 „(i)bis drank gebruik in ’n straat, pad, steeg of ander publieke deurgang, of op oop grond wat grens aan ’n straat, pad, steeg of ander publieke deurgang, in ’n stadsgebied (behalwe waar daardie drank op sodanige grond verkoop en verstrekk is kragtens ’n binneverbruik-lisensie): Met die verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie met betrekking tot enige onthaal wat op enige sodanige oop grond verskaf word deur iemand aan wie daardie grond behoort of wat dit wettig okkupeer, of met betrekking tot die gebruik van enige sodanige grond deur so iemand in die gewone loop van sy okkupasie daarvan;
 (i)ter drank in stryd met die bepalings van artikel *honderd quat* gebruik of besit;”;
- (d) deur in paragraaf (q) die woorde „of gis of mout of ’n ander stof of ding in stryd met ’n bepaling van sub-artikel (1) of (4) van artikel *honderd-drie-en-twintig* koop of besit” te skrap; en
- (e) deur na paragraaf (q) die volgende paragraaf in te voeg:
 „(q)bis gis, mout of ’n ander stof of ding in stryd met ’n bepaling van sub-artikel (1) of (4) van artikel *honderd-drie-en-twintig* koop of besit;”.
- 18. Artikel *honderd-agt-en-sestig* van die Hoofwet word hierby gewysig—**
- (a) deur in paragraaf (a) van sub-artikel (1) die uitdrukking „(i)” waar dit die tweede maal voorkom te skrap; en deur in gemelde paragraaf die woorde „vyf-en-twintig pond” deur die woorde „vyftig pond of by wanbetaling met gevangenisstraf van hoogstens drie maande;” te vervang;
- (b) deur in paragraaf (b) van gemelde sub-artikel na die woord „is” die woorde „van die bepalings van sub-artikel (8) van artikel *honderd bis* of” in te voeg; deur in gemelde paragraaf na die uitdrukking „(f)” die uitdrukking „(i), (i)bis, (i)ter.” in te voeg; deur in gemelde paragraaf die uitdrukking „(q)” deur die uitdrukking „(q)bis” te vervang; en deur in gemelde paragraaf die woorde „honderd pond” deur die woorde „tweehonderd pond of by wanbetaling met gevangenisstraf vir ’n tydperk van hoogstens twaalf maande;” te vervang; en
- (c) deur na paragraaf (c) van gemelde sub-artikel die volgende paragraaf in te voeg:
 „(d) as dit ’n oortreding is van ’n bepaling van paragraaf (q) van artikel *honderd-ses-en-sestig*, by ’n eerste veroordeling, met ’n boete van hoogstens vyfhonderd pond of met gevangenisstraf vir ’n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf; en by ’n tweede of daaropvolgende veroordeling, met gevangenisstraf vir ’n tydperk van minstens ses maande maar hoogstens vyf jaar en ’n boete van hoogstens vyfhonderd pond, of met sodanige gevangenisstraf alleen.”.
- 19. Artikel *honderd-drie-en-sewentig* van die Hoofwet word hierby gewysig deur na paragraaf (b) die volgende paragrafe in te voeg:**
- „(b)bis aanvrage en bekendmaking van aanvrage om magtigings en vernuwings van magtigings kragtens artikel *honderd bis* en die voorlegging van dokumente, inligting, besware, poliesierapporte en vertoë met betrekking daartoe, aan die Minister;
- (b)ter vergaderings van die Nasionale Drankraad en die prosedure op sodanige vergaderings;”.
- 20. Artikel *nege* van die Algemene Regswysigingswet, 1949 (Wet No. 54 van 1949), word hierby herroep.**

Wysiging van artikel 168 van Wet 30 van 1928, soos gewysig deur artikel 34 van Wet 41 van 1934 artikel 12 van Wet 35 van 1956 en artikel 43 van Wet 61 van 1956.

Wysiging van artikel 173 van Wet 30 van 1928, soos gewysig deur artikel 44 van Wet 61 van 1956.

Herroeping van artikel 9 van Wet 54 van 1949, soos gewysig deur artikel 21 van Wet 32 van 1952.

Short title and commencement.

21. This Act shall be called the Liquor Amendment Act, 1961, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*: Provided that different dates may be so fixed in respect of the different provisions of this Act: Provided further that section *twelve* shall come into operation on the date of promulgation of this Act.

No. 68, 1961.]

ACT

To amend the Public Holidays Act, 1952.

(*Afrikaans text signed by the State President.*)
(*Assented to 28th 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 6 of Act 5 of 1952.

1. (1) Section *six* of the Public Holidays Act, 1952 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the words "South-West Africa" of the words "including that portion of the said territory known as the Eastern Caprivi Zipfel and referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)."

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1952.

Amendment of First Schedule to Act 5 of 1952.

2. The First Schedule to the principal Act is hereby amended by the substitution for the words "Union Day" of the words "Republic Day" and for the words "Queen's Birthday" of the words "Family Day".

Application of Act to South-West Africa.

3. This Act shall apply also in the territory of South-West Africa, including that portion of the said territory known as the Eastern Caprivi Zipfel and referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in the Prince Edward Islands.

Short title.

4. This Act shall be called the Public Holidays Amendment Act, 1961.

21. Hierdie Wet heet die Drankwysigingswet, 1961, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat verskillende datums ten opsigte van verskillende bepalings van hierdie Wet aldus bepaal mag word: Met dien verstande voorts dat artikel *twalf* in werking tree op die datum van afkondiging van hierdie Wet.

Kort titel en
inwerkingtreding.

No. 68, 1961.]

WET

Tot wysiging van die Wet op Openbare Feesdae, 1952.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1961.)

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

1. (1) Artikel *ses* van die Wet op Openbare Feesdae, 1952 (hieronder die Hoofwet genoem), word hierby gewysig deur na die woord „Suidwes-Afrika” die woorde „met inbegrip van daardie deel van bedoelde gebied bekend as die Oostelike Caprivi Zipfel waarna in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word,” in te voeg.

Wysiging van
artikel 6 van
Wet 5 van 1952.

(2) Sub-artikel (1) word geag op die eerste dag van April 1952 in werking te getree het.

2. Die Eerste Bylae by die Hoofwet word hierby gewysig deur die woord „Uniedag” deur die woord „Republiekdag” en die woord „Koninginsverjaardag” deur die woord „Gesinsdag” te vervang.

Wysiging van
die Eerste Bylae
by Wet 5 van
1952.

3. Hierdie Wet is ook in die gebied Suidwes-Afrika, met inbegrip van daardie deel van bedoelde gebied bekend as die Oostelike Caprivi Zipfel waarna in artikel *drie* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word, en in die Prins Edward-eilande van toepassing.

Toepassing van
Wet op Suidwes-
Afrika.

4. Hierdie Wet heet die Wysigingswet op Openbare Feesdae, Kort titel. 1961.