

EXTRAORDINARY



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THE UNION OF SOUTH AFRICA

# Government Gazette

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### OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information.

No. 644.]

[16th March, 1951.

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

	PAGE
No. 4 of 1951: Coinage Amendment Act, 1951	18
No. 5 of 1951: Workmen's Compensation Amendment Act, 1951	2
No. 6 of 1951: Natural Oil Amendment Act, 1951	4
No. 7 of 1951: AVBOB Mutual Assurance Society Incorporation (Private) Act, 1951	6
No. 8 of 1951: Jury Lists Amendment Act, 1951	18
No. 9 of 1951: Railways and Harbours Additional Appropriation Act, 1951	20

### KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer.

No. 644.]

[16 Maart 1951.

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

	PAGE	BLADSY
No. 4 van 1951: Munt-wysigingswet, 1951..	18	19
No. 5 van 1951: Ongevalle-wysigingswet, 1951 ..	2	3
No. 6 van 1951: Wysigingswet op Aardolie, 1951..	4	5
No. 7 van 1951: Private Wet tot Instelling van die Onderlinge Versekeringsgenootskap AVBOB, 1951 ..	6	7
No. 8 van 1951: Wysigingswet op Jurielyste, 1951..	18	19
No. 9 van 1951: Addisionele Spoorweg- en Hawebegrotingswet, 1951 ..	20	21

No. 5, 1951.]

# ACT

## To amend the Workmen's Compensation Act, 1941.

(English text signed by the Governor-General.)  
(Assented to 14th March, 1951.)

**B**E IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of  
section 14 of Act  
30 of 1941.

1. (1) Section *fourteen* of the Workmen's Compensation Act, 1941 (hereinafter referred to as the principal Act) is hereby amended—

- (a) by the deletion of paragraph (m); and
- (b) by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

“(2) The commissioner may—

- (a) promote, establish or subsidize, or assist in the promotion, establishment or maintenance of any body, organization or scheme whose objects consist of or include one or more of the following:
  - (i) the prevention of accidents or of any disease which is due to the nature of any occupation;
  - (ii) the promotion of the health or safety of workmen;
  - (iii) the provision of facilities designed to assist injured workmen to return to work or to reduce or remove any handicap resulting from their injuries; or
  - (iv) the carrying out of any activity conducive to the attainment of any of the objects referred to in paragraphs (i), (ii) and (iii); and
- (b) purchase or otherwise acquire shares in any such body, and alienate any shares so acquired.”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of July, 1950.

Amendment of  
section 65 of Act  
30 of 1941.

2. Section *sixty-five* of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

“(c) any expenses incurred in or in connection with the exercise of his powers under sub-section (2) of section *fourteen*;”.

Amendment of  
section 86 of Act  
30 of 1941 as  
amended by  
section 32 of Act  
27 of 1945 and  
section 33 of Act  
36 of 1949.

3. Section *eighty-six* of the principal Act is hereby amended by the substitution in sub-section (2) for the word “eight” of the word “ten”.

Amendment of  
section 89 of Act  
30 of 1941.

4. Section *eighty-nine* of the principal Act is hereby amended by the substitution for sub-paragraph (iii) of paragraph (b) of the following sub-paragraph:

“(iii) in the case of silicosis it was due to employment in connection with any occupation specified in respect of silicosis in the said Schedule.”.

Short title.

5. This Act shall be called the Workmen's Compensation Amendment Act, 1951.

No. 5, 1951.]

# WET

## Tot wysiging van die Ongevallewet, 1941.

*(Engelse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 14 Maart 1951.)*

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. (1) Artikel *veertien* van die Ongevallewet, 1941 (hieronder die Hoofwet genoem) word hiermee gewysig— Wysiging van artikel 14 van Wet 30 van 1941.
- (a) deur paragraaf (m) te skrap; en
  - (b) deur die volgende sub-artikel aan die end daarvan by te voeg, terwyl die bestaande artikel sub-artikel (1) word:
- „(2) Die kommissaris kan—
- (a) enige liggaam, organisasie of skema waarvan die oogmerke een of meer van die volgende beslaan of insluit stig, instel of subsidieer, of by die stigting, instelling of instandhouding daarvan hulp verleen:
- (i) die voorkoming van ongevalle of van enige siekte wat te wye is aan die aard van een of ander werkzaamheid;
  - (ii) die bevordering van die gesondheid of veiligheid van werksmense;
  - (iii) die voorsiening van fasiliteite wat daarop bereken is om beseerde werksmense te help om na werk terug te keer, of om enige naadel wat uit hul beserings ontstaan te verminder of te verwijder; of
  - (iv) die uitvoer van enige bedrywigheid wat bydra tot die bereiking van enige van die in paragrawe (i), (ii) en (iii) bedoelde oogmerke; en
- (b) aandele in so 'n liggaam aankoop of andersins verwerf en enige aldus aangeskafte aandele vreem.”.
- (2) Sub-artikel (1) word geag op die eerste dag van Julie 1950 in werking te getree het.
2. Artikel *vyf-en-sestig* van die Hoofwet word hiermee gewysig deur paragraaf (c) te vervang deur die volgende paragraaf: Wysiging van artikel 65 van Wet 30 van 1941.
- „(c) die onkoste wat by of in verband met die uitoefening van sy bevoegdhede ingevolge sub-artikel (2) van artikel *veertien* aangegaan is;”.
3. Artikel *ses-en-tagtig* van die Hoofwet word hiermee gewysig deur in sub-artikel (2) die woord „agt” deur die woord „tien” te vervang. Wysiging van artikel 86 van Wet 30 van 1941, soos gewysig deur artikel 32 van Wet 27 van 1945 en artikel 33 van Wet 36 van 1949.
4. Artikel *negen-en-tagtig* van die Hoofwet word hiermee gewysig deur sub-paragraaf (iii) van paragraaf (b) té vervang deur die volgende sub-paragraaf: Wysiging van artikel 89 van Wet 30 van 1941.
- „(iii) in die geval van silikose, dit toegeskry moet word aan diens in verband met 'n werkzaamheid wat in bedoelde Bylae ten opsigte van silikose bepaal is.”.
5. Hierdie Wet heet die Ongevalle-wysigingswet, 1951. Kort titel.

No. 6, 1951.]

# ACT

## To amend the Natural Oil Act, 1942.

(Afrikaans text signed by the Governor-General.)  
(Assented to 14th March, 1951.)

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

Replacement of  
section 14 of Act  
46 of 1942.

**1.** Section *fourteen* of the Natural Oil Act, 1942, is hereby replaced by the following section:

"Exceptions 14. (1) The provisions of section *twenty-three* regarding certain land of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), shall not apply in connection with belonging to the natural oil.

Native Trust or to a native. (2) The application of this Act in connection with land in respect whereof the South African Native Trust, constituted by section *four* of the said Act No. 18 of 1936 or a native (as defined in section *forty-nine* of the said Act) is the holder of the right to natural oil, shall be subject to the provisions of section *twenty-four* of the said Act.

(3) No person shall acquire a prospecting lease or a mining lease under this Act in respect of land mentioned in sub-section (2) unless the Minister of Native Affairs has consented in writing to the grant of such a lease.

(4) The State shall pay into the South African Native Trust Fund mentioned in section *eight* of the aforesaid Act a sum or sums equal to all moneys (other than a sum payable under the proviso to sub-section (5) of section *six* of the Base Minerals Amendment Act, 1942 (Act No. 39 of 1942), as applied by sub-section (7) of section *five* of this Act) which accrued to the State in respect of any right granted under this Act in connection with land in respect whereof the aforesaid Native Trust is the holder of the right to natural oil".

**Short title.** 2. This Act shall be called the Natural Oil Amendment Act, 1951.

No. 6, 1951.]

# WET

## Tot wysiging van die Wet op Aardolie, 1942.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 14 Maart 1951.)*

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:

1. Artikel *veertien* van die Wet op Aardolie, 1942 word hier- Vervanging van mee deur die volgende artikel vervang:  
 „Uitsonde- 14. (1) Die bepalings van artikel *drie-en-twintig*  
 ring ten op- van die Naturelletrust en -grond Wet, 1936 (Wet  
 sigte van No. 18 van 1936) is nie met betrekking tot aardolie  
 sekere grond wat aan toepassing nie.  
 aan die Naturelle- trust of aan 'n naturel behoort.  
 (2) Die toepassing van hierdie wet in verband met grond ten opsigte waarvan die Suid-Afrikaanse Naturelletrust, ingestel deur artikel *vier* van voormalde Wet No. 18 van 1936, of 'n naturel (soos omskryf in artikel *negen-en-veertig* van voormalde wet) die houer van die reg op aardolie is, geskied onder voorbehoud van die bepalings van artikel *vier-en-twintig* van voormalde wet.  
 (3) Niemand mag 'n prospekteerhuur of 'n myn-huur kragtens hierdie wet verkry nie ten opsigte van grond vermeld in sub-artikel (2) tensy die Minister van Naturellesake skriftelik in die toekenning van so 'n huur toegestem het.  
 (4) Die Staat moet in die in artikel *agt* van voormalde wet bedoelde Suid-Afrikaanse Naturelletrustfonds 'n som of somme stort gelyk aan alle gelde (buiten 'n bedrag verskuldig kragtens die voorbehoudsbepaling van sub-artikel (5) van artikel *ses* van die Wysigingswet op Onedele Minerale, 1942 (Wet No. 39 van 1942) soos toegepas deur sub-artikel (7) van artikel *vijf* van hierdie wet) waarop die Staat geregtig geword het ten opsigte van enige reg wat kragtens hierdie wet verleen is in verband met grond ten opsigte waarvan voormalde Naturelletrust die houer van die reg op aardolie is”.

2. Hierdie Wet heet die Wysigingswet op Aardolie, 1951. Kort titel.

No. 7, 1951.]

## PRIVATE ACT

To provide that "Die Afrikaanse Verbond Begrafnis-Onderneming Beperk", Bloemfontein, in the Province of the Orange Free State, shall become and be incorporated as a mutual insurance society, and further to provide for the constitution, rights, powers, privileges and duties of that society, and for matters incidental to the said reconstitution.

*(Afrikaans text signed by the Governor-General.)  
(Assented to 14th March, 1951.)*

**Preamble.**

**W**HEREAS there was formed on the nineteenth day of January, 1922, in the Province of the Orange Free State, a company registered with limited liability entitled "Die Afrikaanse Verbond Begrafnis-Onderneming Beperk" hereinafter referred to as the company and this company still exists:

AND WHEREAS the company has since its incorporation conducted the business of funeral insurance and now conducts such business and is duly registered to carry on such business in terms of the Insurance Act, 1943 (Act No. 27 of 1943):

AND WHEREAS substantial profits have been earned and may in the future be earned in the said funeral insurance business:

AND WHEREAS it is desirable that such profits should in future accrue to policyholders:

AND WHEREAS the great majority of shareholders of the company have, on the proposal of the directors, resolved that the company shall be re-constituted a mutual assurance society:

AND WHEREAS no law exists whereby effect can be given to such resolution:

AND WHEREAS it is desirable to provide machinery for the re-constitution of the company as a mutual assurance society under the name of AVBOB Mutual Assurance Society herein-after referred to as the society:

AND WHEREAS for the purpose of such re-constitution it is desirable that all the shares in the company shall be purchased from the shareholders for and on behalf of the aforementioned policyholders and the share capital of the company thereafter cancelled:

AND WHEREAS the constitution of the company cannot in law provide for the purchase of the said shares with funds lent by the company and for the cancellation of the said share capital:

AND WHEREAS it is desirable that provision should be made so that the company may lend to trustees such sums of money as may be necessary to effect such purchase:

AND WHEREAS the sum of three pounds eleven shillings and sixpence per share is a just and equitable purchase price:

AND WHEREAS it is desirable to make provision for the appointment of trustees to purchase all the shares in the company and to define the powers, rights and duties of the said trustees:

AND WHEREAS it is desirable to provide for the acquisition by the trustees of the balance of the shares in the company when not less than nine-tenths of the total issued shares have been purchased by the trustees:

AND WHEREAS it is desirable to provide the terms on which the shares shall be held by the trustees:

AND WHEREAS it is desirable to place certain limitations on the powers of the company in respect of the increase of share capital, the issue of unissued shares and the alteration of the articles pending the reconstitution of the company as a mutual assurance society:

AND WHEREAS it is desirable to provide that when all the shares have been transferred to the trustees the court shall have the power to determine a date upon which the paid-up share capital in the company shall be paid off and the shares cancelled and the company shall be reconstituted a mutual assurance society:

AND WHEREAS it is desirable to provide for the incorporation, constitution, membership and internal management and for a head office of the society:

No. 7, 1951.]

## PRIVATE WET

**Tot instelling van die Afrikaanse Verbond Begrafnis-Onderneming Beperk, Bloemfontein, in die provinsie Oranje-Vrystaat, as 'n onderlinge versekeringsgenootskap met regspersoonlikheid, en tot reëeling van die samestelling, regte, bevoegdhede, voorregte en verpligtings van daardie genootskap en van aangeleenthede wat met bedoelde herinstelling in verband staan.**

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 14 Maart 1951.)*

**NADEMAAL** daar op die negentiende dag van Januarie Aanhef 1922 in die provinsie Oranje-Vrystaat 'n maatskappy gestig is, geregistreer met beperkte aanspreeklikheid, met die naam „Die Afrikaanse Verbond Begrafnis-Onderneming Beperk”, hierna die maatskappy genoem, en hierdie maatskappy nog bestaan:

EN NADEMAAL die maatskappy sedert sy instelling begrafnisversekeringsbesigheid gedryf het en tans sodanige besigheid dryf en behoorlik ooreenkomsdig die Versekeringswet 1943 (Wet No. 27 van 1943) geregistreer is om sodanige besigheid te dryf:

EN NADEMAAL genoemde begrafnisversekeringsbesigheid aansienlike winste opgelever het en in die toekoms kan oplewer:

EN NADEMAAL dit wenslik is dat sodanige winste in die vervolg polishouers moet toekom:

EN NADEMAAL die oorgrote meerderheid aandeelhouers van die maatskappy op voorstel van die direkteure besluit het dat die maatskappy as 'n onderlinge versekeringsgenootskap her ingestel moet word:

EN NADEMAAL daar geen wet bestaan waarkragtens uitvoering aan sodanige besluit gegee kan word nie:

EN NADEMAAL dit wenslik is dat voorsiening gemaak word vir masjinerie vir die herinstelling van die maatskappy as 'n onderlinge versekeringsgenootskap met die naam Die Onderlinge Versekeringsgenootskap AVBOB, hierna die genootskap genoem:

EN NADEMAAL dit vir die doel van sodanige herinstelling wenslik is dat al die aandele in die maatskappy van dié aandeelhouers vir en ten behoeve van voornoemde polishouers gekoop moet word en die aandelekapitaal van die maatskappy daarna gekanselleer moet word:

EN NADEMAAL die konstitusie van die maatskappy nie regtens vir die koop van genoemde aandele met geld deur die maatskappy geleen en vir die kansellerung van genoemde aandelekapitaal voorsiening kan maak nie:

EN NADEMAAL dit wenslik is dat voorsiening daarvoor gemaak moet word dat die maatskappy aan kuratore die geldsomme kan leen wat nodig mag wees om sodanige koop te bewerkstellig:

EN NADEMAAL die som van drie pond elf sjielings en ses pennies per aandeel 'n regverdige en billike koopprys is:

EN NADEMAAL dit wenslik is om voorsiening te maak vir die aanstelling van kuratore om al die aandele in die maatskappy te koop en om die bevoegdhede, regte en pligte van genoemde kuratore te omskryf:

EN NADEMAAL dit wenslik is om voorsiening te maak vir die verkryging deur die kuratore van die res van die aandele in die maatskappy wanneer minstens nege-tiendes van die totale uitgegewe aandele deur die kuratore aangekoop is:

EN NADEMAAL dit wenslik is om die voorwaardes te bepaal waarop die aandele deur die kuratore gehou moet word:

EN NADEMAAL dit wenslik is om die bevoegdhede van die maatskappy in sekere opsigte te beperk wat betref die vermeerdering van die aandelekapitaal, die uitgifte van onuitgewe aandele en die verandering van die statute in afwagting van die herinstelling van die maatskappy as 'n onderlinge versekeringsgenootskap:

EN NADEMAAL dit wenslik is om te bepaal dat wanneer al die aandele op die kuratore oorgedra is, die hof die reg het om 'n datum vas te stel waarop die opbetaalde aandelekapitaal van die maatskappy afbetaal en die aandele gekanselleer moet word en die maatskappy her ingestel moet word as 'n onderlinge versekeringsgenootskap:

EN NADEMAAL dit wenslik is om voorsiening te maak vir die erkennings as regspersoon, samestelling, lidmaatskap en interne bestuur en 'n hoofkantoor van die genootskap:

AND WHEREAS it is desirable to provide for payment to the trustees out of the surplus of the society of such amounts as may be owing by the trustees in respect of the acquisition of the shares:

AND WHEREAS it is desirable to define the powers and objects of the society and make provision for the alteration or addition to such powers and objects as the occasion may arise:

AND WHEREAS it is desirable to provide for the limitation of liability of all members of the society and for the transfer of all assets and liabilities, rights and duties of the company to the society:

AND WHEREAS it is desirable to provide that all directors, officers and servants, auditors and actuaries of the company shall initially remain in office as directors, officers and servants, auditors and actuaries of the society:

AND WHEREAS it is desirable to provide that certain costs, charges and expenses incurred in the promotion and passing of this Act and in the reconstitution of the company as a society shall be borne by the company:

**B**E IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa as follows:—

## CHAPTER I.

### DEFINITIONS.

#### Definitions.

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

- (i) “the company” means “Die Afrikaanse Verbond Begrafnis-Onderneming Beperk”, a company registered with limited liability as No. 659 in terms of Chapter C of the Free State Law Book and the Free State Companies Amendment Ordinance 1904 on the nineteenth day of January, 1922; (vi)
- (ii) “the court” means the Orange Free State Provincial Division of the Supreme Court; (iv)
- (iii) “the determined price” means the sum of three pounds eleven shillings and sixpence per share; (ix)
- (iv) “the effective date” means the date declared by the court under the provisions of section *seven*; (ii)
- (v) “Insurance Act” means the Insurance Act, 1943 (Act No. 27 of 1943) as amended by (i) the Finance Act, 1944 (Act No. 46 of 1944); (ii) the Insurance (Amendment) Act, 1945 (Act No. 19 of 1945); and (iii) the National Finance Corporation Act, 1949 (Act No. 33 of 1949); (x)
- (vi) “policyholder” means the owner (whether described as “subscriber” or otherwise) of a policy of funeral insurance (other than a policy in terms of which only a single premium is payable or in terms of which monthly premiums are payable for a period of twelve months or less) which in terms thereof is of full force and effect and which was issued by the company in accordance with the tables of premium rates introduced by the company after the first day of April, 1944, and excludes all other persons; (vii)
- (vii) “share” means an issued share in the company; (i)
- (viii) “society” means the “AVBOB Mutual Assurance Society” incorporated under the provisions of Chapter III of this Act; (iii)
- (ix) “the surplus” means the amount by which (a) the sum of the value of the assets owned by the society in connection with its insurance business as calculated in accordance with the provisions of section *fourteen* of the Insurance Act exceeds from time to time (b) the sum of the amount of the liabilities in respect of that business as calculated in accordance with the provisions of section *twelve* of the Insurance Act and the sum of such additional reserves in respect of that business as the directors may have made; (viii)
- (x) “trustees” means the trustees appointed under the provisions of section *two*. (v)

EN NADEMAAL dit wenslik is om voorsiening te maak vir die betaling aan die kuratore uit die surplus van die genootskap van bedrae wat die kuratore ten opsigte van die verkryging van die aandele mag skuld:

EN NADEMAAL dit wenslik is om die bevoegdhede en oogmerke van die genootskap te omskryf en om voorsiening te maak vir die wysiging of aanvulling van sodanige bevoegdhede en oogmerke na gelang van omstandighede:

EN NADEMAAL dit wenslik is om voorsiening te maak vir die beperking van aanspreeklikheid van alle lede van die genootskap en vir die oordrag van alle bates en verbintenisse, regte en verpligtings van die maatskappy op die genootskap:

EN NADEMAAL dit wenslik is om voorsiening te maak dat alle direkteure, amptenare en dienare, ouditeure en aktuarisse van die maatskappy aanvanklik hul amp as direkteure, amptenare en dienare, ouditeure en aktuarisse van die genootskap bly beklee:

EN NADEMAAL dit wenslik is om te bepaal dat sekere koste, vorderings en uitgawe wat met die bevordering en aanneem van hierdie Wet en met die herinstelling van die maatskappy as 'n genootskap opgeloop word, deur die maatskappy gedek moet word:

**WORD DIT BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

## HOOFSTUK I.

### OMSKRYWINGS.

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

- (i) „aandeel” 'n uitgegewe aandeel in die maatskappy;
- (vii)
- (ii) „die bepaalde datum” die datum deur die hof bepaal ingevolge die bepalings van artikel *sewe*; (iv)
- (iii) „genootskap” „Die Onderlinge Versekeringsgenootskap AVBOB” as regspersoon ingestel kragtens die bepalings van hoofstuk III van hierdie Wet; (viii)
- (iv) „die hof” die Oranje-Vrystaatse Provinciale Afdeling van die Hooggereghof; (ii)
- (v) „kuratore” die kuratore aangestel kragtens die bepalings van artikel  *twee*; (x)
- (vi) „die maatskappy” „Die Afrikaanse Verbond Begrafnis-Onderneming Beperk” 'n maatskappy met beperkte aanspreeklikheid geregistreer op die negentiende dag van Januarie 1922 as No. 659 ooreenkomsdig Hoofstuk C van die Vrystaatse Wetboek en die Vrystaatse Wysigingsordonnansie op Maatskappye van 1904; (i)
- (vii) „polishouer” die eienaar (het sy hy as „intekenaar” of andersins beskryf word) van 'n begrafnisversekeringspolis (behalwe 'n polis waarkragtens slegs een premie betaalbaar is of waarkragtens maandelikse premies vir 'n tydperk van twaalf maande of korter betaalbaar is) wat volgens die bepalings daarvan ten volle van krag is en wat deur die maatskappy uitgereik is ooreenkomsdig die premietariefstafels wat na die eerste dag van April 1944 deur die maatskappy ingevoer is, en geen ander persoon nie; (vi)
- (viii) „die surplus” die bedrag waarmee (a) die totaal van die waarde van die bates wat die genootskap in verband met sy versekeringsbesigheid besit, soos bereken ooreenkomsdig die bepalings van artikel *veertien* van die Versekeringswet, van tyd tot tyd meer is dan (b) die totale bedrag van die verbintenisse ten opsigte van daardie besigheid, soos bereken ooreenkomsdig die bepalings van artikel *twalf* van die Versekeringswet, en die totaal van bykomstige reserwes ten opsigte van daardie besigheid wat die direkteure mag geskep het; (ix)
- (ix) „die vasgestelde prys” die som van drie pond elf sjielings en ses pennies per aandeel; (iii)
- (x) „Versekeringswet” die Versekeringswet, 1943 (Wet No. 27 van 1943) soos gewysig deur (i) die Finansiële wet, 1944 (Wet No. 46 van 1944); (ii) die Wysigingswet op Versekering, 1945 (Wet No. 19 van 1945); en (iii) die Wet op die Nasionale Finansiekorporasie, 1949 (Wet No. 33 van 1949). (v)

## CHAPTER II.

### RECONSTITUTION OF THE COMPANY INTO A MUTUAL INSURANCE SOCIETY.

**Appointment of trustees for the policyholders.**

2. (1) The directors of the company for the time being shall be the trustees for the policyholders and shall hold all shares which may be transferred to them upon the trusts set forth in this chapter in order to effectuate the purposes of this chapter.

(2) The trustees shall not be required to furnish security, and the company shall indemnify them against all claims and expenses incurred in the performance of their office except in so far as such claims or expenses arise from their negligence or fraud.

(3) The trustees shall receive no remuneration for the performance of their office other than that ordinarily received by them in their capacity as directors of the company.

**Trustees to invite shareholders to offer shares for sale.**

3. The trustees shall, within one month after their appointment, by written notice invite each shareholder to offer to sell to them his shares at the determined price.

**Acquisition of shares and loans for payment.**

4. (1) Upon receipt of an offer made in pursuance of section three the trustees shall purchase the shares so offered, and payment for shares so purchased shall be made by them upon transfer of the shares to them.

(2) The company may lend to the trustees such sum or sums of money as may be sufficient to enable them to acquire all the shares whether purchased in terms of sub-section (1) or transferred to them in terms of section six.

**Transfer of shares to trustees upon certain trusts.**

5. All shares so purchased shall be transferred in the books of the company to the trustees, who shall until the effective date hold the legal title thereto upon the following trusts:

- (a) to receive all dividends declared thereon and, within ten days after the receipt thereof, to repay the dividends to the company, which shall hold such dividends for the benefit of the policyholders;
- (b) to receive all other sums paid on or in respect of the shares in any manner or under any contingency, and, within ten days after the receipt thereof, to repay such sums to the company, which shall hold such sums for the benefit of the policyholders;
- (c) to exercise such votes as attach to the shares at any meeting of the company in such manner as will in the judgment of the trustees best promote the interests of the policyholders and the company.

trustees may apply to court in certain circumstances for order compelling shareholders to transfer shares.

6. (1) Immediately after the trustees have received transfer of not less than nine-tenths of the total number of shares, and at any time thereafter so long as any share has not been transferred to the trustees, the trustees may apply to the court for an order calling on certain or all remaining shareholders to transfer all their shares to the trustees at the determined price: Provided that a period of not less than six months shall elapse between the date of an order made on any such application and the date of the next succeeding application.

(2) On any application under sub-section (1) the Court may—

- (a) grant the application; or
- (b) grant a rule *nisi* calling on all persons concerned to show cause why the application shall not be granted; or
- (c) make such other order as to the Court may seem just.

(3) In granting an order in terms of sub-section (2), the court shall direct the manner in which, the extent to which and the persons to whom notice of such order shall be given, and the court shall appoint a date on or before which such remaining shareholders shall transfer all their shares to the trustees on payment of the determined price.

(4) In exercising its discretion under sub-section (2) or (3), the court shall primarily have regard to the interests of the policyholders.

(5) If any shareholder has, for whatever reason, failed or refused to transfer all his shares to the trustees on or before the date appointed by the court in terms of sub-section (3), the company shall delete from the share register the name of any

## HOOFSTUK II.

## HERINSTELLING VAN DIE MAATSKAPPY AS 'N ONDERLINGE VERSEKERINGSGENOOTSKAP.

2. (1) Die dienende direkteure van die maatskappy is die kuratore vir die polishouers en hou alle aandele wat op hulle oorgedra mag word met die trustverpligtings wat in hierdie hoofstuk uiteengesit word ten einde die doeleindes van hierdie hoofstuk ten uitvoer te bring.

(2) Van die kuratore word nie vereis om sekerheid te verstrek nie en die maatskappy stel hulle skadeloos ten opsigte van alle eise en uitgawes wat met die uitoefening van hulle amp opgeloop word behalwe vir sover sulke eise of uitgawes uit hulle nalatigheid of bedrog ontstaan.

(3) Die kuratore ontvang geen besoldiging vir die uitoefening van hulle amp nie behalwe die wat hulle gewoonweg as direkteure van die maatskappy ontvang.

3. Die kuratore nooi binne een maand na hulle aanstelling elke aandeelhouer by wyse van skriftelike kennisgewing uit om aan hulle sy aandele teen die vasgestelde prys te koop aan te bied.

4. (1) By ontvangs van 'n aanbod gedoen ingevolge artikel 3 die maatskappy kan aan die kuratore 'n som of somme geld leen wat voldoende is om hulle in staat te stel om al die aandele te verkry, hetby ooreenkomsdig sub-artikel (1) aangekoop of ooreenkomsdig artikel 6 op hulle oorgedra.

5. Alle aandele wat aldus aangekoop word, word in die Oordrag van boeke van die maatskappy oorgedra op die kuratore wat tot die bepaalde datum die wettige eiendomsreg daarop hou met die volgende trustverpligtings:

- (a) hulle moet alle diwidende wat daarop verklaar word, ontvang en dit binne tien dae na ontvangs daarvan terugbetaal aan die maatskappy wat sodanige diwidende ten bate van die polishouers hou;
- (b) hulle moet alle ander bedrae wat op of ten opsigte van die aandele op enige wyse of in geval van enige gebeurlikheid betaal word, ontvang en binne tien dae na ontvangs daarvan sodanige bedrae terugbetaal aan die maatskappy wat sodanige bedrae ten bate van die polishouers hou;
- (c) hulle moet die stemme aan die aandele verbonde op enige vergadering van die maatskappy uitbring op die wyse wat na die oordeel van die kuratore die bevorderlikste is vir die belang van die polishouers en die maatskappy.

6. (1) Onmiddellik nadat die kuratore oordrag van minstens nege-tiendes van die totale getal aandele ontvang het, en te eniger tyd daarna solank enige aandeel nog nie op die kuratore oorgedra is nie, kan die kuratore by die hof aansoek doen om 'n bevel wat van sekere of al die oorblywende aandeelhouers vereis dat hulle al hulle aandele op die kuratore oordra teen die vasgestelde prys: Met dien verstande dat 'n tydperk van minstens ses maande moet verloop tussen die datum van 'n bevel wat op so 'n aansoek gegee is en die datum van die eerstvolgende aansoek.

(2) In die geval van 'n aansoek ingevolge sub-artikel (1) kan die hof—

- (a) die aansoek toestaan; of
- (b) 'n bevel *nisi* toestaan wat van alle betrokke persone vereis dat hulle redes aanvoer waarom die aansoek nie toegestaan moet word nie; of
- (c) 'n ander bevel gee wat die hof as regverdig beskou.

(3) By die gee van 'n bevel ooreenkomsdig sub-artikel (2) bepaal die hof die wyse waarop, die mate waarin en die persone aan wie kennis van sodanige bevel gegee moet word, en stel die hof 'n datum vas waarop of waarvoor die oorblywende aandeelhouers al hul aandele op die kuratore moet oordra teen betaling van die vasgestelde prys.

(4) By die uitoefening van die hof se diskresie ingevolge sub-artikel (2) of (3), moet hy in die eerste plek die belang van die polishouers in ag neem.

(5) Indien enige aandeelhouer om watter rede ookal versuim of geweier het om al sy aandele op die kuratore oor te dra op of voor die datum deur die hof ooreenkomsdig sub-artikel (3) vasgestel, skrap die maatskappy die naam van so 'n aandeel-

Aanstelling van kuratore vir die polishouers.

aandele en lenings vir betaling.

aandele op kuratore met sekere trust-verpligtigs.

such shareholder and register therein in his stead in respect of such shares the names of the trustees, whereupon the said shares shall be deemed to have been transferred to the trustees and the trustees shall thereupon pay into the Guardians' Fund, for the credit of the account of the persons concerned, the determined price in respect of such shares.

**Order of court terminating company and constituting society.**

7. Within three months after all the shares have been transferred to the trustees, the trustees shall apply to the court for an order—

- (a) declaring the date on which the existence of the company shall terminate and on which the existence of the society shall be substituted therefor;
- (b) directing the Registrar of Companies to strike the name of the company off the register on such date;
- (c) declaring that all rights and obligations of the company, whether present, future or contingent, and all assets and liabilities of the company shall on such date become rights, obligations, assets or liabilities, as the case may be, of the society;
- (d) directing any registrar of deeds or other officer proper for the registration of deeds or mining titles to make in his registers, without the payment of transfer duty or any other charge, all such alterations as are necessary to substitute the name of the society for the name of the company;
- (e) directing the Registrar of Insurance, the Secretary for Finance and such other officials and persons as it may determine to substitute in their records, without the payment of any charge, the name of the society for the name of the company;
- (f) directing the company to pay off on such date the paid-up share capital and declaring the shares cancelled on such date and all rights of the shareholders arising from their ownership of the shares terminated;
- (g) directing the trustees to publish the order in such manner as the court may determine with a view to giving proper information to the public.

**Company not to exercise certain powers without leave of court.**

8. The company shall not, except by leave of the court, increase the authorized share capital of the company, or issue any unissued shares in the company, or alter the articles of association of the company.

### CHAPTER III.

#### INCORPORATION OF THE SOCIETY.

**Society to be a body corporate and to succeed to rights and obligations of company, and to pay amounts owing by trustees.**

9. (1) As from the effective date the society shall until dissolved by its members or by legal process be a body corporate known by the name of the AVBOB Mutual Assurance Society and shall by its corporate name be capable in law of suing and being sued and of acquiring and alienating property and of doing and performing such other acts and things as bodies corporate may by law do and perform and of generally transacting all its business.

(2) All rights, whether present, future or contingent, and all assets held by the company on the effective date shall on that date become rights and assets of the society, provided that the society shall forthwith pay to the trustees out of the surplus such amounts as may be owing by the trustees in respect of the acquisition of the shares.

(3) All obligations and liabilities, whether present, future or contingent, of the company on the effective date shall on that date become obligations and liabilities of the society.

(4) All legal proceedings pending on the effective date by or against the company shall continue as if that date had not arrived, and any judgment or order on such proceedings shall be for the benefit of or be binding upon the society as the case may be.

**Head office of society.**

10. The head office of the society shall be in the Province of the Orange Free State.

**Objects of the society.**

11. The objects of the society are the following:

- (a) to carry on in the Union of South Africa or elsewhere the business of insurance in the widest possible sense of the word;
- (b) to obtain or retain registration in terms of the Insurance Act for any or all of the following classes of busi-

houer van die aandeleregister en registreer hy in die plek daarvan die name van die kuratore ten opsigte van sodanige aandele, waarna beskou word dat genoemde aandele op die kuratore oorgedra is, en daarna betaal die kuratore die vasgestelde prys ten opsigte van sodanige aandele in die Voogdylfonds ten bate van die rekening van die betrokke persone.

**7. Die kuratore doen binne drie maande nadat al die aandele op die kuratore oorgedra is by die hof aansoek om 'n bevel**

- (a) wat die datum bepaal waarop die bestaan van die maatskappy beëindig word en waarop dit vervang word deur die bestaan van die genootskap;
- (b) wat die Registrateur van Maatskappye gelas om die naam van die maatskappy op dié datum van die register te skrap;
- (c) wat verklaar dat alle huidige, toekomstige of voorwaardelike regte en verpligtings van die maatskappy en alle bates en verbintenis van die maatskappy op dié datum regte, verpligtings, bates of verbintenis, na gelang van die geval, van die genootskap word;
- (d) wat enige registrateur van aktes of ander amptenaar bevoeg om aktes of mynbrieve te registreer, gelas om in sy registers, sonder die betaling van herereg of enige ander vordering, al die wysigings aan te bring wat nodig is om die naam van die maatskappy deur die naam van die genootskap te vervang;
- (e) wat die Registrateur van Versekeringswese, die Sekretaris van Finansies en die ander amptenare en persone wat aangewys word, gelas om in hulle amptelike stukke, sonder die betaling van enige vordering, die naam van die maatskappy deur die naam van die genootskap te vervang;
- (f) wat die maatskappy gelas om op dié datum die opbetaalde aandelekapitaal af te betaal en wat verklaar dat die aandele op dié datum gekanselleer is en alle regte van die aandeelhouers wat uit hul eiendomsreg op die aandele ontstaan, beëindig is;
- (g) wat die kuratore gelas om die bevel te publiseer op die wyse wat die hof bepaal ten einde die publiek behoorlik daaromtrent in te lig.

**8. Die maatskappy vermeerder nie die gemagtigde aandelekapitaal van die maatskappy of gee enige onuitgegewe aandele in die maatskappy uit of wysig die statute van die maatskappy behalwe met die verlof van die hof nie.**

Maatskappy mag sekere bevoegdhede nie sonder verlof van hof uitoefen nie.

### HOOFSTUK III.

#### ERKENNING VAN DIE GENOTSKAP AS REGSPERSOON.

**9. (1) Met ingang van die bepaalde datum en totdat die genootskap deur sy lede of deur 'n regspresos onbind word, is die genootskap 'n liggaaam met regspersoonlikheid bekend as die Onderlinge Versekeringsgenootskap AVBOB en kan hy onder sy naam as regspersoon as eiser en verweerde in regte optree, goed verkry en vervreem en al die ander handelinge en dinge verrig en doen wat regspersone regtens mag verrig en doen, en in die algemeen al sy sake doen.**

Genootskap moet 'n liggaaam met regspersoonlikheid wees, regte en verpligtings van maatskappy gaan op hom oor en hy moet bedrae deur kuratore verskuldig betaal.

(2) Alle huidige, toekomstige of voorwaardelike regte en alle bates deur die maatskappy op die bepaalde datum gehou, word op dié datum regte en bates van die genootskap, met dien verstande dat die genootskap onverwyld aan die kuratore uit die surplus die bedrae betaal wat die kuratore ten opsigte van die verkryging van die aandele skuld.

(3) Alle huidige, toekomstige of voorwaardelike verpligtings en verbintenis van die maatskappy op die bepaalde datum, word op dié datum verpligtings en verbintenis van die genootskap.

(4) Alle regsgedinge deur of teen die maatskappy wat op die bepaalde datum hangende is, gaan voort asof dié datum nie aangebreek het nie, en enige uitspraak of bevel ten opsigte van so 'n geding is ten bate van of bindend vir die genootskap, na gelang van die geval.

**10. Die hoofkantoor van die genootskap is in die Provincie Hoofkantoor van Oranje-Vrystaat.**

die genootskap.

**11. Die oogmerke van die genootskap is soos volg:**

Oogmerke van die genootskap.

- (a) om in die Unie van Suid-Afrika of elders versekeringsbesigheid in die breedste moontlike sin van die woord te dryf;
- (b) om registrasie ooreenkomsdig die Versekeringswet vir enige van of al die volgende klasse besigheid te

ness and to carry on in the Union of South Africa or elsewhere any or all of those classes of business:

- (i) funeral business, industrial business, life business, sinking-fund business;
- (ii) fire business, personal accident business, marine business, motor business;
- (iii) any other class of business which may be lawfully carried on under the provisions of the Insurance Act;
- (c) to carry on in the Union of South Africa or elsewhere any class of insurance business which may be lawfully carried on under the provisions of any law other than the Insurance Act;
- (d) to reinsure any risk accepted by the society and to undertake the reinsurance of risks accepted by any other person or body of persons provided that the risk so reinsured be one of those which the society itself could have undertaken under the powers conferred by this Act;
- (e) to carry on or be associated with any kind of business or activity which may conveniently or advantageously be combined with insurance business, and in particular the business of funeral undertaking, coffin manufacturing, wreath manufacturing and memorial building;
- (f) to act as agent, secretary or manager for any company;
- (g) to own, acquire, purchase, sell, alienate, pledge, mortgage, let, hire or in any manner deal with or dispose of movable and immovable property;
- (h) to realise any assets belonging to the society;
- (i) to invest moneys in such manner as the directors in their discretion think fit, including the purchase of shares in subsidiary or other companies;
- (j) to purchase or otherwise acquire all or any part of the business and to undertake the liabilities attendant thereon of any company, person or association of persons carrying on any business which the society is authorized to carry on, and to sell or otherwise dispose of any part thereof;
- (k) to borrow money and secure the repayment thereof;
- (l) to obtain the registration or recognition of the society in any country outside the Union of South Africa;
- (m) to promote and support schemes for the providing of pensions and of guarantee and other funds for and in connection with the employees of the society;
- (n) to do all such other things as are incidental or conducive to the attainment of all or any of its objects.

**Constitution of society.**

**What persons to be members.**

**Duration of membership.**

**12.** The society shall consist of the directors and the members.

**13.** (1) Every person who is on the effective date a policy-holder, and every person who shall thereafter effect and maintain in full force and effect an assurance with the society (other than an assurance in terms of which only a single premium is payable, or in terms of which monthly premiums are payable for a period of twelve months or less), shall be a member of the society.

(2) Subject to any regulations to be made under the authority of this Act, every person registered in the books of the society as the owner of a policy of assurance, as aforesaid, acquired by purchase, cession or otherwise (not being a person by whom any such policy is held in trust for the purposes of family or other settlement) shall be a member of the society so long as he shall have an interest in the assurance.

**14.** Every such member shall be entitled to the rights and privileges of membership until his death, unless all claims against the society in respect of the policy constituting membership are previously satisfied, or such policy shall by reason of the provisions of the policy lapse, be forfeited or assigned, or unless the right to such policy passes by operation of law and the person entitled thereto procures himself to be registered as the owner thereof in the books of the society, or unless such

verkry of te behou en om in die Unie van Suid-Afrika of elders enigeen van of al dié klasse besigheid te dryf:

- (i) begrafnisbesigheid, nywerheidsbesigheid, lewensbesigheid, amortisasiefonds-besigheid;
- (ii) brandbesigheid, persoonlike ongevallebesigheid, seebesigheid, motorbesigheid;
- (iii) enige ander klas besigheid wat wettiglik kragtens die bepalings van die Versekeringswet gedryf kan word;
- (c) om in die Unie van Suid-Afrika of elders enige klas versekeringsbesigheid te dryf wat wettiglik kragtens 'n ander reg as die Versekeringswet gedryf kan word;
- (d) om enige risiko deur die genootskap aanvaar opnuut te verseker en om die herverseker van risiko's deur 'n ander persoon of liggaam van persone aanvaar, te onderneem, met dien verstande dat die risiko wat aldus verseker word een van dié moet wees wat die genootskap self kon onderneem het kragtens die bevoegdhede deur hierdie Wet verleent;
- (e) om enige soort besigheid of bedrywigheid wat geflitskierwys of met voordeel saam met versekeringsbesigheid gedryf kan word, te dryf of daaraan verbonde te wees, en in die besonder die besigheid van begrafnisonderneming, doodkisvervaardiging, kransvervaardiging en die bou van gedenktekens;
- (f) om as agent, sekretaris of bestuurder vir enige maatskappy op te tree;
- (g) om roerende en onroerende goed te besit, te verkry, te koop, te verkoop, te vervaarm, te verpand, met verband te beswaar, te verhuur, te huur of op enige manier met betrekking daartoe te handel of daaroor te beskik;
- (h) om enige bates wat aan die genootskap behoort tot geld te maak;
- (i) om geld op die manier te belê wat die direkteure goeddink, met inbegrip van die koop van aandele in filiaal of ander maatskappye;
- (j) om die hele of enige gedeelte van die besigheid van enige maatskappy, persoon of vereniging van persone wat enige besigheid dryf wat die genootskap gemagtig is om te dryf, te koop of andersins te verkry, en die verbintenis wat daarvan gepaard gaan te onderneem, en om enige gedeelte daarvan te verkoop of andersins daaroor te beskik;
- (k) om geld teleen en sekerheid te stel vir terugbetaling daarvan;
- (l) om die registrasie of erkenning van die genootskap in enige land buite die Unie van Suid-Afrika te verkry;
- (m) om skemas vir die voorsiening van pensioene en van waarborg- en ander fondse vir en in verband met die werknemers van die genootskap te bevorder en te ondersteun;
- (n) om al die ander dinge te doen wat in verband staan met of bydra tot die bereiking van al of enige van sy oogmerke.

**12. Die genootskap bestaan uit die direkteure en die lede. Samestelling van genootskap.**

**13. (1)** Elke persoon wat op die bepaalde datum 'n polishouer is en elke persoon wat daarna 'n versekering met die lede is van die genootskap (behalwe 'n versekering waarvolgens slegs een premie betaalbaar is of waarvolgens maandelikse premies vir 'n tydperk van twaalf maande of korter betaalbaar is) aangaan en dit ten volle van krag hou, is 'n lid van die genootskap.

Watter persone

(2) Onderworpe aan regulasies wat uit kragte van hierdie Wet gemaak moet word, is elke persoon wat in die boeke van die genootskap geregistreer is as die eienaar van 'n versekeringspolis, soos voormeld, verkry deur aankoop, sessie of andersins (behalwe 'n persoon wat so 'n polis in bewaring hou vir doeleindeste van gesins- of ander oormaking), 'n lid van die genootskap solank hy belang by die versekering het.

**14. Elke sodanige lid is geregtig op die regte en voorregte van lidmaatskap tot sy dood, tensy alle eise teen die genootskap ten opsigte van die polis wat lidmaatskap verleen vantevore vereffen word, of tensy sodanige polis uit hoofde van die bepalings van die polis verval, verbeur of oorgemaak word, of tensy die reg op sodanige polis as gevolg van regswerving oor gaan en die persoon wat daarop geregtig is, dit verkry dat hy in die boeke van die genootskap as die eienaar daarvan geregistreer word, of tensy sodanige polis die voorregte geniet**

Duur van lidmaatskap.

policy enjoys the privileges prescribed in sub-section (2), (3) or (4) of section *sixty-two* of the Insurance Act.

**Liability of members limited.**

**15.** The liability of the members is limited to the amount of contribution actually made by them to the funds of the society.

**Alterations of provisions of Act.**

**16.** (1) Subject to the provisions of this section the society may by resolution of its members alter or add to any of the provisions of this chapter other than those contained in sections *nine, twelve, thirteen and fifteen*, so far as may be required to enable it—

- (a) to carry on its business more economically or more efficiently; or
- (b) to attain its main purpose by new or improved means; or
- (c) to enlarge or change the local area of its operations; or
- (d) to carry on some business which under existing circumstances may conveniently or advantageously be combined with the business of the society:

Provided that no such alteration or addition shall make provision for any matter which could not lawfully be included in the memorandum of association or articles of association of a company registered under the Companies Act, 1926 (Act No. 46 of 1926). For the purpose of this sub-section the main purpose of the society shall be deemed to be to carry on insurance business.

(2) Such resolution shall only be effective if it has been passed by not less than three-fourths of such members of the society who have been members for not less than one year and are entitled to vote as are present in person or by proxy at a meeting of which not less than twenty-one days' notice specifying the intention to propose the resolution and the general nature thereof has been given by advertisement in the *Gazette* and in such newspapers as the directors of the society shall determine.

(3) The procedure at such meeting shall be regulated in all respects by the regulations at that time applicable to meetings of the society.

(4) The alteration or addition shall not take effect until and except in so far as it is confirmed on petition by the Court.

(5) The provisions of sub-sections (3) to (7) inclusive of section *eleven* of the Companies Act, 1926 (Act No. 46 of 1926) shall *mutatis mutandis* apply in any proceedings under this section, the society being deemed to be a company for the purposes of the application of such sub-sections.

**Regulations.**

**17.** (1) The conduct of the affairs of the society shall be governed by regulations: Provided that such regulations shall not be inconsistent with the provisions of this Act or any other law.

(2) The regulations shall be framed by the directors of the company and shall be submitted by them to the court for approval, and shall, subject to such approval, become of force and effect on the effective date.

(3) The society may, by resolution of its members passed in accordance with the provisions of sub-sections (2) and (3) of section *sixteen*, alter or add to the regulations referred to in sub-section (2) of this section, and any alteration or addition so made shall be as valid as if originally contained in the regulations and be subject in like manner to alteration in the manner set out in this sub-section.

## CHAPTER IV.

### MISCELLANEOUS.

**Continuation in office of directors, officers, auditors and actuaries.**

**18.** (1) The directors of the company who are in office on the effective date shall continue in office as directors of the society until they resign, retire by rotation or become disqualified as provided in the regulations.

(2) All officers and servants of the company who are in office on the effective date shall continue in office as officers and servants of the society under the same terms and conditions as if this Act had not been passed.

(3) The auditors and the actuaries of the company who are in office on the effective date shall continue in office as auditors and actuaries of the society as provided in the regulations.

wat in sub-artikel (2), (3) of (4) van artikel *twee-en-sestig* van die Versekeringswet voorgeskryf is.

**15.** Die aanspreeklikheid van die lede is beperk tot die beperkheid van die bydrae wat hulle werklik tot die fondse van die genootskap doen. Aanspreeklikheid van lede beperk.

**16.** (1) Onderworpe aan die bepalings van hierdie artikel kan die genootskap by besluit van sy lede enigeen van die bepalings van hierdie hoofstuk behalwe dié van artikels *nege*, *twaalf*, *dertien* en *vyftien*, wysig of aanvul sover dit nodig mag wees om hom in staat te stel— Wysigings van bepalings van Wet.

- (a) om sy besigheid op 'n meer ekonomiese of doeltreffende wyse te dryf; of
- (b) om sy hoofdoel deur nuwe of verbeterde middels te bereik; of
- (c) om sy plaaslike bedryfsgebied te vergroot of te verander; of
- (d) om besigheid te dryf wat in heersende omstandighede gerieflikerwys of met voordeel saam met die besigheid van die genootskap gedryf kan word;

Met dien verstande dat geen sodanige wysiging of aanvulling voorsiening maak vir enige saak wat nie wettiglik in die akte van oprigting of statute van 'n maatskappy geregistreer kragtens die Maatskappywet, 1926 (Wet No. 46 van 1926) opgeneem kan word nie. Vir die doel van hierdie sub-artikel word beskou dat die hoofdoel van die genootskap is om versekeringsbesigheid te dryf.

(2) So 'n besluit is alleen van krag as dit geneem is deur minstens drie-kwart van die lede van die genootskap wat vir minstens een jaar lid was en geregtig is om te stem en wat persoonlik teenwoordig is of deur 'n gevoldmagtige verteenwoordig word op 'n vergadering waarvan minstens een-en-twintig dae vooraf kennis, met vermelding van die voorname om die voorstel te doen en die algemene aard daarvan, gegee is by wyse van advertensie in die *Staatskoerant* en in die nuusblaaie wat die direkteure van die genootskap bepaal.

(3) Die prosedure op so 'n vergadering word in alle oopsigte voorgeskryf deur die regulasies wat op dié tydstip op vergaderings van die genootskap van toepassing is.

(4) Die wysiging of aanvulling word nie van krag nie totdat en behalwe vir sover dit deur die hof by petisie bekratig word.

(5) Die bepalings van sub-artikels (3) tot en met (7) van artikel *elf* van die Maatskappywet, 1926 (Wet No. 46 van 1926) is *mutatis mutandis* van toepassing op enige geding ingevolge hierdie artikel en vir die doeleinades van die toepassing van dié sub-artikels word die genootskap 'n maatskappy geag.

**17.** (1) Die bestuur van die sake van die genootskap word Regulasies. deur die regulasies gereël: Met dien verstande dat sodanige regulasies nie onbestaanbaar met die bepalings van hierdie Wet of enige ander reg is nie.

(2) Die regulasies word deur die direkteure van die maatskappy opgestel en word deur hulle aan die hof vir goedkeuring voorgelê, en word onderworpe aan sodanige goedkeuring op die bepaalde dag van krag.

(3) Die genootskap kan by besluit van sy lede geneem ooreenkomsdig die bepalings van sub-artikels (2) en (3) van artikel *sestien*, die regulasies in sub-artikel (2) van hierdie artikel vermeld, wysig of aanvul, en 'n wysiging of aanvulling aldus gedoen is net so geldig asof dit oorspronklik in die regulasies vervat was, en is insgelyks onderhewig aan wysiging op die wyse in hierdie sub-artikel bepaal.

#### HOOFSTUK IV.

##### DIVERSE BEPALINGS.

**18.** (1) Die direkteure van die maatskappy op die bepaalde datum bly hul amp beklee as direkteure van die genootskap totdat hulle bedank, om die beurt aftree of onbevoeg word soos in die regulasies bepaal. Direkteure, amptenare, ouditeure en aktuarisse bly hul amp beklee.

(2) Alle amptenare en dienare van die maatskappy op die bepaalde datum bly hul betrekings beklee as amptenare en dienare van die genootskap volgens dieselfde bepalings en voorwaardes asof hierdie Wet nie aangeneem was nie.

(3) Die ouditeure en aktuarisse van die maatskappy op die bepaalde datum bly hul amp beklee as ouditeure en aktuarisse van die genootskap soos in die regulasies bepaal.

Insurance Act  
to apply to  
company and  
society.

Expenses to be  
borne by  
company.

Costs of passing  
Act may be paid  
by company.

Short title.

**19.** The provisions of the Insurance Act shall apply as if the company and the society were the same person.

**20.** The costs of giving the notice referred to in section *three*, and of the application to the court referred to in sections *six* and *seven*, and of the advertisements referred to in paragraph (g) of section *seven*, shall be paid by the company.

**21.** The costs, charges and expenses preliminary to and incidental to the promotion and passing of this Act may be paid by the company.

**22.** This Act may be cited as the AVBOB Mutual Assurance Society Incorporation (Private) Act, 1951.

No. 4, 1951.]

## ACT

### To amend the Coinage Act, 1922.

(Afrikaans text signed by the Governor-General.)  
(Assented to 14th March, 1951.)

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

Amendment of  
the Schedule  
to Act 31 of 1922.

**1.** (1) The Schedule to the Coinage Act, 1922 (Act No. 31 of 1922), is hereby amended—

- (a) by the substitution in the sixth column, for the words "Eight-tenths fine silver, two-tenths alloy; or millesimal fineness 800" of the words "Five-tenths fine silver, five-tenths alloy; or millesimal fineness 500";
- (b) by the substitution in the seventh column, for the numerals "1.264", "0.578" and "0.212", of the numerals "1.216", "0.579" and "0.213" respectively;
- (c) by the insertion in the ninth column of the words "Remedy Allowance" before the words "Millesimal Fineness" and the substitution for the numeral "6" of the numeral "8".

(2) The provisions of sub-section (1) shall not affect the validity as legal tender of coins made before the commencement of this Act.

Short title and  
date of  
commencement.

**2.** This Act shall be called the Coinage Amendment Act, 1951, and shall come into force on the first day of March, 1951.

No. 8, 1951.]

## ACT

### To amend the law relating to the framing of jury lists.

(English text signed by the Governor-General.)  
(Assented to 14th March, 1951.)

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

Amendment of  
section 172  
of Act 31 of  
1917, as  
amended by  
section 28 of  
Act 46 of 1935,  
and section 1 of  
Act 12 of 1947.

Short title.

**1.** Section *one hundred and seventy-two* of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917), is hereby amended by the substitution for the figures "1947" of the figures "1954".

**2.** This Act shall be called the Jury Lists Amendment Act, 1951.

- 19.** Die bepalings van die Versekeringswet is van toepassing asof die maatskappy en die genootskap dieselfde persoon is. Versekeringswet op die maatskappy en genootskap van toepassing.
- 20.** Die koste daaraan verbonde om die kennis in artikel *drie* vermeld te gee en van die aansoek by die hof in artikels *ses* en *sewe* vermeld, en van die advertensies in paragraaf (g) van artikel *sewe* vermeld, word deur die maatskappy betaal. Onkoste moet deur maatskappy gedek word.
- 21.** Die koste, vorderings en uitgawe wat die bevordering en aanneem van hierdie Wet voorafgaan en daarmee in verband staan, kan deur die maatskappy betaal word. Koste van aanneem van Wet kan deur maatskappy betaal word.
- 22.** Hierdie Wet kan aangehaal word as die Private Wet tot Instelling van die Onderlinge Versekeringsgenootskap AVBOB, 1951. Kort titel.

No. 4, 1951.]

## WET

### Tot wysiging van die Munt Wet, 1922.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 14 Maart 1951.)*

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

- 1.** (1) Die Bylae by die Munt Wet, 1922 (Wet No. 31 van 1922), word hierby gewysig— Wysiging van die Bylae van Wet 31 van 1922.
- (a) deur in die sesde kolom die woorde „Acht tienden fijn zilver, twee tienden allooi; of per duizend delen 800 fijn”, te vervang deur die woorde „Vijf tienden fijn zilver, vijf tienden allooi; of per duizend delen 500 fijn”;
  - (b) deur in die sewende kolom die syfers „1·264”, „0·578” en „0·212” onderskeidelik te vervang deur die syfers „1·216”, „0·579” en „0·213”;
  - (c) deur in die negende kolom die woorde „Toegelaten Remedie” in te voeg voor die woorde „Fijnheid per Duizend Delen”, en die syfer „6” te vervang deur die syfer „8”.
- (2) Die bepalings van sub-artikel (1) raak nie die geldigheid as wettige betaalmiddel van muntstukke wat voor die inwerkintreding van hierdie Wet vervaardig is nie.
- 2.** Hierdie Wet heet die Munt-wysigingswet, 1951, en tree Kort titel en datum van inwerkintreding.

No. 8, 1951.]

## WET

### Tot wysiging van die wet op die opstelling van jurielyste.

*(Engelse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 14 Maart 1951.)*

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

- 1.** Artikel *honderd twee-en-sewentig* van die „Wet op de Kriminele Procedure en Bewijslevering, 1917” (Wet No. 31 van 1917), word hiermee gewysig deur die syfers „1947” te vervang deur die syfers „1954”. Wysiging van artikel 172 van Wet 31 van 1917 soos gewysig deur artikel 28 van Wet 46 van 1935, en artikel 1 van Wet 12 van 1947.
- 2.** Hierdie Wet heet die Wysigingswet op Jurielyste, 1951. Kort titel.

No. 9, 1951.]

# ACT

**To apply a further sum not exceeding seven million seven hundred and thirty-eight thousand one hundred and forty-two pounds from the Railway and Harbour Fund for the services of the railways and harbours for the year ending the thirty-first day of March, 1951.**

*(Afrikaans text signed by the Governor-General.)  
(Assented to 14th March, 1951.)*

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

Railway and  
Harbour Fund  
charged with  
£7,738,142.

How moneys to  
be applied.

Minister may  
authorize  
variations.

Lines under  
construction.

Sources from  
which moneys  
appropriated will  
be provided.

Short title.

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 Union for the year ending the thirty-first day of March, 1951, not exceeding in the whole for revenue services the sum of three million six hundred and twenty thousand three hundred and forty-two pounds and for capital and betterment services the sum of four million one hundred and seventeen thousand eight hundred pounds in addition to the sums provided by the Railways and Harbours Appropriation Act, 1950 (Act No. 45 of 1950).
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. 3—1951 and U.G. 4—1951] for the said year as approved by Parliament.

3. 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. 45 of 1950, and similarly a saving on 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. 45 of 1950: Provided that no excess shall be incurred on any sum appearing in Column 2 of either the First or Second Schedule to this Act and that savings thereon shall not be available for any purpose other than that for which the money is hereby appropriated as indicated in those Schedules.

4. In the case of the service falling under Head No. 1 of the Second Schedule the total expenditure on any line under construction shall not exceed the amount prescribed by law as the maximum amount which may be expended thereon.

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

6. This Act shall be known as the Railways and Harbours Additional Appropriation Act, 1951.

No. 9, 1951.]

# WET

**Tot aanwending van 'n verdere som van hoogstens sewemiljoen sewehonderd agt-en-dertigduisend eenhonderd twee-en-veertig pond 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 1951 eindig.**

(Afrikaanse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 14 Maart 1951.)

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie 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 Unie gedurende die jaar wat op die een-en-dertigste dag van Maart 1951 eindig, maar gesamentlik ten bedrae van hoogstens driemiljoen seshonderd-en-twintigduisend driehonderd twee-en-veertig pond vir inkomstedienste en viermiljoen eenhonderd-en-sewentienduisend agthonderd pond vir kapitaal- en verbeteringsdienste bo en behalwe die bedrae waarvoor voorsiening gemaak is deur die Spoorweg- en Hawebegrotingswet, 1950 (Wet No. 45 van 1950). Spoorweg- en Hawefonds belas met £7,738,142.
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. 3—1951 en U.G. 4—1951] vir die genoemde jaar soos deur die Parlement goedgekeur. Hoe die gelde bestee moet word.
3. Met 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. 45 van 1950 en insgelyks kan 'n besparing op 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 aangetoon in kolom 1 van die Tweede Bylae by Wet No. 45 van 1950: Met dien verstande dat enige bedrag wat voorkom in kolom 2 van die Eerste of Tweede Bylae by hierdie Wet nie oorskry word en besparings daarop vir geen ander doel as dié waarvoor die geld hiermee beskikbaar gestel word, soos aangetoon in daardie Bylaes, aangewend word nie. Minister kan afwykings magtig.
4. By die diens vermeld onder Hoof No. 1 van die Tweede Lyne in Bylae mag die gesamentlike uitgawe vir 'n lyn wat in aanbou Lyne in aanbou. is, nie meer bedra nie as die bedrag wat deur 'n wet vasgestel is as die maksimum-bedrag wat daaraan bestee mag word.
5. Die gelde wat deur hierdie Wet vir kapitaal- en verbeterings- dienste beskikbaar gestel word, moet uit die in die Derde Bylae by hierdie Wet vermelde bronne verskaf word. Bronne waaruit beskikbaargestelde gelde verskaf sal word.
6. Hierdie Wet heet die Addisionele Spoorweg- en Hawe- Kort titel. begrotingswet, 1951.

**First Schedule.**

## REVENUE SERVICES.

Head No.	Head.	Column 1.	Column 2.
		£	£
<b>RAILWAYS:</b>			
2	<i>Transportation Services—</i> Maintenance of Permanent Way and Works .. ..	853,904	—
3	Maintenance of Rolling Stock .. ..	1,104,482	—
4	Running Expenses .. ..	674,142	—
14	<i>Expenditure on Net Revenue Account—</i> Interest on Capital .. ..	—	484,788
17	Miscellaneous Expenditure .. ..	—	1,138
<b>HARBOURS:</b>			
24	<i>Expenditure on Net Revenue Account—</i> Interest on Capital .. ..	—	6,751
25	Miscellaneous Expenditure .. ..	—	7,522
<b>STEAMSHIPS:</b>			
27	<i>Expenditure on Net Revenue Account—</i> Miscellaneous Expenditure .. ..	—	1,000
<b>AIRWAYS:</b>			
28	<i>Transportation Services—</i> Working and Maintenance .. ..	360,617	—
29	<i>Expenditure on Net Revenue Account—</i> Interest on Capital .. ..	—	4,813
30	Miscellaneous Expenditure .. ..	—	120,570
<b>AERODROMES:</b>			
32	<i>Expenditure on Net Revenue Account—</i> Interest on Capital .. ..	—	615
	<b>TOTAL</b> .. .. ..	<b>£3,620,342</b>	

**Second Schedule.**

## CAPITAL AND BETTERMENT SERVICES.

Head No.	Head.	Column 1.	Column 2.
		£	£
1	Construction of Railways .. ..	—	83,277
2	New Works on Open Lines .. ..	144,606	—
3	Rolling Stock .. .. ..	769,917	—
5	Harbours .. .. ..	—	100,000
8	Aerodromes .. .. ..	—	20,000
9	Working Capital .. .. ..	3,000,000	—
	<b>TOTAL</b> .. .. ..	<b>£4,117,800</b>	

**SUMMARY.**

Revenue Services (First Schedule) .. ..	..	3,620,342
Capital and Betterment Services (Second Schedule) .. ..	..	4,117,800
		<b>7,738,142</b>

**Third Schedule.**

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

Savings on provision made by the Second Schedule to Act No. 45 of 1950: Head No. 2: New Works on Open Lines .. ..	..	4,117,800
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## Eerste Bylae.

## INKOMSTEDIENSTE.

Hoof No.	Hoof.	Kolom 1.	Kolom 2.
	SPOORWEË:	£	£
2	Vervoerdienste—		
	Onderhoud van spoorbaan en werke	853,904	—
3	Onderhoud van rollende materiaal..	1,104,482	—
4	Treinloopkoste .. ..	674,142	—
14	Uitgawe op netto-inkomsterekening—		
17	Rente op kapitaal .. ..	—	484,788
	Diverse uitgawe .. ..	—	1,138
	HAWENS:		
24	Uitgawe op netto-inkomsterekening—		
25	Rente op kapitaal .. ..	—	6,751
	Diverse uitgawe .. ..	—	7,522
	STOOMSKEPE:		
27	Uitgawe op netto-inkomsterekening—		
	Diverse uitgawe .. ..	—	1,000
	LUGDIENS:		
28	Vervoerdienste—		
	Eksplotasie en onderhoud ..	360,617	—
29	Uitgawe op netto-inkomsterekening—		
30	Rente op kapitaal .. ..	—	4,813
	Diverse uitgawe .. ..	—	120,570
32	VLIEGVELDE:		
	Uitgawe op netto-inkomsterekening—		
	Rente op kapitaal .. ..	—	615
	TOTAAL .. ..	£3,620,342	

## Tweede Bylae.

## KAPITAAL- EN VERBETERINGSDIENSTE.

Hoof No.	Hoof.	Kolom 1.	Kolom 2.
1	Aanleg van spoorweë .. ..	£	£
2	Nuwe werke aan oopgestelde lyne .. ..	144,606	83,277
3	Rollende materiaal .. ..	769,917	—
5	Hawens .. ..	—	100,000
8	Vliegveld .. ..	—	20,000
9	Bedryfskapitaal .. ..	3,000,000	—
	TOTAAL .. ..	£4,117,800	

## SAMEVATTING.

Inkomstediens (Eerste Bylae) .. ..	£	3,620,342
Kapitaal- en verbeteringsdienste (Tweede Bylae) .. ..	£	4,117,800
		7,738,142

## Derde Bylae.

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

Besparings op die beskikbaarstelling kragtens die Tweede Bylae by Wet No. 45 van 1950:	£
Hoof No. 2—Nuwe werke aan oopgestelde lyne .. ..	4,117,800