

EXTRAORDINARY



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KAAPSTAD, 11 MAART 1955.

PRYS 6d. [No. 5431.

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 497.]

[11th March, 1955.

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. 1 of 1955: Railways and Harbours Additional Appropriation Act, 1955	2
No. 2 of 1955: Railway Construction Act, 1955	6

KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 497.]

[11 Maart 1955.

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:—

	BLADSY
No. 1 van 1955: Addisionele Spoorweg- en Hawe- begrotingswet, 1955	3
No. 2 van 1955: Spoorwegaanlegwet, 1955	7

No. 1, 1955.]

ACT

To apply a further sum not exceeding fourteen million five hundred and sixty-four thousand five hundred and twenty-six 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, 1955.

(English text signed by the Governor-General.)
(Assented to 8th March, 1955.)

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

Railway and
Harbour Fund
charged with
£14,564,526.

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, 1955, not exceeding in the whole for revenue services the sum of seven million five hundred and sixty-four thousand five hundred and twenty-six pounds and for capital and betterment services the sum of seven million pounds in addition to the sums provided by the Railways and Harbours Appropriation Act, 1954 (Act No. 11 of 1954).

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. 3—1955 and U.G. 4—1955] 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 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. 11 of 1954.

(2) No excess shall be incurred on any sum appearing in Column 2 of either the First or Second 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 those Schedules.

(3) The amount appearing in Column 3 of the Second Schedule to this Act may be made available for any services falling under heads numbered 2 to 7 and 9 of that Schedule and heads numbered 2 to 7 and 9 in the Second Schedule to Act No. 11 of 1954.

Lines under
construction.

4. In the case of the service falling under Head No. 1 of the Second Schedule to this Act 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.

Sources from
which moneys
appropriated will
be provided.

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.

Short title.

6. This Act shall be called the Railways and Harbours Additional Appropriation Act, 1955.

No. 1, 1955.]

WET

Tot aanwending van 'n verdere som van hoogstens veertienmiljoen vyfhonderd vier-en-sestigduisend vyfhonderd ses-en-twintig 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 1955 eindig.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 8 Maart 1955.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, 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 1955 eindig, maar gesamentlik ten bedrae van hoogstens sewemiljoen vyfhonderd vier-en-sestigduisend vyfhonderd ses-en-twintig pond vir inkomstedienste en sewemiljoen pond vir kapitaal- en verbeteringsdienste bo en behalwe die bedrae waarvoor voorsiening gemaak is deur die Spoorweg- en Hawebegrotingswet, 1954 (Wet No. 11 van 1954).

Spoorweg- en
Hawefonds belas
met £14,564,526.

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—1955 en U.G. 4—1955] vir die genoemde jaar soos deur die Parlement goedgekeur.

Hoe die gelde
bestee moet word.

3. (1) Met goedkeuring van die Minister van Vervoer 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. 11 van 1954.

Minister kan
afwykings magtig.

(2) Geen bedrag wat voorkom in kolom 2 van die Eerste of Tweede 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 Bylaes, aangewend word nie.

(3) Die bedrag wat voorkom in kolom 3 van die Tweede Bylae by hierdie Wet kan aangewend word vir alle dienste genoem onder hoofde genummer 2 tot 7 en 9 van daardie Bylae, en hoofde genummer 2 tot 7 en 9 in die Tweede Bylae by Wet No. 11 van 1954.

4. By die diens vermeld onder Hoof No. 1 van die Tweede Bylae by hierdie Wet mag die gesamentlike uitgawe vir 'n lyn wat 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.

Lyne in aanbou.

5. Die gelde wat deur hierdie Wet vir kapitaal- en verbeteringsdienste 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 Hawebegrotingswet, 1955.

Kort titel.

First Schedule.**REVENUE SERVICES.**

Head No.	Head.	Column 1.	Column 2.
		£	£
	RAILWAYS:		
17	<i>Expenditure on Net Revenue Account—</i> Miscellaneous Expenditure	—	95,529
	HARBOURS:		
24	<i>Expenditure on Net Revenue Account—</i> Interest on Capital	—	7,925
25	Miscellaneous Expenditure	—	1,296
	STEAMSHIPS:		
27	<i>Expenditure on Net Revenue Account—</i> Miscellaneous Expenditure	—	177,071
	AIRWAYS:		
29	<i>Expenditure on Net Revenue Account—</i> Interest on Capital	—	13,162
30	Miscellaneous Expenditure	—	269,543
	RAILWAYS, HARBOURS, STEAMSHIPS AND AIRWAYS:		
34	<i>Expenditure on Net Revenue Appropriation Account—</i> Betterment Fund	—	2,000,000
36	Contribution towards Reduction of Interest-bearing Capital (Departmental Housing)	—	3,000,000
37	Special Contribution to Renewals Fund	—	2,000,000
	TOTAL	£7,564,526	

Second Schedule.**CAPITAL AND BETTERMENT SERVICES.**

Head No.	Head.	Column 1.	Column 2.	Column 3.
		£	£	£
1	Construction of Railways ..	—	827,000	—
2	New Works on Open Lines ..	3,825,411	—	—
3	Rolling Stock	1,612,993	—	—
4	Road Motor Services	300	—	—
5	Harbours	—	8,867	—
6	Steamships	—	29	—
7	Airways	—	400	—
9	Working Capital	475,000	—	—
10	Unforeseen Works	—	—	250,000
	TOTAL		£7,000,000	

SUMMARY.

	£
Revenue Services (First Schedule)	7,564,526
Capital and Betterment Services (Second Schedule)	7,000,000
	£14,564,526

Third Schedule.

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

	£
Additional Loan Funds	6,800,000
Savings on provision made by the Second Schedule to Act No. 11 of 1954:	
Head No. 5: Harbours	200,000
	£7,000,000

Eerste Bylae.**INKOMSTEDIENSTE.**

Hoof No.	Hoof.	Kolom 1.	Kolom 2.
	SPOORWEE:	£	£
17	<i>Uitgawe op netto inkomsterekening—</i> Diverse uitgawe	—	95,529
	HAWENS:		
24	<i>Uitgawe op netto inkomsterekening—</i> Rente op kapitaal	—	7,925
25	Diverse uitgawe	—	1,296
	STOOMSKEPE:		
27	<i>Uitgawe op netto inkomsterekening—</i> Diverse uitgawe	—	177,071
	LUGDIENS:		
29	<i>Uitgawe op netto inkomsterekening—</i> Rente op kapitaal	—	13,162
30	Diverse uitgawe	—	269,543
	SPOORWEE, HAWENS, STOOMSKEPE EN LUGDIENS:		
34	<i>Uitgawe op aanwendingsrekening van netto inkomste—</i> Verbeteringsfonds	—	2,000,000
36	Bydrae tot vermindering van rente-draende kapitaal (departementele behuising)	—	3,000,000
37	Spesiale bydrae tot Vernuwingsfonds	—	2,000,000
	TOTAAL	£7,564,526	

Tweede Bylae.**KAPITAAL- EN VERBETERINGSDIENSTE.**

Hoof No.	Hoof.	Kolom 1.	Kolom 2.	Kolom 3.
		£	£	£
1	Aanleg van spoorweë	—	827,000	—
2	Nuwe werke aan oopgestelde lyne	3,825,411	—	—
3	Rollende materiaal	1,612,993	—	—
4	Padmotordiens	300	—	—
5	Hawens	—	8,867	—
6	Stoomskepe	—	29	—
7	Lugdiens	—	400	—
9	Bedryfskapitaal	475,000	—	—
10	Onvoorsiene werke	—	—	250,000
	TOTAAL	£7,000,000		

SAMEVATTING.

Inkomstedienste (Eerste Bylae)	£	7,564,526
Kapitaal- en verbeteringsdienste (Tweede Bylae)		7,000,000
		£14,564,526

Derde Bylae.

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

Addisionele leningsfondse	£	6,800,000
Besparings op die beskikbaarstelling kragtens die Tweede Bylae by Wet No. 11 van 1954:		
Hoof No. 5: Hawens		200,000
		£7,000,000

No. 2, 1955.]

ACT

To provide for the construction and equipment of certain lines of railway and for matters incidental thereto.

(Afrikaans text signed by the Governor-General.)
(Assented to 8th March, 1955.)

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

Construction and equipment.

1. (1) The Governor-General may, as soon after the commencement of this Act as to him may seem expedient, cause to be constructed and equipped, upon a gauge of three feet six inches, the lines of railway mentioned in Column 1 of the Schedule to this Act, of the approximate length set out, as to each line, in Column 2 of that Schedule opposite the description of the line in question, and at a gross cost not exceeding, in the case of each line, the amount set out in Column 3 of that Schedule opposite the description of the line in question.

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

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

Cost of construction and equipment.

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

Powers incidental to construction and equipment.

3. In respect of the construction and equipment of the lines of railway authorized by section one, the Governor-General shall have the powers conferred by the Railway Expropriation of Lands Ordinance, 1903 (Ordinance No. 20 of 1903), of the Province of the Transvaal, but subject to the obligations imposed by that Ordinance: Provided that the width of the land taken shall not exceed one hundred Cape feet for the construction of each line, together with such additional land as may be required for the slopes, cuttings, drainage, stations, approach roads and other works and matters which may be necessary for the purposes of the line.

Ratification of certain acts.

4. All acts done prior to the commencement of this Act in connection with the construction of the lines of railway authorized by section one, or in connection with the acquisition of any land or servitude required for the purposes of those lines, are hereby ratified and confirmed and shall be deemed to have been done under the authority of this Act.

Intersection of streets, roads and railways.

5. (1) At all places where any line of railway mentioned in the Schedule to this Act intersects any street or road or railway, the Governor-General may cause such line of railway to be carried across the street or road or railway either by level crossing or by means of a suitable bridge, or may cause the street or road or railway to be carried across or under the line of railway by means of a suitable bridge or subway.

(2) At all places where any such line of railway runs in the same direction as any street or road, the Governor-General may, with the consent of the road authority concerned, cause such line of railway to be carried along that street or road for such distance and subject to such conditions and with such safeguards as may be agreed upon between the Governor-General and the said road authority.

No. 2, 1955.]

WET

Om voorsiening te maak vir die aanleg en toerusting van sekere spoorlyne en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 8 Maart 1955.)*

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

1. (1) Die Goewerneur-generaal kan, so spoedig na die inwerkingtreding van hierdie Wet as wat hy doenlik ag, die in kolom 1 van die Bylae by hierdie Wet vermelde spoorlyne, van 'n spoorwydte van drie voet ses duim, en van die benaderde lengte wat ten opsigte van elke lyn in kolom 2 van daardie Bylae teenoor die beskrywing van die betrokke lyn vermeld word, en teen 'n bruto koste, in die geval van elke lyn, van hoogstens die bedrag wat in kolom 3 van daardie Bylae teenoor die beskrywing van die betrokke lyn vermeld word, laat aanlê en toerus.

Aanleg en toerusting.

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

(3) Die uitdrukking „aanlê en toerus”, met betrekking tot 'n spoorlyn, omvat „in stand hou” onderwyl die lyn aangelê en toegerus word.

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

Koste van aanleg en toerusting.

3. Ten opsigte van die aanleg en toerusting van die spoorlyne wat by artikel een gemagtig word, het die Goewerneur-generaal die bevoegdheid verleen by die „Railway Expropriation of Lands Ordinance, 1903” (Ordonnansie No. 20 van 1903), van die Provinsie Transvaal, maar onderhewig aan die verpligtings deur bedoelde Ordonnansie opgelê: Met dien verstande dat die breedte van die grond wat geneem word, nie meer mag wees nie as honderd Kaapse voet vir die aanbou van elke lyn, met soveel bykomende grond as wat nodig mag wees vir die hellings, deurgrawings, dreinerings, stasies, toegangspaaie en ander werke en aangeleenthede wat vir die doeleindes van die lyn nodig mag wees.

Bevoegdheid in verband met aanleg en toerusting.

4. Alle handelings vóór die inwerkingtreding van hierdie Wet verrig in verband met die aanleg van die spoorlyne wat deur artikel een gemagtig word, of in verband met die verkryging van enige grond of servituut vir die doeleindes van daardie lyne benodig, word hiermee bekragtig en bevestig en word geag kragtens magtiging van hierdie Wet verrig te gewees het.

Bekragtiging van sekere handelings.

5. (1) Op alle plekke waar 'n spoorlyn vermeld in die Bylae by hierdie Wet 'n straat, pad of spoorweg deursny, kan die Goewerneur-generaal so 'n spoorlyn oor die straat, pad of spoorweg deur middel van of 'n gelykgrondse oorgang of 'n geskikte brug laat lê, of kan hy die straat, pad of spoorweg oor of onder daardie spoorlyn deur middel van 'n geskikte brug of duikweg laat loop.

Deursnyding van strate, paaie en spoorweë.

(2) Op alle plekke waar so 'n spoorlyn dieselfde rigting volg as 'n straat of pad, kan die Goewerneur-generaal met toestemming van die betrokke padbestuur die spoorlyn langs daardie straat of pad laat lê oor so 'n afstand en op sulke voorwaardes en met sulke veiligheidsmaatreëls as wat die Goewerneur-generaal en die padbestuur onderling mag bepaal.

Settlement of disputes arising as to compensation.

6. Should any dispute arise as to the compensation to be paid by reason of the exercise of the powers referred to in section *three* in connection with the construction and equipment of any line of railway mentioned in the Schedule to this Act, the dispute shall be determined in accordance with the second proviso to paragraph (a) of section *three* of the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916).

Short title.

7. This Act shall be called the Railway Construction Act, 1955.

Schedule.

LINES OF RAILWAY AUTHORIZED BY SECTION *One*.

COLUMN 1.	COLUMN 2.	COLUMN 3.
Description of line.	Approximate length.	Estimated cost.
	Miles.	£
Avoiding line from Springs to Natalspruit. (Province of the Transvaal)	21 $\frac{3}{4}$	1,836,952
Avoiding line from Beaconsfield to a junction at Kamfersdam on the line between Kimberley and Sishen. (Province of the Cape of Good Hope)	5	185,000

6. As daar 'n geskil ontstaan aangaande die vergoeding wat betaal moet word uit hoofde van die uitoefening van die in artikel drie bedoelde bevoegdhede in verband met die aanleg en toerusting van enige spoorlyn in die Bylae by hierdie Wet vermeld, word die geskil besleg ooreenkomstig die tweede voorbehoudsbepaling by paragraaf (a) van artikel drie van die „Spoorwegan- en Havens Reglement, Bestuur en Beheer Wet, 1916” (Wet No. 22 van 1916).

Beslegting van geskille in verband met skadevergoeding.

7. Hierdie Wet heet die Spoorwegaanlegwet, 1955.

Kort titel.

Bylae.

[SPOORLYNE GEMAGTIG BY ARTIKEL Een.

KOLOM 1.	KOLOM 2.	KOLOM 3.
Beskrywing van lyn.	Benaderde lengte.	Geraamde koste.
	Myl.	£
Vermyspoor van Springs na Natalspruit. (Provinsie Transvaal)	21½	1,836,952
Vermyspoor van Beaconsfield tot by 'n aansluiting by Kamfersdam aan die spoorlyn tussen Kimberley en Sishen. (Provinsie Kaap die Goeie Hoop)	5	185,000