

BUITENGEWONE



EXTRAORDINARY



# Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

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[No. 1050.

## DEPARTMENT OF THE PRIME MINISTER.

No. 304] [3rd March, 1965.

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

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## DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 304] [3 Maart 1965.

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

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No. 4, 1965.]

## ACT

To amend the Fuel Research Institute and Coal Act, 1963.

*(English text signed by the State President.)*  
*(Assented to 19th February, 1965.)*

**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 7 of Act  
35 of 1963.

1. Section *seven* of the Fuel Research Institute and Coal Act, 1963, is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) The State President shall, after consultation with the board and not later than the thirty-first day of March in each year impose a levy not exceeding five-twelfths of a cent per ton on all coal sold during the preceding calendar year or used for any industrial purpose (other than the production of coal at the colliery concerned) during the preceding calendar year by any colliery situated in the Republic which produced not less than twenty-five thousand tons of coal during such calendar year, and shall contribute out of moneys appropriated by Parliament for the purpose an amount equal to the total proceeds of every levy so imposed.”.

Short title.

2. This Act shall be called the Fuel Research Institute and Coal Amendment Act, 1965, and shall be deemed to have come into operation on the tenth day of May, 1963.

No. 4, 1965.]

# WET

**Tot wysiging van die Wet op die Brandstofnavorsingsinstituut en Steenkool, 1963.**

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 19 Februarie 1965.)*

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

**1.** Artikel sewe van die Wet op die Brandstofnavorsingsinstituut en Steenkool, 1963, word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 7 van Wet 35 van 1963.

„(1) Die Staatspresident moet na oorlegpleging met die raad en nie later as die een-en-dertigste dag van Maart in elke jaar nie, 'n heffing van hoogstens vyf-twaalfdes van 'n sent per ton op alle steenkool lê wat gedurende die vorige kalenderjaar verkoop of vir enige nywerheidsdoel (behalwe die voortbrenging van steenkool by die betrokke steenkoolmyn) gebruik is deur enige steenkoolmyn in die Republiek geleë wat nie minder nie as vyf-entwintigduisend ton steenkool gedurende daardie kalenderjaar voortgebring het, en moet, uit gelde wat die Parlement vir die doel bewillig, 'n bedrag bydra wat gelyk is aan die totaalopbrengs van elke heffing aldus opgelê.”.

**2.** Hierdie Wet heet die Wysigingswet op die Brandstof- navorsingsinstituut en Steenkool, 1965, en word geag op die tiende dag van Mei 1963 in werking te getree het.

No. 5, 1965.]

# ACT

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

*(Afrikaans text signed by the State President.)  
(Assented to 19th February, 1965.)*

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

Construction and equipment.

1. (1) The State President may, as soon after the commencement of this Act as to him may seem expedient, cause to be constructed and equipped, upon a gauge of three feet six inches, the lines of railway mentioned in column 1 of the First 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 conferred by this section shall include the power 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" shall include "maintain" while the lines are in course of construction and equipment.

Cost of construction and equipment.

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

Powers incidental to construction and equipment.

3. In respect of the construction and equipment of the said lines of railway, the State President shall have the powers conferred by the Railway Expropriation Act, 1955 (Act No. 37 of 1955), but subject to the obligations imposed by that Act: Provided that the width of the land taken shall not exceed one hundred Cape feet for the construction of 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 purpose of the lines.

Ratification of certain agreement relating to line of railway from Kensington to a terminal at Montague Gardens.

4. The agreement concluded on the fourth day of January, 1965, between the Government of the Republic in its Railways and Harbours Administration (hereinafter called "the Administration"), and Fisons (Proprietary) Limited, a copy of which is set out in the Second Schedule to this Act, is hereby ratified and confirmed, and the Administration is hereby empowered to do all such things as may be necessary to give effect to the said Agreement.

Short title.

5. This Act shall be called the Railway Construction Act, 1965.

No. 5, 1965.]

# WET

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

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 19 Februarie 1965.)*

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

1. (1) Die Staatspresident kan, so spoedig na die inwerking-treding van hierdie Wet as wat hy doenlik ag, die in kolom 1 van die Eerste 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 uitrus.

Aanleg en uitrusting.

(2) Die bevoegdhede deur hierdie artikel verleen, sluit die bevoegdheid in 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 uit te rus.

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

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

Koste van aanleg en uitrusting.

3. Ten opsigte van die aanleg en uitrusting van bedoelde spoorlyne het die Staatspresident die bevoegdhede verleen deur die Spoorwegonteieningswet, 1955 (Wet No. 37 van 1955), maar onderhewig aan die verpligtings deur bedoelde Wet opgelê: Met dien verstande dat die breedte van die grond wat geneem word, honderd Kaapse voet vir die aanbou van elke lyn nie mag oorskry nie, met soveel bykomende grond as wat nodig is vir die hellings, deurgrawings, dreinerings, stasies, toegangspaaie en ander werke en sake wat vir die doeleindes van die lyne nodig is.

Bevoegdhede in verband met aanleg en uitrusting.

4. Die ooreenkoms aangegaan op die vierde dag van Januarie 1965 tussen die Regering van die Republiek in sy administrasie van Spoorweë en Hawens (hieronder „die Administrasie” genoem), en Fisons (Eiendoms) Beperk, waarvan 'n vertaling in die Tweede Bylae by hierdie Wet opgeneem is, word hierby bekragtig en bevestig, en die Administrasie word hierby gemagtig om alle handelings te verrig wat nodig is om aan genoemde ooreenkoms uitvoering te gee.

Bekragtiging van sekere ooreenkoms met betrekking tot spoorlyn van Kensington na 'n eindpunt by Montague Gardens.

5. Hierdie Wet heet die Spoorwegaanlegwet, 1965.

Kort titel.

## First Schedule.

## LINES OF RAILWAY AUTHORIZED BY SECTION ONE.

| Column 1.                                                                                                                                                                         | Column 2.           | Column 3.       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------|
| Description of line.                                                                                                                                                              | Approximate length. | Estimated cost. |
|                                                                                                                                                                                   | Miles.              | R               |
| 1. From a junction at Chiselhurst with the line between East London and Blaney to a terminal point in the East London harbour area (Province of the Cape of Good Hope) ..         | 3.6                 | 1,053,306       |
| 2. From a junction at Kensington Cabin with the avoiding line between Cape Town and Woltemade to a terminal point at Montague Gardens (Province of the Cape of Good Hope) .. .. . | 4.86                | 800,073         |

## Second Schedule.

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

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

WHEREAS the Company has petitioned the Administration to construct, equip, maintain and work a line of railway of a gauge of three feet six inches from Kensington to a terminal point in the Montague Gardens area, in the Magisterial District of Cape Town, Province of the Cape of Good Hope, a distance of approximately five miles (hereinafter termed "the railway") for the purpose of conveying traffic to and from an area in which the Company is carrying on, or is otherwise interested in, certain manufacturing operations;

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

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

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

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

(2) The Administration shall have the right, after consultation with the Company, to construct or provide from time to time such additional tracks or other facilities directly connected with the railway as it may deem necessary in order to enable it efficiently to cope with any increase in traffic over the railway. The cost of any additional tracks or other facilities so constructed or provided shall be deemed to form part of the cost of construction and equipment of the railway for the purposes of this Agreement.

3. (1) Subject to the approval of Parliament, the Administration shall provide the money necessary for the construction and equipment of the railway, estimated to amount to approximately eight hundred thousand and seventy-three rand (R800,073) excluding rolling stock.

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

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

(2) For the purpose of this Agreement the cost of construction and equipment of the railway shall comprise all items of expenditure, including interest, chargeable to the railway in accordance with the Administration's usual accounting practice, but excluding any amount/s repaid by the

# Eerste Bylae.

SPOORLYNE GEMAGTIG DEUR ARTIKEL EEN.

| Kolom 1.                                                                                                                                                                    | Kolom 2.          | Kolom 3.        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------|
| Beskrywing van lyn.                                                                                                                                                         | Benaderde lengte. | Geraamde koste. |
|                                                                                                                                                                             | Myl.              | R               |
| 1. Van 'n aansluiting by Chiselhurst met die spoorlyn tussen Oos-Londen en Blaney na 'n eindpunt in die hawegebied van Oos-Londen (provinsie die Kaap die Goeie Hoop) ..    | 3.6               | 1,053,306       |
| 2. Van 'n aansluiting by Kensingtonkajuit met die vermyspoorlyn tussen Kaapstad en Woltemade na 'n eindpunt by Montague Gardens (provinsie die Kaap die Goeie Hoop) .. .. . | 4.86              | 800,073         |

# Tweede Bylae.

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

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

NADemaal die Maatskappy die Administrasie versoek het om 'n spoorlyn met 'n spoorwydte van drie voet ses duim van Kensington tot by 'n eindpunt in die gebied Montague Gardens in die landdrosdistrik Kaapstad in die provinsie die Kaap die Goeie Hoop, 'n afstand van ongeveer vyf myl (hierna „die spoorlyn” genoem), aan te lê, uit te rus, in stand te hou en te eksploiteer vir die vervoer van verkeer na en van 'n gebied waarin die Maatskappy sekere nywerheidswerksaamhede uitvoer of waarby hy andersins belang het;

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

DERHALWE kom die genoemde partye hierby soos volg ooreen:

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

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

(2) Die Administrasie het die reg om, na oorlegpleging met die Maatskappy, van tyd tot tyd sulke bykomende spoorlyne of ander geriewe wat regstreeks met die spoorlyn in verband staan, aan te lê of te voorsien as wat hy nodig ag om hom in staat te stel om enige toename in verkeer oor die spoorlyn doeltreffend die hoof te bied. Die koste van enige addisionele treinspoor of ander geriewe wat aldus aangelê of voorsien word, word geag deel van die koste van die aanlê en uitrus van die spoorlyn vir die doeleindes van hierdie ooreenkoms uit te maak.

3. (1) Onderworpe aan die goedkeuring van die Parlement verskaf die Administrasie die nodige geld vir die aanlê en uitrus van die spoorlyn waarvan die koste volgens raming ongeveer agthonderdduisend drie-en-sewentig rand (R800,073) sal bedra, met uitsondering van rollende materiaal.

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

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

(2) Vir die doel van hierdie ooreenkoms sluit die koste van die aanlê en uitrus van die spoorlyn alle uitgaweposte in, met inbegrip van rente, wat ooreenkomstig die Administrasie se gewone rekeninggebruik teen die spoorlyn in rekening gebring word, maar uitgesonder enige bedrag/

Company to the Administration in terms of clause 9 hereof, and excluding also the capital cost of locomotives, other rolling stock and any equipment used in connection with rolling stock in the working of the railway after completion.

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

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

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

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

(2) For a period of six months from the date on which the railway is opened for the conveyance of public traffic, the special surcharge mentioned in sub-clause (1) hereof shall be levied at the rate of nineteen cents (R0.19) per ton of 2,000 lbs. or at a proportionate rate per 100 lbs., as the case may be. At the expiration of the said period of six months, and every six months thereafter, for so long as may be necessary in accordance with sub-clause (1) hereof, the Administration shall, in consultation with the Company, review the rate of the aforementioned special surcharge in order to ensure that the amount accruing to the Administration by way of the special surcharge during the financial year in question, shall tally, as nearly as may be, with the amount by which the working costs of the railway exceed the revenue derived therefrom, without taking into account the amount accruing from the aforementioned special surcharge. Depending on what may seem to be necessary in order to attain this object, the rate of the aforementioned special surcharge shall, at the time of such review, be either increased or decreased or left undisturbed for the ensuing period of six months.

7. (1) From the date of opening of the railway for public traffic and for each financial year thereafter for a period of thirty (30) years, the Administration shall prepare and maintain accounts to indicate the results of working the railway, and a copy of each annual statement shall be supplied to the Company at its office in Johannesburg as soon as practicable after the close of each financial year. The accounts shall be prepared in accordance with the Administration's usual accounting practice and the annual statement shall give particulars of expenditure and revenue (with separate reference to the moneys accruing to the Administration from the aforementioned special surcharge) and shall indicate the rates of depreciation and interest charges applied on the capital cost of construction and equipment. It is specifically declared that, for the purpose of calculating such working results, the amount derived from the aforementioned special surcharge paid by the Company and the other senders referred to in clause 12, shall be regarded as part of the revenue earned by the railway.

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

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

(c) If the working results of the railway show a surplus over any period of five years as set forth in paragraph (a) of this sub-clause, the Company and/or the senders referred to in clause 12, shall have no claim thereto but such surplus shall, depending on the circumstances, either be retained by the Administration or dealt with as prescribed in paragraph (d) of this sub-clause.

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

bedrae wat ingevolge klousule 9 hiervan deur die Maatskappy aan die Administrasie terugbetaal is, en uitgesonder ook die kapitaalkoste van lokomotiewe, ander rollende materiaal en enige uitrusting wat in verband met rollende materiaal gebruik word in die eksploitasie van die spoorlyn nadat dit voltooi is.

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

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

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

6. (1) Onderworpe aan die bepalings hierna uiteengesit, verbind die Maatskappy hom om, solank as wat daar 'n verlies getoon word met die eksploitasie van die spoorlyn op die grondslag van die reisgeld, koste en tariewe wat in die algemeen op die Administrasie se spoorweë van toepassing is, vir alle verkeer wat deur of ten behoeve van hom per goederetrein in die rigting van Kensington oor die spoorlyn of 'n gedeelte daarvan versend word, aanspreeklik te wees vir 'n spesiale ekstrakoste soos hierna uiteengesit, en om dié spesiale ekstrakoste aan die Administrasie te betaal benewens die gewone tarief wat van tyd tot tyd in die Offisiële Spoorwegtariefboek voorgeskryf word vir die vervoer van sodanige goedere oor die Administrasie se spoorweë in die algemeen. Die gelde wat die Administrasie uit sodanige spesiale ekstrakoste toeval, moet aangewend word soos hierna uiteengesit.

(2) Vir 'n tydperk van ses maande van die datum waarop die spoorlyn vir die vervoer van openbare verkeer oopgestel word, sal die spesiale ekstrakoste in sub-klousule (1) hiervan genoem, gehef word teen die voet van negentien sent (R0.19) per ton van 2,000 lb. of teen 'n proporsionele voet per 100 lb., na gelang van die geval. By verstryking van bedoelde tydperk van ses maande en elke ses maande daarna, solank as wat dit ooreenkomstig sub-klousule (1) hiervan nodig is, sal die Administrasie, in ooreenstemming met die Maatskappy, die voet waarteen gemelde spesiale ekstrakoste gehef word, in hersiening neem ten einde te verseker dat die bedrag wat gedurende die betrokke boekjaar by wyse van die spesiale ekstrakoste die Administrasie sal toeval, so na as moontlik sal ooreenstem met die bedrag waarmee die bedryfskoste van die spoorlyn die inkomste daarvan (sonder inagneming van die opbrengs van gemelde spesiale ekstrakoste) oorskry. Na gelang van wat nodig blyk te wees ten einde hierdie oogmerk te bereik, word die heffing ten opsigte van bedoelde spesiale ekstrakoste dan by sodanige hersiening of verhoog of verlaag of onveranderd gelaat vir die daaropvolgende tydperk van ses maande.

7. (1) Van die datum waarop die spoorlyn vir openbare verkeer oopgestel word en vir elke daaropvolgende boekjaar vir 'n tydperk van dertig (30) jaar, moet die Administrasie rekenings opstel en hou om die bedryfsresultate van die spoorlyn aan te toon, en 'n afskrif van elke jaarstaat moet so spoedig doenlik na die afsluiting van elke boekjaar aan die Maatskappy op sy kantoor te Johannesburg verstrek word. Die rekenings moet opgestel word ooreenkomstig die Administrasie se gewone rekeninggebruik en die jaarstaat moet besonderhede verstrek van uitgawe en inkomste (met afsonderlike vermelding van die bedrag wat by wyse van voormelde spesiale ekstrakoste die Administrasie toegeval het), en moet die waardeverminderingstarief asook die rentekoste aantoon wat op die kapitaalkoste van die aanleg en uitrusting toegepas word. Daar word bepaaldelik verklaar dat, vir die doel van die berekening van sodanige bedryfsresultate, die bedrag wat verkry is uit die voormelde spesiale ekstrakoste wat betaal word deur die Maatskappy en die ander afsenders genoem in klousule 12, beskou word as deel van die inkomste wat deur die spoorlyn verdien is.

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

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

(c) Indien die bedryfsresultate van die spoorlyn oor enige tydperk van vyf jaar soos in paragraaf (a) van hierdie sub-klousule bedoel, 'n surplus aantoon, het die Maatskappy en/of die afsenders genoem in klousule 12 geen aanspraak daarop nie, maar word sodanige surplus, na gelang van die omstandighede, deur die Administrasie behou of aangewend soos in paragraaf (d) van hierdie sub-klousule bepaal.

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

have accrued at the end of the sixth period of five years shall be retained by the Administration.

- (e) At the end of each month in each financial year, interest shall be calculated at the rate of five per cent. (5%) per annum on the amount by which the aggregate amount of the accumulated loss and the accrued interest up to the end of the preceding month, exceeds the aggregate amount of the profits, if any, up to the end of that month, and the amount of such interest shall be reflected on a separate statement, a copy of which shall be furnished to the Company as soon as practicable after the close of each financial year.
- (f) If the results of working the railway during any period of five years show a loss, the amount of such loss, together with the interest accrued during such period of five years, as reflected in the statements mentioned in paragraph (e), shall be paid by the Company to the Administration within thirty (30) days after the date on which a statement, certified by the Administration's Chief Accountant, indicating the amount for which the Company is liable, shall have been furnished to the Company at its office in Johannesburg. After settlement has been effected between the parties at the end of the sixth period of five years, the Company shall be under no obligation to reimburse the Administration for losses that may thereafter be incurred in the working of the railway.

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

9. (1) The Company hereby agrees to repay to the Administration on demand, or within such period as the Administration may in its discretion determine after consultation with the Company, but subject to the final proviso to sub-clause (3) hereof, the total amount of—

- (a) any compensation which the Administration may have paid to any third party or parties whose rights to mine or of whatever nature have been injuriously affected as a result of the construction of the railway, in that, by reason of the operation of the Mining Laws, the mining of such minerals under or in the vicinity of the railway is prohibited or restricted; and
- (b) any legal costs incurred by the Administration in settling or contesting any claim for compensation preferred against it by any such third party:

Provided that nothing in this sub-clause contained shall be deemed to impose on the Company any obligation with respect to any minerals, or the injurious affection of any rights to minerals, underlying any land traversed by the railway of which the Administration is the owner at the date of this Agreement.

(2) In the absence of such an agreement as is contemplated in sub-clause (3) hereof, the Administration shall forthwith take all reasonable and proper steps to settle, on the most advantageous terms, any claims for compensation preferred against it by third parties as aforesaid, and shall consult the Company before arriving at a final settlement with any such claimant. If any such claim cannot be settled out of court on terms which, in the opinion of the Company are fair and reasonable, the Administration shall, at the risk and expense of the Company, contest any legal proceedings which the claimant may bring against it for the determination of the amount of the compensation payable. The Administration undertakes that, in regard to the manner in which and the extent to which any such proceedings are to be contested it will, wherever practicable, act in accordance with and give effect to such directions as may be given to it by the Company from time to time during the course of the litigation, including directions to pay any amount into court, or to settle the claim at an agreed figure, or to appeal or not to appeal against any judgment or order of the court of first instance.

(3) With the consent of the Company, the Administration may enter into an agreement with any such claimant whereby the payment of compensation to the claimant in respect of the injurious affection of his rights to minerals is postponed to some future date so as to permit of the amount of the compensation to which the claimant is entitled, being determined more readily and accurately. When the said date arrives, the Administration shall, with due regard to the terms of such agreement and in consultation with the Company, proceed to negotiate for the settlement of any such claim on the most advantageous terms, subject however to the second and third sentences of sub-clause (2) of this clause, which shall be deemed also to form part of this sub-clause, and provided further that the Company shall not be liable to repay to the Administration any amount which the Administration may pay to any such claimant whose claim for compensation is presented to the Administration for payment pursuant to any such agreement as aforesaid, after the lapse of a period of fifty years from the date of the opening of the railway for public traffic.

(4) It is hereby agreed that if, as a result of the construction of the railway, any rights to minerals of whatever nature vested in the Company (whether such rights were acquired before or after the date of this Agreement) are injuriously affected in that, by reason of the operation of the Mining Laws, the mining of such minerals under or in the vicinity of the railway is prohibited or restricted, the Company shall and hereby does unconditionally release the Administration from any and all liability to compensate it, its successors or assigns, in respect of the injurious affection, as aforesaid, of such rights to minerals.

10. The Company agrees that, if at a future date after thirty years but within fifty years of the date of opening the railway for public traffic, the traffic falls off to such an extent that the total volume of traffic carried

sesde vyfjaartydperk opgeloopt het, deur die Administrasie behou word.

- (e) Aan die end van elke maand in elke boekjaar, word rente teen die voet van vyf persent (5%) per jaar bereken op die bedrag waarmee die gesamentlike bedrag van die opgehoopte verlies en die opgelope rente tot aan die end van die vorige maand, die gesamentlike bedrag van die winste (indien daar was) tot aan die end van daardie maand oorskry, en die bedrag van sodanige rente word op 'n afsonderlike staat aangetoon, waarvan 'n afskrif so spoedig doenlik na die afsluiting van elke boekjaar aan die Maatskappy verstrek moet word.
- (f) Indien die bedryfsresultate van die spoorlyn oor die een of ander tydperk van vyf jaar, 'n verlies aantoon, word die bedrag van sodanige verlies, tesame met die rente wat gedurende daardie tydperk van vyf jaar opgeloopt het, soos aangetoon in die state in paragraaf (e) bedoel, deur die Maatskappy aan die Administrasie betaal binne dertig (30) dae na die datum waarop 'n staat, deur die Administrasie se Hoofrekenmeester gesertifiseer, waarin die bedrag aangetoon word waarvoor die Maatskappy aanspreeklik is, aan die Maatskappy op sy kantoor te Johannesburg verstrek is. Nadat die afrekening tussen die partye aan die end van die sesde tydperk van vyf jaar geskied het, rus daar geen verdere verpligting op die Maatskappy om die Administrasie te vergoed vir verliese wat daarna in die eksploitasie van die spoorlyn gely word nie.

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

9. (1) Die Maatskappy stem in om op aanvraag, of binne sodanige tydperk as wat die Administrasie na oorlegpleging met die Maatskappy na goeddunke bepaal, maar onderworpe aan die laaste voorbehoud by sub-klousule (3) hiervan, die totale bedrag van die ondervermelde koste aan die Administrasie terug te betaal—

- (a) enige vergoeding wat die Administrasie betaal het aan 'n derde party of partye wie se regte op minerale van watter aard ook al nadelig getref is as gevolg van die aanleg van die spoorlyn deurdat die ontginning van sodanige minerale onder of in die nabyheid van die spoorlyn ten gevolge van die toepassing van die mynwette verbied of beperk word; en
- (b) enige regskoste wat die Administrasie aangegaan het met die skikking of bestryding van enige eis om vergoeding wat deur so 'n derde party teen hom ingestel is:

Met dien verstande dat die bepalings van hierdie sub-klousule nie geag word die Maatskappy enige verpligting op te lê met betrekking tot enige minerale, of die nadelige aantasting van enige regte op minerale, onder enige grond waaroor die spoorlyn loop en waarvan die Administrasie op die datum van hierdie ooreenkoms die eienaar is nie.

(2) By ontstentenis van 'n ooreenkoms soos in sub-klousule (3) hiervan beoog, moet die Administrasie onverwyld alle redelike en gepaste stappe doen om alle eise om vergoeding wat deur derde partye soos voormeld teen hom ingedien is, op die voordeligste voorwaardes te skik, en moet hy die Maatskappy raadpleeg alvorens hy 'n finale skikking met so 'n eiser aangaan. Indien sodanige eis nie buite die hof geskik kan word op voorwaardes wat, na die mening van die Maatskappy, billik en redelik is nie, moet die Administrasie op risiko en koste van die Maatskappy enige regsgeding bestry wat die eiser teen die Administrasie instel om die bedrag van die verskuldigde vergoeding te bepaal. Met betrekking tot die wyse waarop so 'n regsgeding bestry word, en die omvang van die verweer, verbind die Administrasie hom om, indien doenlik, te handel volgens en gevolg te gee aan sodanige opdragte as wat die Maatskappy van tyd tot tyd, solank die verrigtinge voortduur, aan hom gee, met inbegrip van opdragte om die een of ander bedrag by die hof in te betaal, of om die eis teen 'n onderling aanvaarde bedrag te skik, of om teen 'n uitspraak of bevel van die hof wat die saak verhoor het, te appelleer of nie daarteen te appelleer nie.

(3) Met die toestemming van die Maatskappy kan die Administrasie met enige sodanige eiser 'n ooreenkoms aangaan waarvolgens die betaling van vergoeding aan die eiser ten opsigte van die nadelige aantasting van sy regte op minerale tot 'n later datum uitgestel word sodat die bedrag van die vergoeding waarop die eiser geregtig is, geredeliker en noukeuriger bepaal kan word. Wanneer die vasgestelde datum aanbreek, sal die Administrasie, met behoorlike inagneming van die voorwaardes van sodanige ooreenkoms en in oorleg met die Maatskappy, onderhandelings aanknoop om enige sodanige eis op die voordeligste voorwaardes te skik, onderworpe egter aan die tweede en derde sinne van sub-klousule (2) van hierdie klousule, wat geag word ook deel uit te maak van hierdie sub-klousule, en met dien verstande voorts dat die Maatskappy nie verplig sal wees nie om enige bedrag aan die Administrasie terug te betaal wat laasgenoemde betaal aan sodanige eiser wie se eis om vergoeding aan die Administrasie voorgelê word vir betaling ingevolge so 'n ooreenkoms soos voormeld, na verloop van 'n tydperk van vyftig jaar van die datum waarop die spoorlyn vir openbare verkeer oopgestel is.

(4) Daar word hierby ooreengekom dat indien enige regte op minerale, van watter aard ook al, wat by die Maatskappy berus (hetsy sodanige regte voor of na die datum van hierdie ooreenkoms verkry is) as gevolg van die aanleg van die spoorlyn nadelig aangetas word deurdat die ontginning van sodanige minerale onder of in die nabyheid van die spoorlyn ten gevolge van die toepassing van die mynwette verbied of beperk word, die Maatskappy die Administrasie hierby onvoorwaardelik onthef van alle aanspreeklikheid om hom, sy opvolgers of regverkrygendes, te vergoed vir die nadelige aantasting, soos voormeld, van sodanige regte op minerale.

10. Die Maatskappy stem in dat indien die verkeer te eniger tyd na dertig jaar, maar binne vyftig jaar na die datum waarop die spoorlyn vir openbare verkeer oopgestel is, in so 'n mate afneem dat dit volgens die

over the railway is, in the opinion of the Administration after consultation with the Company, insufficient to justify the operation of the railway, the Administration shall, unless the Company is prepared to enter into a fresh agreement with the Administration guaranteeing to meet any future losses incurred in working the railway, have the right to uplift the whole or any portion of the railway and, if so uplifted, to recover from the Company an amount equal to the total of the original cost of construction plus any amount subsequently expended on the railway (including expenditure financed from the Administration's Renewals Fund or Betterment Fund) which, in terms of sub-clause (2) of clause 2 hereof, is deemed to form part of the cost of construction and equipment of the railway, less the total of

- (a) the depreciation charges raised in respect of the cost of construction and equipment of the railway (including any amount deemed in terms of clause 2 (2), to form part of such cost), from the date of the opening of the railway to such aforementioned future date; and
- (b) the total residual value, determined in accordance with the Administration's usual accounting practice, of such assets or items of material or equipment (included or deemed to be included in the cost of construction and equipment of the railway for the purposes of this Agreement), as the Administration may decide to retain. Any of the aforementioned assets, material and equipment not so retained by the Administration shall become the property of the Company, subject to any conditions of title under which the assets are held by the Administration.

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

12. The Administration undertakes that during such time as the Company remains bound to pay the special surcharge provided for in sub-clause (1) of clause 6, it will make provision in the Official Railway Tariff Book for the payment of a like surcharge at the same rate per ton or at a proportionate rate per 100 lbs., as the case may be, on all traffic consigned by or on behalf of any other senders by goods train over the railway or any portion thereof in the direction of Kensington, and that all moneys derived from such surcharge will be dealt with as provided in clause 7 of this Agreement.

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

SIGNED for and on behalf of the Government of the Republic of South Africa in its Railways and Harbours Administration at Pretoria on this the 4th day of January, 1965.

As WITNESSES

1. (Sgd.) L. M. Engelbrecht
2. (Sgd.) J. H. Viljoen

(Sgd.) B. J. Schoeman  
*Minister of Transport.*

SIGNED for and on behalf of FISONS (PROPRIETARY) LIMITED, at Johannesburg on this the 23rd day of December, 1964, under the authority of a resolution of the Board of Directors of the Company dated the 4th day of November, 1964.

As WITNESSES

1. (Sgd.) J. S. Pilkington
2. (Sgd.) L. A. O'Connor

(Sgd.) R. W. Mills  
*Director.*

mening van die Administrasie en na oorlegpleging met die Maatskappy, onvoldoende is om die eksploitasie van die spoorlyn te regverdig, die Administrasie die reg het om die hele spoorlyn of 'n gedeelte daarvan op te breek, tensy die Maatskappy bereid is om 'n nuwe ooreenkoms met die Administrasie aan te gaan waarvolgens die Maatskappy hom verbind om in te staan vir enige toekomstige verliese wat met die eksploitasie van die spoorlyn gelyk word; en indien die spoorlyn aldus opgebreek word, het die Administrasie die reg om 'n bedrag op die Maatskappy te verhaal wat gelykstaar met die totale oorspronklike aanlegkoste plus enige bedrag wat daarna aan die spoorlyn bestee is (met inbegrip van uitgawe gefinansier uit die Administrasie se Vernuwings- of Verbeteringsfonds) en wat ingevolge sub-klausule (2) van klousule 2 hiervan geag word deel uit te maak van die koste om die spoorlyn aan te lê en uit te rus, *min*

- (a) die waardeverminderingkoste hehef ten opsigte van die koste om die spoorlyn aan te lê en uit te rus (met inbegrip van enige bedrag wat ingevolge klousule 2 (2) geag word deel van sodanige koste uit te maak) vanaf die datum van die oopstelling van die spoorlyn tot sodanige voormelde toekomstige datum; en
- (b) die totale restantwaarde, vasgestel ooreenkomstig die Administrasie se gewone rekeninggebruik, van sodanige bates, materiaal of uitrusting (wat vir die doeleindes van hierdie ooreenkoms ingesluit is of geag word ingesluit te wees in die koste om die spoorlyn aan te lê en uit te rus) wat die Administrasie besluit om te behou. Die voormelde bates, materiaal en uitrusting wat nie aldus deur die Administrasie behou word nie, word die eiendom van die Maatskappy onderworpe aan alle besitvoorwaardes waarkragtens die Administrasie die bates besit.

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

12. Die Administrasie verbind hom om, solank as wat die Maatskappy onder verpligting bly om die spesiale ekstrakoste soos genoem in sub-klausule (1) van klousule 6 te betaal, voorsiening in die Offisiële Spoorwegtariefboek te maak vir die betaling van dergelike ekstrakoste teen dieselfde voet per ton of 'n proporsionele voet per 100 lb., na gelang van die geval, op alle verkeer wat deur of ten behoeve van ander afsenders per goederetrein in die rigting van Kensington oor die spoorlyn of 'n gedeelte daarvan versend word, en dat alle gelde wat uit sodanige ekstrakoste verkry word, volgens voorskrif van klousule 7 van hierdie ooreenkoms bestee sal word.

13. Daar rus geen beperking op die Administrasie se bedryfsbevoegdheid ten opsigte van enige soort verkeer hoegenaamd oor die spoorlyn nie, en die Administrasie kan enige spoorlyn(e) aanlê en toestemming verleen vir die aanlê van private sylyne as 'n verlenging of vertakking van die spoorlyn: Met dien verstande dat alvorens hy sodanige spoorlyn(e) aanlê of toestemming vir die aanlê van sodanige private sylyn verleen, die Administrasie die Maatskappy moet raadpleeg en alle vertoë in aanmerking moet neem wat die Maatskappy in verband daarmee indien.

GETEKEN namens en ten behoeve van die Regering van die Republiek van Suid-Afrika in sy Administrasie van Spoorweë en Hawens in Pretoria op die 4de dag van Januarie 1965.

GETUIES

1. (Get.) L. M. Engelbrecht
2. (Get.) J. H. Viljoen

(Get.) B. J. Schoeman  
*Minister van Vervoer.*

GETEKEN namens en ten behoeve van FISIONS (EIENDOMS) BEPERK in Johannesburg op die 23ste dag van Desember 1964, kragtens 'n besluit van die Direksie van die Maatskappy gedateer die 4de dag van November 1964.

GETUIES

1. (Get.) J. S. Pilkington
2. (Get.) L. A. O'Connor

(Get.) R. W. Mills  
*Direkteur.*

No. 6, 1965.]

# ACT

To amend the Liquor Act, 1928, the Railways and Harbours Pensions Amendment Act, 1941, the Railway Expropriation Act, 1955, 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, the Level Crossings Act, 1960, and the Railway Board Act, 1962; to enable certain members of the New Railways and Harbours Superannuation Fund to contribute thereto in respect of periods of previous non-contributory service; to validate certain changes in conditions of employment, and to provide for other incidental matters.

*(English text signed by the State President.)  
(Assented to 25th February, 1965.)*

**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 5 of Act 30 of 1928, as amended by section 2 of Act 41 of 1934 and section 1 of Act 88 of 1963.

1. Section *five* of the Liquor Act, 1928, is hereby amended by the substitution, for sub-section (2), of the following sub-section:

“(2) (a) Nothing in this Act contained shall affect the operation of any provision of Chapter V of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957).

(b) Subject to the provisions of paragraph (a), every refreshment room or bar in which liquor is sold at a railway station, whether by the Railway Administration itself or by any person to whom a concession has been granted in terms of sub-section (1) of section *fifty-eight* of the said Act shall, for the purposes of this Act, be deemed to be premises in respect of which a bar licence has been issued, and the person in charge of such room or bar shall be deemed to be the holder of such licence and to be the employer of all persons working in such room or bar.”.

Amendment of section 1 of Act 26 of 1941.

2. Section *one* of the Railways and Harbours Pensions Amendment Act, 1941 (hereinafter called “the Pensions Amendment Act”) is hereby amended by the substitution in sub-section (1) for the expression “1925 (Act No. 24 of 1925)” of the expression “1960 (Act No. 39 of 1960)”.

Amendment of section 2 of Act 26 of 1941 as amended by section 6 of Act 23 of 1944.

3. Section *two* of the Pensions Amendment Act is hereby amended by the addition thereto of the following sub-section:

“(3) (a) A Bantu who has been in the service of the Administration from a date prior to the first day of January, 1955, during a continuous period of ten years or longer or intermittently during periods which amount in the aggregate to a period of ten years or longer, and whose services are terminated for the reason that, in terms of any law relating to Bantu or in consequence of any action taken by competent authority pursuant to such law, it has become unlawful for him to remain or work in the area in which he is employed shall, for the purposes of sub-section (1), be deemed to have been retired from the service of the Administration because of a fact mentioned in paragraph (c) of that sub-section: Provided that such Bantu shall be entitled to a gratuity only.

No. 6, 1965.]

# WET

Tot wysiging van die Drankwet, 1928, die Wysigingswet op Spoorweg- en Hawepensioene, 1941, die Spoorwegonteieningswet, 1955, 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, die Wet op Spoorroorgange, 1960, en die Spoorwegraadwet, 1962; om sekere lede van die Nuwe Spoorweg- en Hawesuperannuasiefonds in staat te stel om daartoe by te dra ten opsigte van tydperke van vorige nie-hydraende diens; om sekere veranderings in diensvoorwaardes te bekragtig, en om vir ander verbandhoudende aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 25 Februarie 1965.)

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

1. Artikel vyf van die Drankwet, 1928, word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:
 

„(2) (a) Die bepalings van hierdie Wet maak geen inbreuk op die uitwerking van 'n bepaling van Hoofstuk V van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), nie.

(b) Onderworpe aan die bepalings van paragraaf (a), word elke verversingskamer of kroeg op 'n spoorwegstasie waarin drank verkoop word, hetsy deur die Spoorwegadministrasie self of deur 'n persoon aan wie 'n konsessie toegestaan is ingevolge sub-artikel (1) van artikel agt-en-veertig van bedoelde Wet, by die toepassing van hierdie Wet beskou as 'n gebou ten opsigte waarvan 'n kantienlisensie uitgereik is, en die persoon onder wie se beheer daardie kamer of kroeg staan, word beskou as die houer van daardie lisensie en as die werkgever van alle persone wat in daardie kamer of kroeg werk.”
2. Artikel een van die Wysigingswet op Spoorweg- en Hawepensioene, 1941 (hierna „die Pensioenwysigingswet” genoem), word hierby gewysig deur in sub-artikel (1) die uitdrukking „„Spoorwega en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925)” te vervang deur die uitdrukking „Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960)”.
3. Artikel twee van die Pensioenwysigingswet word hierby gewysig deur die volgende sub-artikel by te voeg:
 

„(3) (a) 'n Bantoe wat vanaf 'n datum voor die eerste dag van Januarie 1955 in die diens van die Administrasie was gedurende 'n onafgebroke tydperk van tien jaar of langer of met tussenpose gedurende tydperke wat altesaam 'n tydperk van tien jaar of langer uitmaak, en wie se diens beëindig word omrede dit, ingevolge die een of ander wet betreffende Bantoes of ten gevolge van optrede deur 'n bevoegde gesag ingevolge so 'n wet, vir hom onwettig geword het om in die gebied waarin hy in diens is, te werk of te vertoef, word, by die toepassing van sub-artikel (1), geag uit die diens van die Administrasie afgedank te gewees het weens 'n feit in paragraaf (c) van daardie sub-artikel vermeld: Met dien verstande dat so 'n Bantoe slegs op 'n gratifikasie geregtig is.

Wysiging van artikel 5 van Wet 30 van 1928, soos gewysig deur artikel 2 van Wet 41 van 1934 en artikel 1 van Wet 88 van 1963.

Wysiging van artikel 1 van Wet 26 van 1941.

Wysiging van artikel 2 van Wet 26 van 1941 soos gewysig deur artikel 6 van Wet 23 van 1944.

- (b) Any annuity or gratuity granted before the commencement of the Railways and Harbours Acts Amendment Act, 1965, to a Bantu whose services were terminated under such circumstances as are mentioned in paragraph (a), shall be deemed to have been lawfully granted if such Bantu was otherwise eligible for an annuity or gratuity in terms of sub-section (1)."

Amendment of section 7 of Act 26 of 1941.

4. Section *seven* of the Pensions Amendment Act is hereby amended by the substitution for the expression "Governor-General" of the expression "State President".

Amendment of section 8 of Act 26 of 1941.

5. Section *eight* of the Pensions Amendment Act is hereby amended by the substitution for the expression "*twenty-one* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925)" of the expression "*twenty* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960)".

Amendment of section 1 of Act 37 of 1955.

6. Section *one* of the Railway Expropriation Act, 1955, is hereby amended by the substitution, for the definition of the expression "principal Act", of the following definition:

"'principal Act' means the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957);".

Substitution of new section for section 2 of Act 37 of 1955.

7. The following section is hereby substituted for section *two* of the Railway Expropriation Act, 1955:

"Interpretation of 2. The reference in paragraph (1) of section *two* of the principal Act to 'the relevant law relating to certain provisions of the expropriation or use of land or water' shall be 70 of 1957. construed as a reference to this Act."

Amendment of section 3 of Act 37 of 1955.

8. Section *three* of the Railway Expropriation Act, 1955, is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section:

"(1) Whenever the Administration proposes to expropriate or take any property which it is by the principal Act or the Railways Construction Act, 1922 (Act No. 30 of 1922), empowered to expropriate or take, it shall cause a notice to be served upon the owner and upon every person to whom such property has been hypothecated, setting forth clearly and fully the property which is being expropriated or taken and requiring the said owner to state the amount (if any) claimed by him as compensation for such property or for any damage alleged to have been sustained by him in consequence of the expropriation. Such notice may be served either by personal delivery or by registered post, but where it is served by personal delivery it shall be deemed to have been properly served if a true copy thereof has been handed to the owner or other person concerned after the original has been exhibited to him.";

(b) by the substitution, in sub-section (3), for the word "the" where it occurs for the second time, of the word "a", and for the word "either" of the word "any".

Amendment of section 8 of Act 37 of 1955, as amended by section 1 of Act 39 of 1963.

9. Section *eight* of the Railway Expropriation Act, 1955, is hereby amended by the substitution, in sub-section (1), for the words "one thousand pounds", wherever they occur, of the words "two thousand rand".

Amendment of section 15 of Act 37 of 1955.

10. Section *fifteen* of the Railway Expropriation Act, 1955, is hereby amended by the substitution for the words "twenty-five pounds" of the words "one hundred rand" and for the words "one month" of the words "six months".

Amendment of section 1 of Act 70 of 1957, as amended by section 5 of Act 25 of 1959, section 6 of Act 62 of 1961 and section 5 of Act 62 of 1962.

11. Section *one* of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (hereinafter called "the Control and Management Act") is hereby amended—

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

"'Administration' means the authority which, under the Railway Board Act, 1962 (Act No. 73 of 1962) administers and works the railways, ports and harbours of the Republic;"

- (b) 'n Jaargeld of gratifikasie wat voor die inwerkingtreding van die Wysigingswet op Spoorweg- en Hawewette, 1965, toegestaan is aan 'n Bantoe wie se dienste beëindig is in die omstandighede in paragraaf (a) vermeld, word geag wettig toegestaan te gewees het indien so 'n Bantoe andersins vir 'n jaargeld of gratifikasie ingevolge sub-artikel (1) in aanmerking kon kom."
4. Artikel *sewe* van die Pensioenwysigingswet word hierby gewysig deur die uitdrukking „Goewerneur-generaal” te vervang deur die uitdrukking „Staatspresident”. Wysiging van artikel 7 van Wet 26 van 1941.
5. Artikel *agt* van die Pensioenwysigingswet word hierby gewysig deur die uitdrukking „artikel *een-en-twintig* van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925)” te vervang deur die uitdrukking „*twintig* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960)”. Wysiging van artikel 8 van Wet 26 van 1941.
6. Artikel *een* van die Spoorwegonteieningswet, 1955, word hierby gewysig deur die omskrywing van die uitdrukking „Hoofwet” deur die volgende omskrywing te vervang: Wysiging van artikel 1 van Wet 37 van 1955.  
„„Hoofwet” die Konsolidasiewet op die Beheeren Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957);”.
7. Artikel *twee* van die Spoorwegonteieningswet, 1955, word hierby deur die volgende artikel vervang: Vervanging van artikel 2 van Wet 37 van 1955.  
„Vertolking van sekere bepaling van Wet 70 van 1957. 2. Die verwysing in paragraaf (1) van artikel *twee* van die Hoofwet na „die toepaslike wet betreffende die onteiening of gebruik van grond of water” word vertolk as ’n verwysing na hierdie Wet.”.
8. Artikel *drie* van die Spoorwegonteieningswet, 1955, word hierby gewysig— Wysiging van artikel 3 van Wet 37 van 1955.  
(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:  
„(1) Wanneer die Administrasie voornemens is om enige goed te onteien of te neem wat hy deur die Hoofwet of die „Spoorwegen Aanleg Wet, 1922” (Wet No. 30 van 1922), gemagtig word om te onteien of te neem, moet hy ’n kennisgewing aan die eienaar en aan iedereen aan wie die eiendom verpand is, laat beteken. In so ’n kennisgewing moet die goed wat onteien of geneem word duidelik en volledig omskryf word en moet bedoelde eienaar aangesê word om die bedrag (indien enige) te meld wat hy eis as vergoeding vir daardie goed of vir enige skade wat hy beweer dat hy as gevolg van die onteiening gely het. So ’n kennisgewing kan of deur persoonlike aflewering of deur aange-tekende pos beteken word, maar waar dit deur persoonlike aflewering beteken word, word dit geag behoorlik beteken te gewees het as ’n ware afskrif daarvan aan die eienaar of ander betrokke persoon oorhandig is nadat die oorspronklike aan hom getoon is.”;
- (b) deur in sub-artikel (3) die woord „die” waar dit vir die tweede maal voorkom, te vervang deur die woord „’n”.
9. Artikel *agt* van die Spoorwegonteieningswet, 1955, word hierby gewysig deur in sub-artikel (1) die woorde „eenduisend pond” waar dit ook al voorkom, te vervang deur die woorde „twee duisend pond”. Wysiging van artikel 8 van Wet 37 van 1955, soos gewysig deur artikel 1 van Wet 39 van 1963.
10. Artikel *vyftien* van die Spoorwegonteieningswet, 1955, word hierby gewysig deur die woorde „vyf-en-twintig pond” te vervang deur die woorde „honderd rand” en die woorde „een maand” deur die woorde „ses maande”. Wysiging van artikel 15 van Wet 37 van 1955.
11. Artikel *een* van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (hierna die „Beheer- en Bestuurwet” genoem), word hierby gewysig— Wysiging van artikel 1 van Wet 70 van 1957, soos gewysig deur artikel 5 van Wet 25 van 1959, artikel 6 van Wet 62 van 1961 en artikel 5 van Wet 62 van 1962.  
(a) deur die omskrywing van die uitdrukking „Administrasie” in sub-artikel (1) deur die volgende omskrywing te vervang:  
„„Administrasie” die gesag wat kragtens die Spoorwegraadwet, 1962 (Wet No. 73 van 1962), die spoorweë en hawens van die Republiek administreer en eksploiteer;”;

- (b) by the deletion, in the definition of the expression "private railways" in sub-section (1), of the words "the term 'private railways' also includes the line of the Rhodesia Railways from Vryburg to the northern boundary of the Union in the event of the control and working thereof being hereafter undertaken and carried on by the Rhodesia Railways".

Amendment of section 2 of Act 70 of 1957, as amended by section 1 of Act 4 of 1958, section 3 of Act 7 of 1963, section 5 of Act 39 of 1963 and section 2 of Act 54 of 1964.

12. Section two of the Control and Management Act is hereby amended—

- (a) by the substitution, in paragraphs (1) and (17), for the expression "South Africa Act, 1909" of the expression "Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961)";

- (b) by the insertion of the following new paragraph after paragraph (4):

"(4)*bis* To deny access to a harbour to any ship—

- (a) which has the nationality of any state which the Minister has by notice in the *Gazette* declared to be a state which denies access to its harbours to ships of South African nationality; or

- (b) which is owned directly or indirectly by, or is on charter to, nationals of any such state or a corporation or other juristic person in which nationals of any such state have a controlling interest; or

- (c) irrespective of its nationality, if any person who is or at any time was a member of the crew of such ship has at any time been convicted, under a law in force in the Republic or in the Territory of South West Africa, of any offence committed while such ship was in the territorial waters of the Republic, as defined in section two of the Territorial Waters Act, 1963 (Act No. 87 of 1963) or within the fishing zone as defined in section three of that Act; or

- (d) irrespective of its nationality, if the Administration's officer in charge of the marine department of the harbour is satisfied, on reasonable grounds, that such ship has at any time been engaged, within the said territorial waters or the said fishing zone, in activities that constituted an offence under any law in force in the Republic or in the Territory of South West Africa;"

- (c) by the substitution for paragraph (10) of the following paragraph:

"(10) To construct and maintain, for the purposes of any activity in which it may lawfully engage, telegraphic or telephonic communication with or without wires in or on any premises or place occupied by it for the purposes of any such activity, or between any such premises or place and any other premises or place so occupied by it, and for that purpose to enter upon any land or any street or road and make therein all necessary excavations for the erection of posts and for the laying down of lines and subterranean communication, and to erect or lay any necessary posts, cables or wires: Provided that—

- (a) no excavation for the erection of posts or the laying of cables or wires shall be carried out in any street or road without the prior written consent of the local authority controlling such street or road;

- (b) all overhead cables or wires shall be at least ten feet (or, in the immediate neighbourhood of towns, twelve feet) above the surface of the ground except where they cross any street or road or any path on which there is a likelihood of vehicular traffic, in which case they shall be at least fourteen feet (or, in the immediate neighbourhood of towns, eighteen feet) above the surface of the ground;

- (c) such cables or wires shall be placed in such a way as not to impair or obstruct the free use or enjoyment of such street, road or path to a greater extent than is absolutely necessary for the proper construction, establishment and maintenance of any such communication;"

- (b) deur in die omskrywing van die uitdrukking „private spoorweë” in sub-artikel (1) die woorde „en omvat die uitdrukking „private spoorweë” tewens die lyn van die Rhodesiese Spoorweë vanaf Vryburg na die noordelike grens van die Unie ingeval die beheer en eksploitasie daarvan hierna deur die Rhodesiese Spoorweë aanvaar en onderneem word” te skrap.

12. Artikel twee van die Beheer- en Bestuurwet word hierby gewysig—

Wysiging van artikel 2 van Wet 70 van 1957, soos gewysig deur artikel 1 van Wet 4 van 1958, artikel 3 van Wet 7 van 1963, artikel 5 van Wet 39 van 1963 en artikel 2 van Wet 54 van 1964.

- (a) deur in paragrawe (1) en (17) die uitdrukking „Zuid-Afrika Wet, 1909” te vervang deur die uitdrukking „Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961)”;

- (b) deur die volgende nuwe paragraaf na paragraaf (4) in te voeg:

„(4)*bis* om toegang tot ’n hawe te ontsê aan enige skip—

- (a) wat die nasionaliteit het van ’n staat wat die Minister by kennisgewing in die *Staatskoerant* verklaar het ’n staat te wees wat toegang tot sy hawens ontsê aan skepe van Suid-Afrikaanse nasionaliteit; of

- (b) wat regstreeks of onregstreeks die eiendom is van, of wat verhuur is aan, burgers van so ’n staat of ’n korporasie of ander regspersoon waarin burgers van so ’n staat ’n beherende belang het; of

- (c) ongeag sy nasionaliteit, indien ’n persoon wat ’n bemanningslid van daardie skip is of te eniger tyd was, te eniger tyd skuldig bevind is, ingevolge ’n wet van toepassing in die Republiek of in die gebied Suidwes-Afrika, aan ’n oortreding wat gepleeg is terwyl daardie skip hom bevind het binne die territoriale waters van die Republiek, soos omskryf in artikel twee van die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963), of binne die visserysone soos omskryf in artikel drie van daardie Wet; of

- (d) ongeag sy nasionaliteit, indien die Administrasie se amptenaar in beheer van die marine-afdeling van die hawe op redelike gronde daarvan oortuig is dat daardie skip hom te eniger tyd binne bedoelde territoriale waters of bedoelde visserysone besig gehou het met bedrywighede wat neergekom het op ’n oortreding ingevolge ’n wet van toepassing in die Republiek of in die gebied Suidwes-Afrika;”;

- (c) deur paragraaf (10) deur die volgende paragraaf te vervang:

„(10) om vir die doeleindes van enige bedrywigheid wat hy wettiglik mag onderneem, telegrafiese of telefoniese verbinding met of sonder drade aan te lê en in stand te hou in of op enige perseel of plek wat hy vir die doeleindes van enige sodanige bedrywigheid okkupeer, of tussen so ’n perseel of plek en enige ander perseel of plek wat hy aldus okkupeer, en om vir daardie doel enige grond of enige straat of pad te betree en daarin alle uitgrawings te doen wat nodig is vir die oprig van pale en die aanlê van lyne en ondergrondse geleidings, en om die nodige pale, kables of drade op te rig of te lê: Met dien verstande dat—

- (a) geen uitgrawings vir die oprig van pale of die lê van kables of drade in enige straat of pad gemaak mag word nie sonder die skriftelike toestemming vooraf van die plaaslike bestuur wat sodanige straat of pad beheer;

- (b) alle bogrondse kables of drade minstens tien voet (of, in die onmiddellike omgewing van dorpe, twaalf voet) bo grondoppervlakte moet wees behalwe waar dit gespan word oor ’n straat of pad of ’n paadjie waarop voertuigverkeer verwag kan word, in welke geval dit minstens veertien voet (of, in die onmiddellike omgewing van dorpe, agtien voet) bo die grondoppervlakte moet wees;

- (c) sulke kables of drade op so ’n wyse aangebring moet word dat die vrye gebruik of genot van sodanige straat, pad of paadjie nie in ’n groter mate verhinder of belemmer word as wat volstrek nodig is vir die behoorlike aanlê, indiensstelling en instandhouding van so ’n verbinding nie;”.

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, section 2 of Act 2 of 1960, section 7 of Act 62 of 1961, section 6 of Act 62 of 1962 and section 4 of Act 7 of 1963.

13. Section *three* of the Control and Management Act is hereby amended—

- (a) by the substitution, in paragraph (qq) of sub-section (1), for the expression "section *thirty-one* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925)" of the expression "section *thirty-two* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)";
- (b) by the substitution, in sub-section (2), for the words "fifty pounds" of the words "one hundred rand";
- (c) by the substitution, in sub-section (4), for the expression "Railways and Harbours Service Act, 1925 (Act No. 23 of 1925)" of the expression "Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)".

Amendment of section 10 of Act 70 of 1957.

14. Section *ten* of the Control and Management Act is hereby amended—

- (a) by the substitution, in paragraph (a) of sub-section (3), for the words "one shilling, sixpence or three-pence" of the words "ten cents, five cents or three cents", and by the substitution in paragraph (b) of that sub-section, for the words "Ten shillings, five shillings, or two shillings and sixpence" of the words "One rand, fifty cents or twenty-five cents";
- (b) by the substitution, in sub-section (4), for the words "five pounds" of the words "fifty rand", and for the words "one month" of the words "three months".

Amendment of section 11 of Act 70 of 1957.

15. Section *eleven* of the Control and Management Act is hereby amended—

- (a) by the substitution, in sub-section (1), for the words "ten pounds" of the words "fifty rand", and for the words "one month", where they occur for the first time, of the words "three months";
- (b) by the substitution, in sub-section (2), for the words "one hundred pounds" of the words "two hundred rand".

Amendment of section 12 of Act 70 of 1957.

16. Section *twelve* of the Control and Management Act is hereby amended by the substitution for the words "ten pounds" of the words "fifty rand", and for the words "one month", where they occur for the first time, of the words "three months".

Amendment of section 13 of Act 70 of 1957.

17. Section *thirteen* of the Control and Management Act is hereby amended by the substitution for the words "ten pounds" of the words "fifty rand", and for the words "one month", where they occur for the first time, of the words "three months".

Amendment of section 16 of Act 70 of 1957.

18. Section *sixteen* of the Control and Management Act is hereby amended by the substitution, in sub-section (4), for the words "ten pounds" of the words "twenty rand".

Amendment of section 18 of Act 70 of 1957.

19. Section *eighteen* of the Control and Management Act is hereby amended by the substitution, in paragraph (d) of sub-section (1) of the English text, for the words "the Queen's enemies" of the words "hostile forces".

Amendment of section 26 of Act 70 of 1957, as amended by section 7 of Act 62 of 1962.

20. Section *twenty-six* of the Control and Management Act is hereby amended by the substitution, in paragraph (a) of sub-section (4), for the words "fifty pounds" of the words "one hundred rand".

Amendment of section 28 of Act 70 of 1957.

21. Section *twenty-eight* of the Control and Management Act is hereby amended by the substitution, in sub-section (6), for the words "one hundred pounds" of the words "two hundred rand".

Amendment of section 30 of Act 70 of 1957, as amended by section 38 of Act 44 of 1959.

22. Section *thirty* of the Control and Management Act is hereby amended by the substitution, in sub-section (1), for the words "twenty-five pounds" of the words "fifty rand".

Amendment of section 34 of Act 70 of 1957.

23. Section *thirty-four* of the Control and Management Act is hereby amended by the substitution for the word "Commissioner" of the words "Secretary for Customs and Excise".

Amendment of section 35 of Act 70 of 1957, as amended by section 8 of Act 62 of 1961.

24. Section *thirty-five* of the Control and Management Act is hereby amended by the substitution, in that portion thereof which follows paragraph (p), for the words "ten pounds" of the words "fifty rand", and for the words "one month", where they occur for the first time, of the words "three months".

13. Artikel *drie* van die Beheer- en Bestuurwet word hierby gewysig—
  - (a) deur in paragraaf (*qq*) van sub-artikel (1) die uitdrukking „artikel *een-en-dertig* van die „Spoorwegen en Havens Dienst Wet, 1925” (Wet No. 23 van 1925)” te vervang deur die uitdrukking „artikel *twee-en-dertig* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)”;
  - (b) deur in sub-artikel (2) die woorde „vyftig pond” te vervang deur die woorde „honderd rand”;
  - (c) deur in sub-artikel (4) die uitdrukking „Spoorwegen en Havens Dienst Wet, 1925” (Wet No. 23 van 1925)” te vervang deur die uitdrukking „Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)”.

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, artikel 2 van Wet 2 van 1960, artikel 7 van Wet 62 van 1961, artikel 6 van Wet 62 van 1962 en artikel 4 van Wet 7 van 1963.
14. Artikel *tien* van die Beheer- en Bestuurwet word hierby gewysig—
  - (a) deur in paragraaf (*a*) van sub-artikel (3) die woorde „een sjieling, ses pennies of drie pennies” te vervang deur die woorde „tien sent, vyf sent of drie sent” en deur in paragraaf (*b*) van daardie sub-artikel die woorde „tien sjielings, vyf sjielings of twee sjielings en ses pennies” te vervang deur die woorde „een rand, vyftig sent of vyf-en-twintig sent”;
  - (b) deur in sub-artikel (4) die woorde „vyf pond” deur die woorde „vyftig rand”, en die woorde „een maand” deur die woorde „drie maande” te vervang.

Wysiging van artikel 10 van Wet 70 van 1957.
15. Artikel *elf* van die Beheer- en Bestuurwet word hierby gewysig—
  - (a) deur in sub-artikel (1) die woorde „tien pond” deur die woorde „vyftig rand” en die woorde „een maand” waar hulle die eerste maal voorkom deur die woorde „drie maande” te vervang;
  - (b) deur in sub-artikel (2) die woorde „honderd pond” te vervang deur die woorde „tweehonderd rand”.

Wysiging van artikel 11 van Wet 70 van 1957.
16. Artikel *twaalf* van die Beheer- en Bestuurwet word hierby gewysig deur die woorde „tien pond” deur die woorde „vyftig rand”, en die woorde „een maand” waar hulle die eerste maal voorkom deur die woorde „drie maande” te vervang.
17. Artikel *dertien* van die Beheer- en Bestuurwet word hierby gewysig deur die woorde „tien pond” deur die woorde „vyftig rand”, en die woorde „een maand” waar hulle die eerste maal voorkom deur die woorde „drie maande” te vervang.
18. Artikel *sestien* van die Beheer- en Bestuurwet word hierby gewysig deur in sub-artikel (4) die woorde „tien pond” te vervang deur die woorde „twintig rand”.
19. Artikel *agtien* van die Beheer- en Bestuurwet word hierby gewysig deur in paragraaf (*d*) van sub-artikel (1) van die Engelse teks die woorde „the Queen’s enemies” te vervang deur die woorde „hostile forces”.
20. Artikel *ses-en-twintig* van die Beheer- en Bestuurwet word hierby gewysig deur in paragraaf (*a*) van sub-artikel (4) die woorde „vyftig pond” te vervang deur die woorde „honderd rand”.
21. Artikel *agt-en-twintig* van die Beheer- en Bestuurwet word hierby gewysig deur in sub-artikel (6) die woorde „honderd pond” te vervang deur die woorde „tweehonderd rand”.
22. Artikel *dertig* van die Beheer- en Bestuurwet word hierby gewysig deur in sub-artikel (1) die woorde „vyf-en-twintig pond” te vervang deur die woorde „vyftig rand”.
23. Artikel *vier-en-dertig* van die Beheer- en Bestuurwet word hierby gewysig deur die woord „Kommissaris” te vervang deur die woorde „Sekretaris van Doeane en Aksyns”.
24. Artikel *vyf-en-dertig* van die Beheer- en Bestuurwet word hierby gewysig deur in daardie deel daarvan wat op paragraaf (*p*) volg, die woorde „tien pond” deur die woorde „vyftig rand”, en die woorde „een maand” waar hulle die eerste maal voorkom deur die woorde „drie maande” te vervang.

Amendment of  
section 36 of  
Act 70 of 1957.

25. Section *thirty-six* of the Control and Management Act is hereby amended by the substitution, in that portion thereof which follows paragraph (l), for the words "twenty pounds" of the words "one hundred rand", and for the word "three" of the word "six".

Amendment of  
section 37 of  
Act 70 of 1957,  
as amended by  
section 6 of  
Act 39 of 1963.

26. Section *thirty-seven* of the Control and Management Act is hereby amended by the substitution, in that portion thereof which follows paragraph (e), for the words "two hundred pounds" of the words "five hundred rand".

Amendment of  
section 38 of  
Act 70 of 1957.

27. Section *thirty-eight* of the Control and Management Act is hereby amended by the substitution, in sub-section (6), for the words "twenty-five pounds" of the words "fifty rand", for the words "twenty pounds" of the words "forty rand", for the words "fifteen pounds" of the words "thirty rand", for the words "six pounds" of the words "twelve rand", for the words "three pounds" of the words "six rand" and for the words "two pounds" of the words "four rand".

Amendment of  
section 39 of  
Act 70 of 1957.

28. Section *thirty-nine* of the Control and Management Act is hereby amended by the substitution, in paragraph (b) of sub-section (4), for the words "seven hundred and fifty pounds", wherever they occur, of the words "one thousand five hundred rand".

Amendment of  
section 42 of Act  
70 of 1957, as  
amended by section  
9 of Act 62 of 1961.

29. Section *forty-two* of the Control and Management Act is hereby amended by the substitution for the words "remain so vested", wherever they occur, of the words "be vested in the State President".

Amendment of  
section 44 of Act  
70 of 1957, as  
amended by section  
43 of Act 30 of  
1959.

30. Section *forty-four* of the Control and Management Act is hereby amended by the substitution for the words "fifty pounds" of the words "one hundred rand".

Amendment of  
section 45 of Act  
70 of 1957.

31. Section *forty-five* of the Control and Management Act is hereby amended by the substitution for the word "Commissioner" of the words "Secretary for Customs and Excise".

Amendment of  
section 54 of Act  
70 of 1957.

32. Section *fifty-four* of the Control and Management Act is hereby amended by the substitution in the English text for the words "the Queen's enemies" of the words "hostile forces".

Amendment of  
section 57 of Act  
70 of 1957, as  
amended by section  
40 of Act 44 of  
1959.

33. Section *fifty-seven* of the Control and Management Act is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section:

"(1) The State President may, in manner provided by the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), appoint so many persons as may be deemed necessary for the duty of maintaining law and order upon the railways and at the harbours, and when any such person so appointed is carrying out that duty, he shall be capable of exercising all such powers and shall perform all such functions as are by law conferred on or are to be performed by a member of the South African Police Force established under the Police Act, 1958 (Act No. 7 of 1958), and shall be liable in respect of acts done or omitted to be done to the same extent as he would have been liable in like circumstances if he were a member of the said Force, and shall have the benefit of all the indemnities to which a member of such Force would in like circumstances be entitled.";

(b) by the substitution, in sub-section (4), for the expression "section *thirty-one* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925)" of the expression "section *thirty-two* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)";

(c) by the substitution, in sub-section (5), for the expression "section *thirty-one* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925)" of the expression "section *thirty-two* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)", and for the words "twenty-five pounds" of the words "fifty rand";

(d) by the substitution, in sub-section (6), for the expression "section *thirty-one* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925)" of the expression "section *thirty-two* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)", and for the words "fifty pounds" of the words "one hundred rand";

25. Artikel *ses-en-dertig* van die Beheer- en Bestuurwet word hierby gewysig deur in daardie deel daarvan wat op paragraaf (f) volg, die woorde „tweintig pond” deur die woorde „honderd rand” en die woord „drie” deur die woord „ses” te vervang. Wysiging van artikel 36 van Wet 70 van 1957.
26. Artikel *sewe-en-dertig* van die Beheer- en Bestuurwet word hierby gewysig deur in daardie deel daarvan wat op paragraaf (e) volg, die woorde „tweehonderd pond” te vervang deur die woorde „vyfhonderd rand”. Wysiging van artikel 37 van Wet 70 van 1957, soos gewysig deur artikel 6 van Wet 39 van 1963.
27. Artikel *agt-en-dertig* van die Beheer- en Bestuurwet word hierby gewysig deur in sub-artikel (6) die woorde „vyf-en-tweintig pond” deur die woorde „vyftig rand”, die woorde „tweintig pond” deur die woorde „veertig rand”, die woorde „vyftien pond” deur die woorde „dertig rand”, die woorde „ses pond” deur die woorde „twaalf rand”, die woorde „drie pond” deur die woorde „ses rand” en die woorde „twee pond” deur die woorde „vier rand” te vervang. Wysiging van artikel 38 van Wet 70 van 1957.
28. Artikel *nege-en-dertig* van die Beheer- en Bestuurwet word hierby gewysig deur in paragraaf (b) van sub-artikel (4) die woorde „sewehonderd-en-vyftig pond” waar dit ook al voorkom, te vervang deur die woorde „eenduisend-vyfhonderd rand”. Wysiging van artikel 39 van Wet 70 van 1957.
29. Artikel *twee-en-veertig* van die Beheer- en Bestuurwet word hierby gewysig deur die woorde „bly by hom berus” waar dit ook al voorkom, te vervang deur die woorde „berus by die Staatspresident”. Wysiging van artikel 42 van Wet 70 van 1957, soos gewysig deur artikel 9 van Wet 62 van 1961.
30. Artikel *vier-en-veertig* van die Beheer- en Bestuurwet word hierby gewysig deur die woorde „vyftig pond” te vervang deur die woorde „honderd rand”. Wysiging van artikel 44 van Wet 70 van 1957, soos gewysig deur artikel 43 van Wet 30 van 1959.
31. Artikel *vyf-en-veertig* van die Beheer- en Bestuurwet word hierby gewysig deur die woord „Kommissaris” te vervang deur die woorde „Sekretaris van Doeane en Aksyns”. Wysiging van artikel 45 van Wet 70 van 1957.
32. Artikel *vier-en-vyftig* van die Beheer- en Bestuurwet word hierby gewysig deur in die Engelse teks die woorde „the Queen’s enemies” te vervang deur die woorde „hostile forces”. Wysiging van artikel 54 van Wet 70 van 1957.
33. Artikel *sewe-en-vyftig* van die Beheer- en Bestuurwet word hierby gewysig—
  - (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Die Staatspresident kan op die wyse wat in die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), bepaal word, soveel persone aanstel as wat nodig geag word om wet en orde op die spoorweë en by die hawens te handhaaf, en wanneer ’n aldus aangestelde persoon daardie plig uitvoer, kan hy al die bevoegdhede uitoefen, en moet hy al die werksaamhede verrig wat by wet verleen word aan, of verrig moet word deur, ’n lid van die Suid-Afrikaanse Polisie-mag, ingestel kragtens die Polisiewet, 1958 (Wet No. 7 van 1958), en is hy ten opsigte van sy doen en late in dieselfde mate aanspreeklik as wat hy in dieselfde omstandighede sou gewees het as hy ’n lid van bedoelde Polisiemag was, en geniet hy al die vrywarings waarop ’n lid van bedoelde mag in dieselfde omstandighede geregtig sou wees.”;
  - (b) deur in sub-artikel (4) die uitdrukking „artikel *een-en-dertig* van die „Spoorwegen en Havens Dienst Wet, 1925” (Wet No. 23 van 1925)” te vervang deur die uitdrukking „artikel *twee-en-dertig* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)”;
  - (c) deur in sub-artikel (5) die uitdrukking „artikel *een-en-dertig* van die „Spoorwegen en Havens Dienst Wet, 1925” (Wet No. 23 van 1925)” deur die uitdrukking „artikel *twee-en-dertig* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)” en die woorde „vyf-en-tweintig pond” deur die woorde „vyftig rand” te vervang;
  - (d) deur in sub-artikel (6) die uitdrukking „artikel *een-en-dertig* van die „Spoorwegen en Havens Dienst Wet, 1925” (Wet No. 23 van 1925)” deur die uitdrukking „artikel *twee-en-dertig* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)” en die woorde „vyftig pond” deur die woorde „honderd rand” te vervang;Wysiging van artikel 57 van Wet 70 van 1957, soos gewysig deur artikel 40 van Wet 44 van 1959.

- (e) by the substitution, in sub-section (7), for the words "fifty pounds" of the words "one hundred rand".

Amendment of section 58 of Act 70 of 1957, as amended by section 5 of Act 7 of 1963.

34. Section *fifty-eight* of the Control and Management Act is hereby amended by the substitution, for paragraphs (c) and (d) of sub-section (1), of the following paragraphs:

- "(c) The sale of intoxicating liquor and other articles in terms of any provision of this sub-section, whether by the Administration itself or by any concessionary referred to in paragraph (d) of this sub-section, shall be subject to the provisions of this Chapter and of any applicable regulation.
- (d) (i) The Administration may, upon such conditions as it may think fit but subject to the provisions of sub-paragraphs (ii) and (iii) of this paragraph, grant to any person a concession to carry on, at any place under the Administration's control, any trading activity in which the Administration may itself engage in terms of paragraph (a) of this sub-section, and may let to such person any land or premises required for that purpose.
- (ii) The provisions of sub-paragraph (i) of this paragraph shall not be deemed to relieve any person to whom such a concession has been granted, of the obligation to obtain any licence or other authority (except a licence under the Liquor Act, 1928 (Act No. 30 of 1928)) which he would by law be required to obtain for the conduct of his business if such business were carried on on private premises.
- (iii) A concession which includes the right to sell intoxicating liquor shall not be granted under sub-paragraph (i) of this paragraph to or in favour of any person who is disqualified in terms of section *sixty-five* of the said Liquor Act, 1928, from obtaining a liquor licence, or to or in favour of any producer or manufacturer or brewer or agent or nominee or person or company referred to in section *one hundred and fourteen ter* of the said Act; and if it should at any time appear that any such concession has been granted in conflict with the provisions of this sub-paragraph or that any person to whom such concession has been granted has become disqualified in terms of this paragraph to be the holder thereof, such concession shall lapse as from a date determined by the Administration, not being later than the last day of the third calendar month following that in which the facts regarding the concessionary's disqualification were established to the satisfaction of the Administration."

Amendment of section 59 of Act 70 of 1957, as substituted by section 6 of Act 7 of 1963.

35. Section *fifty-nine* of the Control and Management Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

- "(b) In respect of all refreshment rooms or bars situated at any one station or airport, in which intoxicating liquor is sold, whether by the Administration itself or by a concessionary, one total sum equal to the sum payable in respect of a bar licence in the district in which such station or airport is situated;"

Amendment of section 60 *bis* of Act 70 of 1957.

36. Section *sixty bis* of the Control and Management Act is hereby amended by the substitution, in sub-section (6), for the words "one hundred pounds" of the words "two hundred rand".

Amendment of section 62 of Act 70 of 1957.

37. Section *sixty-two* of the Control and Management Act is hereby amended by the substitution, in sub-section (4), for the expression "*twenty, twenty-one and twenty-three* of the Railways and Harbours Service Act, 1925" of the expression "*twenty-three, twenty-four and twenty-six* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)".

Amendment of section 63 of Act 70 of 1957.

38. Section *sixty-three* of the Control and Management Act is hereby amended by the substitution, in sub-section (2), for the words "two hundred pounds" of the words "four hundred rand".

Amendment of section 70 of Act 70 of 1957, as amended by section 42 of Act 44 of 1959.

39. Section *seventy* of the Control and Management Act is hereby amended—

- (o) by the substitution, in paragraph (a) of sub-section (2), for the words "one thousand pounds" of the words "two thousand rand";

- (e) deur in sub-artikel (7) die woorde „vyftig pond” te vervang deur die woorde „honderd rand”.

34. Artikel *agt-en-vyftig* van die Beheer- en Bestuurwet word hierby gewysig deur paragrawe (c) en (d) van sub-artikel (1) deur die volgende paragrawe te vervang:

Wysiging van artikel 58 van Wet 70 van 1957, soos gewysig deur artikel 5 van Wet 7 van 1963.

- „(c) Die verkoop van sterk drank en ander artikels ingevolge een of ander bepaling van hierdie sub-artikel, hetsy deur die Administrasie self of deur 'n in paragraaf (d) van hierdie sub-artikel bedoelde konsessiehouer, is onderworpe aan die bepalings van hierdie hoofstuk en van enige toepaslike regulasie.
- (d) (i) Die Administrasie kan op die voorwaardes wat hy goedvind maar onderworpe aan die bepalings van sub-paragraaf (ii) en (iii) van hierdie paragraaf, aan enige persoon 'n konsessie toestaan om enige handelsbedrywigheid wat die Administrasie ingevolge paragraaf (a) van hierdie sub-artikel self kan onderneem, op enige plek onder die Administrasie se beheer voort te sit, en kan enige grond of perseel wat vir daardie doel benodig word, aan so 'n persoon verhuur.
- (ii) Die bepalings van sub-paragraaf (i) van hierdie paragraaf word nie geag 'n persoon aan wie so 'n konsessie toegestaan is, vry te stel nie van die verpligting om enige lisensie of ander magtiging (met uitsondering van 'n lisensie kragtens die Drankwet, 1928 (Wet No. 30 van 1928),) te verkry wat hy volgens wet sou moes verkry vir die dryf van sy besigheid as daardie besigheid op 'n private perseel onderneem was.
- (iii) 'n Konsessie wat die reg insluit om sterk drank te verkoop, mag nie ingevolge sub-paragraaf (i) van hierdie paragraaf toegestaan word nie aan of ten gunste van 'n persoon wat ingevolge artikel *vyf-en-sestig* van bedoelde Drankwet, 1928, onbevoeg is om 'n dranklisensie te bekom, of aan of ten gunste van 'n produsent of vervaardiger of bierbrouer of agent of genomineerde of persoon of maatskappy in artikel *honderd-en-veertien ter* van daardie Wet bedoel; en indien dit te eniger tyd sou blyk dat so 'n konsessie in stryd met die bepalings van hierdie sub-paragraaf toegestaan is of dat 'n persoon aan wie so 'n konsessie toegestaan is, ingevolge hierdie paragraaf onbevoeg geraak het om die houer daarvan te wees, vervel so 'n konsessie vanaf 'n datum wat die Administrasie bepaal maar nie later nie as die laaste dag van die derde kalendermaand na dié waarin die feite aangaande die konsessiehouer se onbevoegdheid tot bevrediging van die Administrasie vasgestel is.”.

35. Artikel *nege-en-vyftig* van die Beheer- en Bestuurwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

Wysiging van artikel 59 van Wet 70 van 1957, soos vervang deur artikel 6 van Wet 7 van 1963.

- „(b) Ten opsigte van alle verversingskamers of kroeë by een enkele stasie of lughawe geleë, waarin sterk drank verkoop word, hetsy deur die Administrasie self of deur 'n konsessiehouer, 'n globale som gelykstaande met die som wat betaalbaar is ten opsigte van 'n kantienlisensie in die distrik waarin so 'n stasie of lughawe geleë is;”.

36. Artikel *sestig bis* van die Beheer- en Bestuurwet word hierby gewysig deur in sub-artikel (6) die woorde „honderd pond” te vervang deur die woorde „tweehonderd rand”.

Wysiging van artikel 60 *bis* van Wet 70 van 1957.

37. Artikel *twee-en-sestig* van die Beheer- en Bestuurwet word hierby gewysig deur in sub-artikel (4) die uitdrukking „*twintig, een-en-twintig* en *drie-en-twintig* van die „Spoorwegaan en Havens Dienst Wet”, 1925” te vervang deur die uitdrukking „*drie-en-twintig, vier-en-twintig* en *ses-en-twintig* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)”.

Wysiging van artikel 62 van Wet 70 van 1957

38. Artikel *drie-en-sestig* van die Beheer- en Bestuurwet word hierby gewysig deur in sub-artikel (2) die woorde „tweehonderd pond” te vervang deur die woorde „vierhonderd rand”.

Wysiging van artikel 63 van Wet 70 van 1957.

39. Artikel *sewentig* van die Beheer- en Bestuurwet word hierby gewysig—

Wysiging van artikel 70 van Wet 70 van 1957, soos gewysig deur artikel 42 van Wet 44 van 1959.

- (a) deur in paragraaf (a) van sub-artikel (2) die woorde „eenduisend pond” te vervang deur die woorde „tweeënduisend rand”;

(b) by the substitution, in sub-section (4) *bis*, for the words "three pounds" of the words "six rand".

Amendment of section 71 of Act 70 of 1957.

40. Section *seventy-one* of the Control and Management Act is hereby amended by the substitution for the expression "South Africa Defence Act, 1912 (Act No. 13 of 1912)" of the expression "Defence Act, 1957 (Act No. 44 of 1957)".

Amendment of section 74 of Act 70 of 1957.

41. Section *seventy-four* of the Control and Management Act is hereby amended by the substitution for the expression "Crown Land Disposal (Execution of Deeds) Act, 1911 (Act No. 2 of 1911)" of the expression "State Land Disposal Act, 1961 (Act No. 48 of 1961)".

Amendment of Third Schedule to Act 70 of 1957.

42. The Third Schedule to the Control and Management Act is hereby amended by the substitution for the second column thereof of the following:

| <i>"R c</i> |          |
|-------------|----------|
| 80.00       | per head |
| 40.00       | " "      |
| 24.00       | " "      |
| 16.00       | " "      |
| 6.00        | " "      |
| 4.00        | " "      |
| 3.00        | " "      |
| 2.00        | " "      |
| 1.00        | " "      |

Amendment of Fourth Schedule to Act 70 of 1957.

43. The Fourth Schedule to the Control and Management Act is hereby amended by the substitution, in paragraph (I), for the expression "£5" of the expression "R10".

Substitution of expressions "State President" and "Republic" for expressions "Governor-General" and "Union" in Act 70 of 1957.

44. The Control and Management Act is hereby amended by the substitution for the expression "Governor-General", wherever it occurs, except in section *forty-two*, of the expression "State President", and for the word "Union", wherever it occurs, of the word "Republic".

Amendment of section 1 of Act 22 of 1960, as amended by section 11 of Act 62 of 1961 and section 7 of Act 7 of 1963.

45. Section *one* of the Railways and Harbours Service Act, 1960 (hereinafter called "the Service Act") is hereby amended—

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

"'Administration' means the authority which, under the Railway Board Act, 1962 (Act No. 73 of 1962) administers and works the railways, ports and harbours of the Republic;"

(b) by the substitution for the definition of the expression "Railways and Harbours Board" in the said sub-section of the following definition:

"'Railways and Harbours Board' means the board referred to in section *two* of the Railway Board Act, 1962 (Act No. 73 of 1962);"

(c) by the substitution, in the definition of the expression "revenue" in the said sub-section, for the expression "*one hundred and seventeen* of the South Africa Act, 1909", of the expression "*ninety-nine* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961)";

(d) by the substitution for the definition of the expression "the New Fund" in the said sub-section of the following definition:

"'the New Fund' means the New Railways and Harbours Superannuation Fund referred to in section *three* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960);"

Amendment of section 3 of Act 22 of 1960.

46. Section *three* of the Service Act is hereby amended by the substitution for the expression "1925 (Act No. 24 of 1925)" of the expression "1960 (Act No. 39 of 1960)".

Amendment of section 6 of Act 22 of 1960.

47. Section *six* of the Service Act is hereby amended by the deletion, in sub-section (3), of the word "and" at the end of paragraph (d), and of paragraph (e).

Amendment of section 7 of Act 22 of 1960.

48. Section *seven* of the Service Act is hereby amended by the substitution, in sub-section (4), for the words "fifty pounds" of the words "one hundred rand".

(b) deur in sub-artikel (4)*bis* die woorde „drie pond” te vervang deur die woorde „ses rand”.

40. Artikel *een-en-sewentig* van die Beheer- en Bestuurwet word hierby gewysig deur die uitdrukking „Zuid-Afrika Verdedigingswet, 1912” (Wet No. 13 van 1912) te vervang deur die uitdrukking „Verdedigingswet, 1957 (Wet No. 44 van 1957)”. Wysiging van artikel 71 van Wet 70 van 1957.

41. Artikel *vier-en-sewentig* van die Beheer- en Bestuurwet word hierby gewysig deur die uitdrukking „Kroonland Vreemding (Inrichting van Akten) Wet, 1911” (Wet No. 2 van 1911) deur die uitdrukking „Wet op die Beskikking oor Staatsgrond, 1961 (Wet No. 48 van 1961)” te vervang. Wysiging van artikel 74 van Wet 70 van 1957.

42. Die Derde Bylae by die Beheer- en Bestuurwet word hierby gewysig deur die tweede kolom daarvan deur die volgende te vervang: Wysiging van Derde Bylae by Wet 70 van 1957.

„R c

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| 24.00 | „    |
| 16.00 | „    |
| 6.00  | „    |
| 4.00  | „    |
| 3.00  | „    |
| 2.00  | „    |
| 1.00  | „ „  |

43. Die Vierde Bylae by die Beheer- en Bestuurwet word hierby gewysig deur in paragraaf (I) die uitdrukking „£5” te vervang deur die uitdrukking „R10”. Wysiging van Vierde Bylae by Wet 70 van 1957.

44. Die Beheer- en Bestuurwet word hierby gewysig deur die uitdrukking „Goewerneur-generaal” waar dit ook al voorkom behalwe in artikel *twee-en-veertig*, deur die uitdrukking „Staatspresident” en die woord „Unie” waar dit ook al voorkom deur die woord „Republiek” te vervang. Vervanging van uitdrukking „Goewerneur-generaal” en „Unie” deur uitdrukking „Staatspresident” en „Republiek” in Wet 70 van 1957.

45. Artikel *een* van die Wet op Spoorweg- en Hawediens, 1960 (hierna „die Dienswet” genoem), word hierby gewysig— Wysiging van artikel 1 van Wet 22 van 1960, soos gewysig deur artikel 11 van Wet 62 van 1961 en artikel 7 van Wet 7 van 1963.

(a) deur die omskrywing van die uitdrukking „Administrasie” in sub-artikel (1) deur die volgende omskrywing te vervang:

„„Administrasie” die gesag wat ingevolge die Spoorwegraadwet, 1962 (Wet No. 73 van 1962), die spoorweë en hawens van die Republiek administreer en eksploiteer;”;

(b) deur die omskrywing van die uitdrukking „die Nuwe Fonds” in gemelde sub-artikel deur die volgende omskrywing te vervang:

„„die Nuwe Fonds” die Nuwe Spoorweg- en Hawesuperannuasiefonds bedoel in artikel *drie* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960);”;

(c) deur in die omskrywing van die uitdrukking „inkomste” in gemelde sub-artikel die woorde „*eenhonderd-en-sewentien* van die „Zuid-Afrika Wet, 1909” te vervang deur die woorde „*nege-en-negentig* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961);”;

(d) deur die omskrywing van die uitdrukking „Spoorweg- en Haweraad” in gemelde sub-artikel deur die volgende omskrywing te vervang:

„„Spoorweg- en Haweraad” die raad wat in artikel *twee* van die Spoorwegraadwet, 1962 (Wet No. 73 van 1962), bedoel word;”.

46. Artikel *drie* van die Dienswet word hierby gewysig deur die uitdrukking „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925) te vervang deur die uitdrukking „Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960)”. Wysiging van artikel 3 van Wet 22 van 1960.

47. Artikel *ses* van die Dienswet word hierby gewysig deur in sub-artikel (3) die woord „en” aan die end van paragraaf (d) asook paragraaf (e) te skrap. Wysiging van artikel 6 van Wet 22 van 1960.

48. Artikel *sewe* van die Dienswet word hierby gewysig deur in sub-artikel (4) die woorde „vyftig pond” te vervang deur die woorde „honderd rand”. Wysiging van artikel 7 van Wet 22 van 1960.

Amendment of section 13 of Act 22 of 1960, as amended by section 13 of Act 62 of 1961.

49. Section *thirteen* of the Service Act is hereby amended—
- by the substitution, in paragraph (ii) of sub-section (1), for the expression "*seventy-four bis* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925)" of the expression "*fifty-eight* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960)";
  - by the substitution, in sub-section (2), for the expression "*seventy-four bis* of the Railways and Harbours Superannuation Fund Act, 1925" of the expression "*fifty-eight* of the Railways and Harbours Superannuation Fund Act, 1960";
  - by the substitution, in paragraph (a) of sub-section (4), for the expression "*thirty-three* of the Railways and Harbours Superannuation Fund Act, 1925" of the expression "*thirty-two* of the Railways and Harbours Superannuation Fund Act, 1960";
  - by the substitution, in that part of paragraph (c) of sub-section (4) which follows sub-paragraph (ii), for the word "pounds" of the word "rand";
  - by the substitution, in paragraph (d) of sub-section (4), for the words "thirty-six pounds" of the words "seventy-two rand";
  - by the substitution, in paragraph (e) of sub-section (4), for the expression "*thirty-three* of the said Railways and Harbours Superannuation Fund Act, 1925" of the expression "*thirty-two* of the said Railways and Harbours Superannuation Fund Act, 1960".

Amendment of section 16 of Act 22 of 1960, as amended by section 3 of Act 54 of 1964.

50. (1) Section *sixteen* of the Service Act is hereby amended—

- by the substitution for sub-paragraph (ii) of paragraph (c) of sub-section (1) of the following sub-paragraph:  
"(ii) a driver, senior fireman, senior driver's assistant, fireman or driver's assistant of a locomotive; or";
- by the substitution for paragraph (d) of sub-section (1) of the following paragraph:

"(d) fifty-three years, if immediately prior to the attainment of that age he held the position of fleet captain, senior captain, captain, chief training captain, senior training captain, training captain, senior first officer, first officer, senior navigation officer or navigation officer in the airways department of the Service, or any other position in the said department the incumbent whereof is or may be required to perform duties on board an aircraft in flight, to which the Minister has by notice in the *Gazette* declared the said age of retirement to apply. Any position mentioned in any such notice shall be deemed to have been specifically mentioned in this paragraph."

(2) Paragraph (a) of sub-section (1) shall be deemed to have come into operation on the sixteenth day of August, 1962, and paragraph (b) of that sub-section shall be deemed to have come into operation, with respect to any officer occupying the position of chief training captain, senior training captain, training captain or senior first officer, as from the date on which he first began to occupy such position.

Amendment of section 20 of Act 22 of 1960, as amended by section 10 of Act 7 of 1963.

51. Section *twenty* of the Service Act is hereby amended by the substitution, in paragraph (a) of sub-section (2), for the words "two pounds" of the words "four rand".

Amendment of section 21 of Act 22 of 1960, as amended by section 11 of Act 7 of 1963.

52. Section *twenty-one* of the Service Act is hereby amended by the substitution, in paragraph (b) of sub-section (5), for the words "five pounds" of the words "ten rand".

Amendment of section 22 of Act 22 of 1960, as amended by section 12 of Act 7 of 1963.

53. Section *twenty-two* of the Service Act is hereby amended by the substitution, in paragraph (a) of sub-section (2), for the words "five pounds" of the words "ten rand".

Amendment of section 23 of Act 22 of 1960, as amended by section 14 of Act 62 of 1961 and section 13 of Act 7 of 1963.

54. Section *twenty-three* of the Service Act is hereby amended by the substitution for the words "two hundred pounds" of the words "four hundred rand".

49. Artikel *dertien* van die Dienswet word hierby gewysig—
- (a) deur in paragraaf (ii) van sub-artikel (1) die uitdrukking *vier-en-sewentig bis* van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925)” te vervang deur die uitdrukking „*agt-en-vyftig* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960)”;
  - (b) deur in sub-artikel (2) die uitdrukking „*vier-en-sewentig bis* van die „Spoorwegen en Havens Superannuasie Fonds Wet, 1925” te vervang deur die uitdrukking „*agt-en-vyftig* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960”;
  - (c) deur in paragraaf (a) van sub-artikel (4) die uitdrukking „*drie-en-dertig* van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” te vervang deur die uitdrukking „*twee-en-dertig* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960”;
  - (d) deur in daardie gedeelte van paragraaf (c) van sub-artikel (4) wat op sub-paragraaf (ii) volg, die woord „*pond*” te vervang deur die woord „*rand*”;
  - (e) deur in paragraaf (d) van sub-artikel (4) die woorde „*ses-en-dertig pond*” te vervang deur die woorde „*twee-en-sewentig rand*”;
  - (f) deur in paragraaf (e) van sub-artikel (4) die uitdrukking „*drie-en-dertig* van bedoelde „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” te vervang deur die uitdrukking „*twee-en-dertig* van bedoelde Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960”.
- Wysiging van artikel 13 van Wet 22 van 1960, soos gewysig deur artikel 13 van Wet 62 van 1961.
50. (1) Artikel *sestien* van die Dienswet word hierby gewysig—
- (a) deur sub-paragraaf (ii) van paragraaf (c) van sub-artikel (1) deur die volgende sub-paragraaf te vervang: „(ii) ’n drywer, senior stoker, senior drywersassistent, stoker of drywersassistent van ’n lokomotief; of”;
  - (b) deur paragraaf (d) van sub-artikel (1) deur die volgende paragraaf te vervang: „(d) drie-en-vyftig jaar, indien hy onmiddellik voor die bereiking van daardie leeftyd die betrekking beklee het van vloot-kaptein, senior kaptein, kaptein, hoofopleidingskaptein, senior opleidingskaptein, opleidingskaptein, senior eerste offisier, eerste offisier, senior offisier-navigator of offisier-navigator in die lugdiensdepartement van die Diens, of ’n ander betrekking in daardie departement van die bekleër waarvan daar verlang word of kan word om dienste aan boord van ’n vliegtuig in vlug te verrig, waarop die Minister by kennisgewing in die *Staatskoerant* bedoelde aftreeleeftyd van toepassing verklaar het. ’n Betrekking wat in so ’n kennisgewing vermeld word, word geag uitdruklik in hierdie paragraaf vermeld te gewees het.”
- (2) Paragraaf (a) van sub-artikel (1) word geag op die sestiende dag van Augustus 1962 in werking te getree het, en paragraaf (b) van daardie sub-artikel word geag in werking te getree het, met betrekking tot ’n amptenaar wat die betrekking beklee van hoofopleidingskaptein, senior opleidingskaptein, opleidingskaptein of senior eerste offisier, vanaf die datum waarop hy sodanige betrekking vir die eerste maal begin beklee het.
- Wysiging van artikel 16 van Wet 22 van 1960, soos gewysig deur artikel 3 van Wet 54 van 1964.
51. Artikel *twintig* van die Dienswet word hierby gewysig deur in paragraaf (a) van sub-artikel (2) die woorde „*twee pond*” te vervang deur die woorde „*vier rand*”.
- Wysiging van artikel 20 van Wet 22 van 1960, soos gewysig deur artikel 10 van Wet 7 van 1963.
52. Artikel *een-en-twintig* van die Dienswet word hierby gewysig deur in paragraaf (b) van sub-artikel (5) die woorde „*vyf pond*” te vervang deur die woorde „*tien rand*”.
- Wysiging van artikel 21 van Wet 22 van 1960, soos gewysig deur artikel 11 van Wet 7 van 1963.
53. Artikel *twee-en-twintig* van die Dienswet word hierby gewysig deur in paragraaf (a) van sub-artikel (2) die woorde „*vyf pond*” te vervang deur die woorde „*tien rand*”.
- Wysiging van artikel 22 van Wet 22 van 1960, soos gewysig deur artikel 12 van Wet 7 van 1963.
54. Artikel *drie-en-twintig* van die Dienswet word hierby gewysig deur die woorde „*tweehonderd pond*” te vervang deur die woorde „*vierhonderd rand*”.
- Wysiging van artikel 23 van Wet 22 van 1960, soos gewysig deur artikel 14 van Wet 62 van 1961 en artikel 13 van Wet 7 van 1963.

Amendment of  
section 24 of Act  
22 of 1960.

55. Section *twenty-four* of the Service Act is hereby amended by the substitution for the words "fifty pounds" of the words "one hundred rand".

Amendment of  
section 25 of Act  
22 of 1960.

56. Section *twenty-five* of the Service Act is hereby amended by the substitution for the words "twenty pounds" of the words "forty rand".

Amendment of  
section 28*bis* of  
Act 22 of 1960, as  
inserted by section  
16 of Act 7 of 1963.

57. Section *twenty-eight bis* of the Service Act is hereby amended—

(a) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* (a) Whenever in any criminal proceedings against a servant employed in a particular department, branch or division of the Service for having taken part, in contravention of sub-section (1), in a strike or in the continuation of a strike, it is proved that such concerted action as is described in paragraph (b) took place in that department, branch or division during the period covered by the charge, and that at any time during that period the accused was engaged upon work or a type of work with respect to the performance of which such a departure from standards, methods, procedures or practices as is referred to in sub-paragraph (i) of paragraph (b) had occurred, such concerted action shall be deemed to constitute a retardation of the progress of work or an obstruction of work within the meaning of the definition of "strike" contained in section *one*, and the accused shall be deemed to have taken part in such concerted action unless he proves that he personally was opposed to such action and in fact took no part in it, and that during the period covered by the charge he openly dissociated himself from such action.

(b) The concerted action referred to in paragraph (a) is any concerted action on the part of any number of servants which—

- (i) involves a departure from standards, methods, procedures or practices which had previously been observed, maintained or adopted by those servants as their normal and regular routine in or in connection with the performance of their work;
- (ii) has resulted in a diminution in the output or a reduction in the tempo of work or a prolongation of the time normally taken to perform particular tasks in the department, branch or division of the Service concerned; and
- (iii) by reason of any circumstances referred to in sub-paragraph (ii) has had, or was likely to have if continued, a detrimental effect upon the punctuality, regularity or frequency of any of the Administration's transport services or upon the efficiency of the Service in general."

(b) by the insertion in sub-section (2) after the words "section one" of the words "(as amplified by sub-section (1) *bis* of this section)".

Amendment of  
section 32 of Act  
22 of 1960, as  
amended by section  
18 of Act 7 of  
1963.

58. (1) Section *thirty-two* of the Service Act is hereby amended by the insertion, after paragraph (g) of sub-section (1), of the following paragraph:

"(g)*bis* the establishment, control and administration of a savings fund to which all non-white servants or any specified class of non-white servants shall be required to contribute; the scale of contributions and the manner in which contributions shall be paid by the servants for whose benefit the fund is administered; the investment of the moneys in the fund; the payment

55. Artikel *vier-en-twintig* van die Dienswet word hierby gewysig deur die woorde „vyftig pond” te vervang deur die woorde „honderd rand”. Wysiging van artikel 24 van Wet 22 van 1960.

56. Artikel *vyf-en-twintig* van die Dienswet word hierby gewysig deur die woorde „twintig pond” te vervang deur die woorde „veertig rand”. Wysiging van artikel 25 van Wet 22 van 1960.

57. Artikel *agt-en-twintig bis* van die Dienswet word hierby gewysig— Wysiging van artikel 28bis van Wet 22 van 1960, soos ingevoeg deur artikel 16 van Wet 7 van 1963.

(a) deur die volgende sub-artikel na sub-artikel (1) in te voeg:

„(1)*bis* (a) Wanneer in strafregtelike verrigtings teen ’n dienaar wat in ’n bepaalde departement, vertakking of afdeling van die Diens werksaam is op grond daarvan dat hy, in stryd met sub-artikel (1), deelgeneem het aan ’n staking of aan die voortsetting van ’n staking, daar bewys word dat sodanige gesamentlike optrede as wat in paragraaf (b) omskryf word, in daardie departement, vertakking of afdeling plaasgevind het gedurende die tydperk deur die aanklag gedek, en dat die beskuldigde te eniger tyd gedurende daardie tydperk besig was met werk of ’n soort werk met betrekking tot die verrigting waarvan so ’n afwyking van standarde, metodes, prosedures of gebruike soos in sub-paragraaf (i) van paragraaf (b) bedoel word, plaasgevind het, word sodanige gesamentlike optrede geag neer te kom op ’n vertraging van die vooruitgang van werk of ’n belemmering van werk ooreenkomstig die bedoeling van die omskrywing van „staking” in artikel *een* vervat, en word die beskuldigde geag aan sodanige gesamentlike optrede deel te geneem het tensy hy bewys dat hy persoonlik teen sodanige optrede gekant was en inderdaad nie daaraan deelgeneem het nie, en dat hy gedurende die tydperk deur die aanklag gedek, openlik te kenne gegee het dat hy hom nie met sodanige optrede vereenselwig nie.

(b) Die gesamentlike optrede wat in paragraaf (a) bedoel word, is enige gesamentlike optrede van die kant van enige aantal dienare—

(i) waarby daar betrokke is ’n afwyking van standarde, metodes, prosedures of gebruike wat daardie dienare voorheen as hul normale en gereelde roetine nagekom, gehandhaaf of gevolg het by of in verband met die verrigting van hul werk;

(ii) wat tot gevolg gehad het ’n vermindering in werkproduksie of ’n afname in die tempo van werk of ’n verlenging van die tyd wat normaalweg met die verrigting van bepaalde take in beslag geneem word in die betrokke departement, vertakking of afdeling van die Diens; en

(iii) wat as gevolg van enige van die omstandighede in sub-paragraaf (ii) vermeld, ’n nadelige uitwerking gehad het, of waarskynlik sou gehad het indien dit voortgeduur het, op die stiptheid, gereeldheid of frekwensie van enige van die Administrasie se vervoerdienste of op die doeltreffendheid van die Diens in die algemeen.”;

(b) deur in sub-artikel (2) die woorde „in die omskrywing van „staking” in artikel *een* vervat” te vervang deur die woorde „vervat in die omskrywing van „staking” in artikel *een* (soos aangevul deur sub-artikel (1)*bis* van hierdie artikel).”.

58. (1) Artikel *twee-en-dertig* van die Dienswet word hierby gewysig deur die volgende paragraaf na paragraaf (g) van sub-artikel (1) in te voeg: Wysiging van artikel 32 van Wet 22 van 1960, soos gewysig deur artikel 18 van Wet 7 van 1963.

„(g)*bis* die instelling, beheer en administrasie van ’n spaarfonds waartoe alle nie-blanke dienare of enige bepaalde kategorie van nie-blanke dienare moet bydra; die skaal van bydraes en die wyse waarop bydraes betaal moet word deur die dienare ten bate van wie die fonds geadministreer word; die belegging van die gelde in die fonds; die betaling uit die fonds van die bedrag wat

from the fund of the amount contributed thereto by a servant, plus interest thereon, in the event of the servant's dying or for any reason leaving the Service; the calculation of the amount of such interest; the person or persons to whom any amount becoming payable from the fund in the event of a contributor's death, shall be paid; and the circumstances and conditions under which a contributor may be granted a refund of his contributions, with or without interest thereon, whilst still in the Service;"

(2) Any regulations made under paragraph (g)*bis* of sub-section (1) of section *thirty-two* of the Service Act, as inserted by paragraph (b) of sub-section (1) of this section, may be given retrospective effect from a date not earlier than the sixteenth day of December, 1964.

Amendment of section 33 of Act 22 of 1960.

59. Section *thirty-three* of the Service Act is hereby amended by the substitution for the expression "*thirty-four bis* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925)" of the expression "*thirty-four* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960)".

Substitution of expressions "State President" and "Republic" for expressions "Governor-General" and "Union" in Act 22 of 1960.

60. The Service Act is hereby amended by the substitution for the expressions "Governor-General" and "Union", wherever they occur, of the expressions "State President" and "Republic" respectively, except where it appears from the context of any particular provision that any reference therein to "Governor-General" or to "Union" must be retained in order to give effect to the true meaning and intent of such provision.

Amendment of section 1 of Act 39 of 1960, as amended by section 15 of Act 62 of 1961 and section 19 of Act 7 of 1963.

61. Section *one* of the Railways and Harbours Superannuation Fund Act, 1960 (hereinafter referred to as "the Superannuation Fund Act") is hereby amended—

(a) by the substitution, for the definition of the expression "Administration", of the following definition:

"'Administration' means the authority which, under the Railway Board Act, 1962 (Act No. 73 of 1962) administers and works the railways, ports and harbours of the Republic;"

(b) by the substitution, in the definition of the expression "revenue", for the expression "*one hundred and seventeen* of the South Africa Act, 1909" of the expression "*ninety-nine* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961)".

Amendment of section 6 of Act 39 of 1960.

62. Section *six* of the Superannuation Fund Act is hereby amended by the substitution, in paragraph (c) of sub-section (1), for the words "Union Government" of the words "Government of the Republic".

Amendment of section 8 of Act 39 of 1960, as amended by section 16 of Act 62 of 1961.

63. Section *eight* of the Superannuation Fund Act is hereby amended by the insertion in paragraph (b) of sub-section (2), after the word "Union", of the words "or of the Republic".

Amendment of section 18 of Act 39 of 1960, as amended by section 21 of Act 7 of 1963.

64. Section *eighteen* of the Superannuation Fund Act is hereby amended by the substitution in the headings to the tables appearing in sub-sections (1) and (3), for the words "Number of pounds for each pound of annuity commuted" of the words "Number of rands for each rand of annuity commuted" and for the symbol "£" of the symbol "R".

Amendment of section 30 of Act 39 of 1960, as amended by section 20 of Act 62 of 1961.

65. Section *thirty* of the Superannuation Fund Act is hereby amended—

(a) by the substitution, in sub-section (4), for the word "pounds" of the word "rand", and for the symbol "£", in the heading to the table appearing in that sub-section, of the symbol "R";

(b) by the substitution, in sub-section (5), for the words "thirty-six pounds", wherever they occur, of the words "seventy-two rand".

Amendment of section 31 of Act 39 of 1960.

66. Section *thirty-one* of the Superannuation Fund Act is hereby amended—

(a) by the substitution, in sub-section (2), for the word "pounds" of the word "rand";

(b) by the substitution, in sub-section (3), for the words "thirty-six pounds" of the words "seventy-two rand".

deur 'n dienaar daartoe bygedra is, tesame met rente daarop, ingeval die dienaar te sterwe kom of om enige rede die Diens verlaat; die berekening van die bedrag van sodanige rente; die persoon of persone aan wie betaling moet geskied van enige bedrag wat ten gevolge van die dood van 'n bydraer uit die fonds betaalbaar word; en die omstandighede waarin en voorwaardes waaronder terugbetaling van sy bedraes, met of sonder rente daarop, aan 'n bydraer, terwyl hy nog in die Diens is, kan geskied.

(2) Regulasies uitgevaardig kragtens paragraaf (g)bis van sub-artikel (1) van artikel twee-en-dertig van die Dienswet, soos deur paragraaf (b) van sub-artikel (1) van hierdie artikel ingevoeg, kan terugwerkend van krag gemaak word met ingang van 'n datum wat nie vroeër as die sestiende dag van Desember 1964 is nie.

59. Artikel drie-en-dertig van die Dienswet word hierby gewysig deur die uitdrukking „vier-en-dertig bis van die Spoorwegin en Havens Superannuasie Fonds Wet, 1925" (Wet No. 24 van 1925)" te vervang deur die uitdrukking „vier-en-dertig van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960)".

Wysiging van artikel 33 van Wet 22 van 1960.

60. Die Dienswet word hierby gewysig deur die uitdrukking „Goewerneur-generaal" en „Unie" waar hulle ook al voorkom deur onderskeidelik die uitdrukking „Staatspresident" en „Republiek" te vervang, behalwe waar dit uit die samehang van enige besondere bepaling blyk dat 'n verwysing daarin na „Goewerneur-generaal" of na „Unie" behou moet word ten einde aan die ware betekenis en bedoeling van daardie bepaling gevolg te gee.

Vervanging van uitdrukking „Goewerneur-generaal" en „Unie" deur uitdrukking „Staatspresident" en „Republiek" in Wet 22 van 1960.

61. Artikel een van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (hierna die „Superannuasiefondswet" genoem), word hierby gewysig—

Wysiging van artikel 1 van Wet 39 van 1960, soos gewysig deur artikel 15 van Wet 62 van 1961 en artikel 19 van Wet 7 van 1963.

(a) deur die omskrywing van die uitdrukking „Administrasie" deur die volgende omskrywing te vervang:

„Administrasie" die gesag wat ingevolge die Spoorwegraadwet, 1962 (Wet No. 73 van 1962), die spoorweë en hawens van die Republiek administreer en eksploiteer;"

(b) deur in die omskrywing van die uitdrukking „inkomste" die woorde „honderd-en-sewentien van die Zuid-Afrika Wet, 1909" te vervang deur die woorde „nege-en-negentig van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961)".

62. Artikel ses van die Superannuasiefondswet word hierby gewysig deur in paragraaf (c) van sub-artikel (1) die woord „Unieregering" te vervang deur die woorde „Regering van die Republiek".

Wysiging van artikel 6 van Wet 39 van 1960.

63. Artikel agt van die Superannuasiefondswet word hierby gewysig deur in paragraaf (b) van sub-artikel (2), na die woord „Unie" die woorde „of van die Republiek" in te voeg.

Wysiging van artikel 8 van Wet 39 van 1960, soos gewysig deur artikel 16 van Wet 62 van 1961.

64. Artikel agtien van die Superannuasiefondswet word hierby gewysig deur in die opskrifte by die tabelle wat in sub-artikels (1) en (3) verskyn, die woorde „Aantal ponde vir elke pond van omgesette jaargeld" deur die woorde „Aantal rande vir elke rand van omgesette jaargeld" en die simbool „£" deur die simbool „R" te vervang.

Wysiging van artikel 18 van Wet 39 van 1960, soos gewysig deur artikel 21 van Wet 7 van 1963.

65. Artikel dertig van die Superannuasiefondswet word hierby gewysig—

Wysiging van artikel 30 van Wet 39 van 1960, soos gewysig deur artikel 20 van Wet 62 van 1961.

(a) deur in sub-artikel (4) die woord „pond" deur die woord „rand" en die simbool „£" in die opskrif by die tabel wat in daardie sub-artikel verskyn, deur die simbool „R" te vervang;

(b) deur in sub-artikel (5) die woorde „ses-en-dertig pond" waar hulle ook al voorkom, deur die woorde „twee-en-sewentig rand" te vervang.

66. Artikel een-en-dertig van die Superannuasiefondswet word hierby gewysig—

Wysiging van artikel 31 van Wet 39 van 1960.

(a) deur in sub-artikel (2) die woord „pond" te vervang deur die woord „rand";

(b) deur in sub-artikel (3) die woorde „ses-en-dertig pond" te vervang deur die woorde „twee-en-sewentig rand".

Amendment of  
section 51 of Act  
39 of 1960.

67. Section *fifty-one* of the Superannuation Fund Act is hereby amended—

- (a) by the substitution, in paragraph (b) of sub-section (3), for the word "pounds" of the word "rand";
- (b) by the substitution, in the heading to the table appearing in that paragraph, for the symbol "£", wherever it occurs, of the symbol "R";
- (c) by the substitution, in sub-section (4), for the words "thirty-six pounds" of the words "seventy-two rand".

Amendment of  
section 56 of Act  
39 of 1960.

68. Section *fifty-six* of the Superannuation Fund Act is hereby amended—

- (a) by the substitution, in the heading to the table appearing in sub-section (1), for the words "Number of pounds for each pound of annuity commuted" of the words "Number of rands for each rand of annuity commuted", and for the symbol "£" of the symbol "R";
- (b) by the substitution, in sub-section (3), for the word "pound" of the word "rand".

Substitution of  
expressions "State  
President" and  
"Republic" for  
expressions  
"Governor-  
General" and  
"Union" in Act  
39 of 1960.

69. The Superannuation Fund Act is hereby amended by the substitution for the expressions "Governor-General" and "Union", wherever they occur, of the expressions "State President" and "Republic", respectively, except where it appears from the context of any particular provision that any reference therein to "Governor-General" or "Union" must be retained in order to give effect to the true meaning and intent of such provision.

Amendment of  
section 1 of Act  
41 of 1960.

70. Section *one* of the Level Crossings Act, 1960, is hereby amended by the substitution for the definition of the expression "Administration" of the following definition:

"'Administration' means the authority which, under the Railway Board Act, 1962 (Act No. 73 of 1962), administers and works the railways, ports and harbours of the Republic;"

Amendment of  
section 2 of Act  
41 of 1960.

71. Section *two* of the Level Crossings Act, 1960, is hereby amended by the substitution, in sub-section (2), for the words "seven hundred and fifty thousand pounds" of the words "one million five hundred thousand rand".

Amendment of  
section 3 of Act  
41 of 1960.

72. Section *three* of the Level Crossings Act, 1960, is hereby amended—

- (a) by the substitution, in paragraph (a) of sub-section (2), for the word "ten" of the word "eleven";
- (b) by the substitution, in sub-paragraph (i) of that paragraph, for the word "three" of the word "four", and by the addition at the end of that sub-paragraph of the words "and one of whom shall be a person qualified in signal engineering;"
- (c) by the substitution, in sub-section (3), for the words "civil engineering" of the words "civil or signal engineering, as the case may be,".

Amendment of  
section 4 of Act  
41 of 1960.

73. Section *four* of the Level Crossings Act, 1960, is hereby amended by the substitution, in sub-section (1), for the word "Union" of the word "Republic".

Amendment of  
section 6 of Act  
41 of 1960, as  
amended by section  
22 of Act 62 of  
1961.

74. Section *six* of the Level Crossings Act, 1960, is hereby amended by the substitution, for sub-sections (1) and (2), of the following sub-sections:

"(1) Whenever the Administration has entered into an agreement with a provincial administration or with a provincial administration and a divisional council, where a divisional council is also concerned, with respect to the elimination of a level crossing situated on a public road for the cost of maintenance whereof such provincial administration is wholly or partly responsible by law, or to which it contributes (whether such crossing is situated within or outside the area of a divisional council), there shall be defrayed from the Fund—

- (a) where the elimination of such level crossing is to be effected by means of a structure, such portion of the total cost of the work of elimination as the Administration has in terms of such agreement undertaken to bear, but not exceeding seventy-five per cent. of such cost;
- (b) where the elimination of such level crossing is to be effected by means of a structure in conjunction with a road or a rail deviation, or both a road and a rail deviation, such portion of the total cost of the work of elimination as the committee may in its discretion determine, but not exceeding such portion of

67. Artikel *een-en-vyftig* van die Superannuasiefondswet word hierby gewysig— Wysiging van artikel 51 van Wet 39 van 1960.
- (a) deur in paragraaf (b) van sub-artikel (3) die woord „pond” te vervang deur die woord „rand”;
  - (b) deur in die opskrif by die tabel wat in daardie paragraaf verskyn, die simbool „£” waar dit ook al voorkom, te vervang deur die simbool „R”;
  - (c) deur in sub-artikel (4) die woorde „ses-en-dertig pond” te vervang deur die woorde „twee-en-sewentig rand”.
68. Artikel *ses-en-vyftig* van die Superannuasiefondswet word hierby gewysig— Wysiging van artikel 56 van Wet 39 van 1960.
- (a) deur in die opskrif by die tabel wat in sub-artikel (1) verskyn, die woorde „Aantal ponde vir elke pond van omgesette jaargeld” deur die woorde „Aantal rande vir elke rand van omgesette jaargeld” en die simbool „£” deur die simbool „R” te vervang;
  - (b) deur in sub-artikel (3) die woord „pond” te vervang deur die woord „rand”.
69. Die Superannuasiefondswet word hierby gewysig deur die uitdrukkings „Goewerneur-generaal” en „Unie”, waar hulle ook al voorkom, deur onderskeidelik die uitdrukkings „Staatspresident” en „Republiek” te vervang, behalwe waar dit uit die samehang van enige besondere bepaling blyk dat ’n verwysing daarin na „Goewerneur-generaal” of na „Unie” behou moet word ten einde aan die ware betekenis en bedoeling van daardie bepaling gevolg te gee. Vervanging van uitdrukkings „Goewerneur-generaal” en „Unie” deur uitdrukkings „Staatspresident” en „Republiek” in Wet 39 van 1960.
70. Artikel *een* van die Wet op Spoorroorgange, 1960, word hierby gewysig deur die omskrywing van die uitdrukking „Administrasie” deur die volgende omskrywing te vervang: „„Administrasie” die gesag wat ingevolge die Spoorwegraadwet, 1962 (Wet No. 73 van 1962) die spoorweë en hawens van die Republiek administreer en eksploiteer;”. Wysiging van artikel 1 van Wet 41 van 1960.
71. Artikel *twee* van die Wet op Spoorroorgange, 1960, word hierby gewysig deur in sub-artikel (2) die woorde „sewehonderd-en-vyftigduisend pond” te vervang deur die woorde „eenmiljoen vyfhonderdduisend rand”. Wysiging van artikel 2 van Wet 41 van 1960.
72. Artikel *drie* van die Wet op Spoorroorgange, 1960, word hierby gewysig— Wysiging van artikel 3 van Wet 41 van 1960.
- (a) deur in paragraaf (a) van sub-artikel (2) die woord „tien” deur die woord „elf” te vervang;
  - (b) deur in sub-paragraaf (i) van daardie paragraaf die woord „drie” deur die woord „vier” te vervang en deur ná die woord „ingenieurswese” die woorde „en een van wie ’n persoon moet wees wat hom in die sinjaalingenieurswese” in te voeg;
  - (c) deur in sub-artikel (3) ná die woord „ingenieurswese” die woorde „of die sinjaalingenieurswese, na gelang van die geval,” in te voeg.
73. Artikel *vier* van die Wet op Spoorroorgange, 1960, word hierby gewysig deur in sub-artikel (1) die woord „Unie” te vervang deur die woord „Republiek”. Wysiging van artikel 4 van Wet 41 van 1960.
74. Artikel *ses* van die Wet op Spoorroorgange, 1960, word hierby gewysig deur sub-artikels (1) en (2) deur die volgende sub-artikels te vervang: Wysiging van artikel 6 van Wet 41 van 1960, soos gewysig deur artikel 22 van Wet 62 van 1961.
- „(1) Wanneer die Administrasie ’n ooreenkoms aangaan het met ’n provinsiale administrasie of met so ’n administrasie en ’n afdelingsraad, waar ’n afdelingsraad ook betrokke is, met betrekking tot die uitkakeling van ’n spoorroorgang geleë op ’n publieke pad vir die instandhoudingskoste waarvan so ’n provinsiale administrasie volgens wet in geheel of gedeeltelik verantwoordelik is, of waartoe hy bydra (hetsy so ’n oorgang binne of buite die gebied van ’n afdelingsraad geleë is) word daar uit die Fonds bestry—
- (a) waar die uitkakeling van so ’n spoorroorgang bewerkstellig moet word deur middel van ’n bouwerk, die gedeelte van die totale koste van die uitkakelingswerk wat die Administrasie ingevolge so ’n ooreenkoms onderneem het om te dra, maar hoogstens vyf-en-sewentig persent van sodanige koste;
  - (b) waar die uitkakeling van so ’n spoorroorgang bewerkstellig moet word deur middel van ’n bouwerk tesame met ’n pad- of ’n spoorverlegging of beide ’n pad- en ’n spoorverlegging, die gedeelte van die totale koste van die uitkakelingswerk wat die komitee volgens goeddunke bepaal, maar hoogstens die gedeelte van

the total cost of the work of elimination as the Administration has in terms of such agreement undertaken to bear, or a sum equal to seventy-five per cent. of such cost, whichever is the lesser;

- (c) where the elimination of such level crossing is to be effected by means of a bridge or subway for pedestrians, with or without approach roads for diverting road traffic to an existing or contemplated vehicular structure, such portion of the total cost of the work of elimination as the Administration has in terms of such agreement undertaken to bear, but not exceeding seventy-five per cent. of such cost;
- (d) where the elimination of such level crossing is to be effected by means of a road or rail deviation alone, such portion of the total cost of the work of elimination as the committee may in its discretion determine, but not exceeding such portion of the total cost of the work of elimination as the Administration has in terms of such agreement undertaken to bear, or a sum equal to seventy-five per cent. of such cost, whichever is the lesser:

Provided that where the level crossing to which such agreement relates is situated on a "declared road" as defined in section *one* of the National Roads Act, 1935 (Act No. 42 of 1935), there shall be paid from the Fund to the National Roads Fund established under section *five* of the said Act, over and above any amount which may be payable to the Administration in terms of paragraph (a), (b), (c) or (d) of this sub-section, such amount (not exceeding twenty-five per cent. of the cost of the work of elimination) as is payable from the said National Roads Fund to a provincial administration or a local authority, whether by law or by virtue of an agreement, in respect of the cost of elimination of such level crossing.

(2) Whenever the Administration has entered into an agreement with a local authority, other than a divisional council, for the elimination of a level crossing situated on a public road within the area of such local authority, the provisions of sub-section (1) shall apply: Provided that if the Administration has by such agreement undertaken to bear the full cost of the work of elimination, or a share of such cost which is greater than the amount which may be defrayed from the Fund in terms of paragraph (a), (b), (c) or (d) of sub-section (1), whichever may be applicable, the committee may, if it is satisfied that by reason of its financial circumstances the local authority is not reasonably able to make any contribution towards such cost or a greater contribution thereto than it has agreed to make, by resolution determine that there shall be defrayed from the Fund the full cost of the work of elimination, if the Administration has in terms of such agreement undertaken to bear the full cost, or such portion of the said cost as the Administration has so undertaken to bear: Provided further that where the committee has at any time prior to the conclusion of such agreement, intimated to the Administration its opinion that the local authority concerned would, by reason of its financial circumstances, not reasonably be able to bear twenty-five per cent. of the cost involved in the elimination of such level crossing and that the Administration would be justified in bearing a larger portion of such cost than seventy-five per cent. thereof, and the Administration thereafter by agreement with the local authority undertakes to bear the whole of such cost or a larger portion than seventy-five per cent. thereof, the case shall be dealt with in terms of the first proviso to this sub-section, and no further resolution by the committee shall be required."

Insertion of  
new section in  
Act 41 of 1960.

75. The following section is hereby inserted after section *eight* of the Level Crossings Act, 1960:

"Cost of certain protective devices or measures may be defrayed from the Fund.

8*bis*. (1) If the committee has communicated to the General Manager its opinion that, having regard to the conditions obtaining at a particular level crossing, whether or not such crossing is included in the list, it would be desirable in the public interest that flashing lights, booms or gates or any other kind of protective measure be provided or adopted at that crossing, and

die totale koste van die uitskakelingswerk wat die Administrasie ingevolge so 'n ooreenkoms onderneem het om te dra, of 'n som gelykstaande met vyf-en-sewentig persent van sodanige koste, na gelang van watter bedrag die kleinste is;

- (c) waar die uitskakeling van so 'n spooroorgang bewerkstellig moet word deur middel van 'n brug of duikweg vir voetgangers, met of sonder toegangspaaie om padverkeer na 'n bestaande of beoogde bouwerk vir voertuie af te lei, die gedeelte van die totale koste van die uitskakelingswerk wat die Administrasie ingevolge so 'n ooreenkoms onderneem het om te dra, maar hoogstens vyf-en-sewentig persent van sodanige koste;
- (d) waar die uitskakeling van so 'n spooroorgang deur middel van 'n pad- of spoorverlegging alleen bewerkstellig moet word, die gedeelte van die totale koste van die uitskakelingswerk wat die komitee volgens goeddunke bepaal, maar hoogstens die gedeelte van die totale koste van die uitskakelingswerk wat die Administrasie ingevolge so 'n ooreenkoms onderneem het om te dra, of 'n som gelykstaande met vyf-en-sewentig persent van sodanige koste, na gelang van watter bedrag die kleinste is:

Met dien verstande dat waar die spooroorgang waarop so 'n ooreenkoms betrekking het, geleë is op 'n „verklaarde pad” soos omskryf in artikel een van die Wet op Nasionale Paaie, 1935 (Wet No. 42 van 1935), daar uit die Fonds betaal word aan die Nasionale Padfonds ingestel kragtens artikel vyf van bedoelde Wet, bo en behalwe 'n bedrag wat ingevolge paragraaf (a), (b), (c) of (d) van hierdie sub-artikel aan die Administrasie betaalbaar is, so 'n bedrag (van hoogstens vyf-en-twintig persent van die koste van die uitskakelingswerk) as wat uit bedoelde Nasionale Padfonds aan 'n provinsiale administrasie of 'n plaaslike bestuur, hetsy volgens wet of uit hoofde van 'n ooreenkoms, ten opsigte van die uitskakelingskoste van daardie spooroorgang betaalbaar is.

(2) Wanneer die Administrasie 'n ooreenkoms aangegaan het met 'n plaaslike bestuur, behalwe 'n afdelingsraad, vir die uitskakeling van 'n spooroorgang geleë op 'n publieke pad binne die gebied van sodanige plaaslike bestuur, is die bepalings van sub-artikel (1) van toepassing: Met dien verstande dat indien die Administrasie ingevolge so 'n ooreenkoms onderneem het om die volle koste van die uitskakelingswerk te dra, of 'n gedeelte van sodanige koste wat groter is as die bedrag wat ingevolge paragraaf (a), (b), (c) of (d) van sub-artikel (1), na gelang van watter toepaslik is, uit die Fonds bestry mag word, en die komitee oortuig is dat die plaaslike bestuur, vanweë sy geldelike omstandighede, nie redelikerwys in staat is om enige bydrae tot sodanige koste te maak nie, of 'n groter bydrae daartoe as wat hy onderneem het om te maak nie, die komitee 'n besluit kan neem waarvolgens daar uit die Fonds bestry moet word die volle koste van die uitskakelingswerk, as die Administrasie ingevolge so 'n ooreenkoms onderneem het om die volle koste te dra, of die gedeelte van bedoelde koste wat die Administrasie aldus onderneem het om te dra: Met dien verstande voorts dat waar die komitee te eniger tyd voor die sluiting van so 'n ooreenkoms aan die Administrasie sy sienswyse te kenne gegee het dat die betrokke plaaslike bestuur, vanweë sy geldelike omstandighede, nie redelikerwys in staat sou wees om vyf-en-twintig persent van die koste aan die uitskakeling van so 'n spooroorgang verbonde te dra nie, en dat die Administrasie geregverdig sou wees om 'n groter gedeelte van bedoelde koste as vyf-en-sewentig persent daarvan te dra, en die Administrasie daarna met die plaaslike bestuur ooreenkom om bedoelde koste in geheel, of 'n groter gedeelte as vyf-en-sewentig persent daarvan te dra, die geval ooreenkomstig die eerste voorbehoudbepaling by hierdie sub-artikel behandel word en geen verdere besluit van die komitee vereis word nie.”

75. Die volgende artikel word hierby na artikel agt van die Wet op Spooroorgange, 1960, ingevoeg:

„Koste van sekere beskermings-toestelle of maatreëls kan uit die Fonds bestry word.

8bis. (1) Indien die komitee aan die Hoofbestuurder sy mening meegedeel het dat, met inagneming van die toestande wat by 'n bepaalde spooroorgang bestaan, hetsy daardie oorgang in die lys opgeneem is al dan nie, dit in die openbare belang raadsaam sou wees dat flikkerligte, sluitpale of hekke of enige ander soort beskermingsmaatreël by daardie oorgang aangebring of verskaf moet word, en die

Invoeging van nuwe artikel in Wet 41 van 1960.

the Administration thereafter provides or adopts at that crossing the particular type of protective device or measure which the committee has recommended, the cost involved in providing or adopting such protective device or measure (including the remuneration of crossing attendants) may, subject to the succeeding provisions of this section, be defrayed from the Fund.

(2) Where the adoption of any such protective measure involves recurrent expenditure, such expenditure shall not be defrayed from the Fund for a longer period than that stipulated by the committee in recommending the adoption of that measure: Provided that such period may, in the discretion of the committee, be extended from time to time.

(3) The committee may at any time recommend to the General Manager that any protective device or measure which has been provided or adopted at a level crossing pursuant to a recommendation under sub-section (1), be replaced by a protective device or measure of a different type, and if the Administration thereupon gives effect to such recommendation, the cost involved in providing or adopting such last-mentioned protective device or measure may, subject to the provisions of sub-section (2), be defrayed from the Fund.

(4) Whenever a protective device has been provided at a level crossing pursuant to a recommendation of the committee under this section, there may be defrayed from the Fund, if the committee so decides, in addition to the cost involved in the initial installation of the device, also the cost involved in maintaining it, either for an indefinite time or for such fixed period as the committee may determine: Provided that such fixed period may, in the discretion of the committee, be extended from time to time.

(5) Whenever any protective device, the cost of which has been financed from the Fund in terms of this section, is subsequently removed or dismantled and any usable material is recovered, there shall be paid into the Fund—

- (a) if the Administration decides to retain such material for its own purposes, the net value of such material; or
- (b) if the Administration decides to dispose of such material, the net proceeds of sale, after deduction of the costs of removal or dismantling.”.

**Amendment of  
section 3 of Act  
73 of 1962.**

**76.** Section *three* of the Railway Board Act, 1962, is hereby amended by the insertion after sub-section (2) of the following sub-section:

“(2)*bis* (a) Any regulations made under sub-section (2) may—

- (i) include provisions with regard to the establishment, constitution, powers, functions, duties and procedure of the Railways and Harbours Tender Board, and matters incidental thereto, and with regard to the issue by the Minister, after consultation with the board, of instructions aimed at ensuring the proper implementation of the tender procedure provided for in such regulations;
- (ii) notwithstanding anything to the contrary in any other law contained, and apart from any other remedies prescribed in such regulations, empower the General Manager to impose a monetary penalty, calculated on such basis or bases as may be prescribed therein, on any person to whom a contract or order for the supply of goods or services to the Administration has been awarded on the strength of information furnished by such person which, subsequent to the award, is shown to have been incorrect information, and may prescribe the manner in which any such penalty may be recovered.

- (b) Nothing in this sub-section contained shall be deemed to require the republication in the *Gazette* of the

Administrasie daarna die bepaalde soort beskermingstoestel of -maatreël wat die komitee aanbeveel het, by daardie oorgang aanbring of verskaf, kan die koste verbonde aan die aanbring of verskaffing van sodanige beskermingstoestel of -maatreël (met inbegrip van die besoldiging van oorgangbediendes) uit die Fonds bestry word, onderworpe aan die hieropvolgende bepalinge van hierdie artikel.

(2) Waar terugkerende uitgawe by die verskaffing van so 'n beskermingsmaatreël betrokke is, mag sodanige uitgawe nie uit die Fonds bestry word vir 'n langer tydperk as dié wat die komitee bepaal het toe hy die verskaffing van daardie maatreël aanbeveel het nie: Met dien verstande dat sodanige tydperk na goeddunke van die komitee van tyd tot tyd verleng kan word.

(3) Die komitee kan te eniger tyd by die Hoofbestuurder aanbeveel dat 'n beskermingstoestel of -maatreël wat uit hoofde van 'n aanbeveling ingevolge sub-artikel (1) by 'n spooroorgang aangebring of verskaf is, deur 'n ander soort beskermingstoestel of -maatreël vervang word, en as die Administrasie daarna aan sodanige aanbeveling gevolg gee, kan die koste verbonde aan die aanbring of verskaffing van laasbedoelde beskermingstoestel of -maatreël uit die Fonds bestry word, onderworpe aan die bepalinge van sub-artikel (2).

(4) Wanneer 'n beskermingstoestel by 'n spooroorgang aangebring is uit hoofde van 'n aanbeveling van die komitee ingevolge hierdie artikel, kan daar, indien die komitee aldus besluit, benewens die koste verbonde aan die aanvanklike installering van die toestel, ook die koste verbonde aan die instandhouding daarvan uit die Fonds bestry word, en wel vir 'n onbepaalde tyd of vir die vaste tydperk wat die komitee bepaal: Met dien verstande dat sodanige vaste tydperk na goeddunke van die komitee van tyd tot tyd verleng kan word.

(5) Wanneer 'n beskermingstoestel waarvan die koste ingevolge hierdie artikel uit die Fonds bestry is, daarna verwyder of afgetakel en bruikbare materiaal herwin word, word daar aan die Fonds oorbetal—

(a) ingeval die Administrasie besluit om sodanige materiaal vir sy eie doeleindes te behou, die netto waarde daarvan; of

(b) ingeval die Administrasie besluit om sodanige materiaal van die hand te sit, die netto verkoopsopbrengs,

na aftrekking van die koste van verwydering of aftakeling.”

76. Artikel drie van die Spoorwegaadwet, 1962, word hierby gewysig deur die volgende sub-artikel na sub-artikel (2) in te voeg:

Wysiging van artikel 3 van Wet 73 van 1962.

„(2)*bis* (a) Enige regulasies uitgevaardig kragtens sub-artikel (2) kan—

(i) bepalinge insluit met betrekking tot die instelling, samestelling, bevoegdhede, werksaamhede, pligte en werkwyse van die Tenderraad van die Suid-Afrikaanse Spoorweë en Hawens, en aanverwante aangeleenthede, asook met betrekking tot die uitvaardiging deur die Minister, na oorlegpleging met die raad, van instruksies wat daarop gemik is om te verseker dat die tenderprosedure waarvoor in sodanige regulasies voorsiening gemaak word, behoorlik nagekom word;

(ii) die Hoofbestuurder magtig om, ondanks enige andersluidende wetsbepalinge en afgesien van enige ander regsmiddels in sodanige regulasies voorgeskryf, 'n geldboete, bereken op die grondslag of grondslae wat daarin voorgeskryf word, aan enige persoon op te lê aan wie 'n kontrak of bestelling vir die lewering van goedere of dienste aan die Administrasie toegeken is op grond van inligting deur sodanige persoon verstrekt wat, ná die toekenning, bewys word onjuiste inligting te gewees het, en kan die wyse voorskryf waarop so 'n geldboete verhaal kan word.

(b) Die bepalinge van hierdie sub-artikel word nie geag die herafkondiging in die *Staatskoerant* van die bestaande regulasies met betrekking tot die instelling, same-

existing regulations relating to the establishment, constitution, functions, powers and duties of the Railways and Harbours Tender Board.”.

Insertion of new section in Act 73 of 1962.

77. The following section is hereby inserted after section six of the Railway Board Act, 1962:

“Applica- 6bis. This Act and any amendment thereof shall tion of Act apply also to the Territory of South West Africa.”. to South West Africa.

Option to members of New Super-annuation Fund to contribute in respect of periods of previous non-contributory service.

78. (1) A member of the New Fund who was admitted to membership thereof prior to the first day of January, 1949, and who, immediately prior to the date of such admission, was employed in a temporary or a casual capacity, shall have the right to elect, subject to the succeeding provisions of this section, to contribute to that fund in respect of the period of his continuous service prior to the said date but not from a date earlier than that upon which he attained the age of sixteen years, and he shall not be precluded from electing so to contribute because he had exercised or failed to exercise any option that had previously been available to him under any other law.

(2) The election provided for in sub-section (1) shall be exercised within a period of three months after the date on which there is furnished to the member by the Administration's Chief Accountant a statement of the arrear contributions and interest that will become payable by him to the New Fund should he decide to contribute in respect of any such period of continuous service as is referred to in that sub-section.

(3) (a) If a member elects to contribute in respect of any such period of continuous service he shall be required to pay arrear contributions to the New Fund according to his age at the date from which contributions are due to be paid, at the appropriate rate calculated on the pensionable emoluments drawn by him during the period to be covered, and he shall pay compound interest on such arrear contributions in respect of any period up to the date or dates upon which payment thereof is actually made, at the rate of four and one-half per cent. per annum, compounded quarterly.

(b) The said arrear contributions and interest may be paid in one amount, or by such monthly instalments as may be determined by the Administration's Chief Accountant in consultation with the member concerned.

(4) (a) If a member referred to in sub-section (1) dies or retires or is retired from the Service on the ground of superannuation or by reason of severe bodily injury occasioned without his own default, or by reason of permanent ill-health or physical disability in respect of which a railway medical officer or such practitioner or board as may be prescribed in terms of the applicable pension law, has not certified that it was occasioned by the member's own default, or in consequence of a reduction or re-organisation of staff—

(i) before the statement referred to in sub-section (2) has been furnished to him; or

(ii) within three months after such statement was furnished to him but before he has exercised the election referred to in sub-section (1),

he shall be deemed to have elected to contribute in respect of such period of continuous service as is referred to in sub-section (1), and any benefit payable to the member or to some other person in respect of his death shall be calculated as if the amount payable in terms of sub-section (3) had been paid in full at the time of the member's death or retirement, as the case may be: Provided that in the case of a member who has died, the provisions of this paragraph shall be given effect to only if it would be to the advantage of the member's widow or other dependant to do so.

(b) If a member who has elected to contribute in respect of any such period of continuous service as is referred to in sub-section (1), dies or leaves the Service for any of the reasons mentioned in paragraph (a) of this sub-section before the amounts payable in terms of sub-section (3) have been paid in full, any benefit payable to the member or to some other person in respect of his death, shall be calculated

stelling, werksaamhede, bevoegdheid en pligte van die Tenderraad van die Suid-Afrikaanse Spoorweë en Hawens te vereis nie.”.

77. Die volgende artikel word hierby na artikel ses van die Spoorwegraadwet, 1962, ingevoeg:

Invoeging van nuwe artikel in Wet 73 van 1962.

„Toepassing van Wet op Suidwes-Afrika. 6bis. Hierdie Wet en enige wysiging daarvan is ook op die Gebied Suidwes-Afrika van toepassing.”.

78. (1) 'n Lid van die Nuwe Fonds wat voor die eerste dag van Januarie 1949 tot lidmaatskap daarvan toegelaat is en wat onmiddellik voor die datum van sodanige toelating in 'n tydelike of 'n los hoedanigheid in diens was, het die reg om te kies, onderworpe aan die hieropvolgende bepalings van hierdie artikel, om tot daardie fonds by te dra ten opsigte van die tydperk van sy onafgebroke diens vóór daardie datum maar nie vanaf 'n vroeër datum nie as dié waarop hy die ouderdom van sestien jaar bereik het, en hy word nie belet om te kies om aldus by te dra nie omdat hy 'n keuse wat hy voorheen ingevolge enige ander wet gehad het, uitgeoefen het of versuim het om dit uit te oefen nie.

Keuse aan lede van Nuwe Superannuasiefonds om ten opsigte van tydperke van vorige nie-bydraende diens by te dra.

(2) Die keuse waarvoor in sub-artikel (1) voorsiening gemaak word, moet uitgeoefen word binne 'n tydperk van drie maande na die datum waarop die Administrasie se hoofrekenmeester aan die lid 'n staat verstrekk van die agterstallige bydraes en rente wat deur hom aan die Nuwe Fonds betaalbaar sal word ingeval hy sou besluit om by te dra ten opsigte van die tydperk van onafgebroke diens wat in daardie sub-artikel bedoel word.

(3) (a) Indien 'n lid kies om ten opsigte van so 'n tydperk van onafgebroke diens by te dra, word daar van hom vereis om agterstallige bydraes aan die Nuwe Fonds te betaal volgens sy ouderdom op die datum vanaf welke bydraes verskuldig is, teen die toepaslike skaal bereken op die pensioengewende emolumente wat hy ontvang het gedurende die tydperk wat gedek moet word, en moet hy saamgestelde rente betaal op sulke agterstallige bydraes ten opsigte van enige tydperk tot op die datum of datums waarop betaling daarvan werklik geskied, teen die skaal van vier-en-'n-half persent per jaar, driemaandeliks saamgestel.

(b) Bedoelde agterstallige bydraes en rente kan betaal word in een bedrag of in die maandelikse paaieimente wat deur die Administrasie se hoofrekenmeester in oorleg met die betrokke lid bepaal word.

(4) (a) Indien 'n in sub-artikel (1) bedoelde lid te sterwe kom of uit die Diens tree of daaruit afgedank word op grond van bereiking van die leeftydsgrens of as gevolg van ernstige liggaamlike besering sonder sy eie skuld opgedoen of as gevolg van blywende slegte gesondheid of liggaamlike ongeskiktheid ten opsigte waarvan 'n spoorweggeneesheer of sodanige ander praktisyn of raad wat ingevolge die toepaslike pensioenwet voorgeskryf word, nie gesertifiseer het dat dit deur die lid se eie skuld veroorsaak is nie, of ten gevolge van 'n vermindering of reorganisering van personeel—

(i) voordat die in sub-artikel (2) bedoelde staat aan hom verstrekk is; of

(ii) binne drie maande nadat sodanige staat aan hom verstrekk is maar voordat hy die in sub-artikel (1) bedoelde keuse uitgeoefen het,

word hy geag te gekies het om by te dra ten opsigte van die tydperk van onafgebroke diens wat in sub-artikel (1) bedoel word, en word enige voordeel wat aan die lid of aan iemand anders ten opsigte van sy dood betaalbaar is, bereken asof die bedrag wat ingevolge sub-artikel (3) betaalbaar is, ten tyde van die lid se dood of uitdienstreding, na gelang van die geval, ten volle betaal was: Met dien verstande dat in die geval van 'n lid wat te sterwe gekom het, daar aan die bepalings van hierdie paragraaf uitvoering gegee word slegs as die lid se weduwee of ander afhanklike daardeur bevoordeel sou word.

(b) Indien 'n lid wat gekies het om by te dra ten opsigte van 'n tydperk van onafgebroke diens soos in sub-artikel (1) bedoel, te sterwe kom of die Diens verlaat om enigeen van die redes genoem in paragraaf (a) van hierdie sub-artikel voordat die bedrae wat ingevolge sub-artikel (3) betaal moet word, ten volle betaal is, word enige voordeel wat aan die lid of aan iemand anders ten opsigte van sy dood betaalbaar is, bereken

as if such amounts had been paid in full at the time of the member's death or retirement, as the case may be.

- (c) (i) Upon the death or retirement of a member to whom paragraph (a) or (b) of this sub-section applies, any amount payable in terms of sub-section (3) which has not then been paid or paid in full, shall be recovered by deduction from any benefit payable to the member or to some other person in respect of his death;
- (ii) for the purpose of sub-paragraph (i) the expression "benefit" shall be deemed to include, in relation to a deceased member, the capital sum on which in terms of the applicable pension law, the calculation of any annuity payable to his widow is based.

(5) If a member who has elected to contribute in respect of such period of continuous service as is referred to in sub-section (1) ceases to be a servant under the circumstances mentioned in sub-section (1) of section *thirteen* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), before the amounts payable by him in terms of sub-section (3) of this section have been paid in full, and an annuity is granted to him under the said section, there shall be taken into account, for the purpose of calculating the amount of such annuity, only such portion of the said period of service as has actually been covered by contributions at the date upon which the member ceased to be a servant.

(6) 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 section, have the meaning so assigned to it.

Validation of certain changes in conditions of employment.

79. 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 were not approved by the State President until after the expiration of the period of three months mentioned 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.

80. This Act shall apply also to the Territory of South-West Africa.

Short title.

81. This Act shall be called the Railways and Harbours Acts Amendment Act, 1965.

#### Schedule.

| <i>Number of Government Notice.</i> | <i>Date of Publication.</i> |
|-------------------------------------|-----------------------------|
| R678                                | 10.5.1963                   |
| R1222                               | 14.8.1964                   |
| R1238                               | 14.8.1964                   |
| R1490                               | 25.9.1964                   |

asof sodanige bedrae ten volle betaal was ten tyde van die lid se dood of uitdienstreding, na gelang van die geval.

- (c) (i) By die dood of uitdienstreding van 'n lid op wie paragraaf (a) of (b) van hierdie sub-artikel van toepassing is, word enige bedrag betaalbaar ingevolge sub-artikel (3) wat nie dan betaal of ten volle betaal is nie, verhaal by wyse van aftrekking van enige voordeel wat aan die lid of aan iemand anders ten opsigte van sy dood betaalbaar is;
- (ii) by die toepassing van sub-paragraaf (i) word die uitdrukking „voordeel”, met betrekking tot 'n oorlede lid, geag die kapitaalsom in te sluit waarop die berekening van 'n aan sy weduwee betaalbare jaargeld ingevolge die toepaslike pensioenwet gebaseer word.

(5) Indien 'n lid wat gekies het om by te dra ten opsigte van 'n tydperk van onafgebroke diens soos in sub-artikel (1) bedoel, ophou om 'n dienaar te wees onder die omstandighede vermeld in sub-artikel (1) van artikel *dertien* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), voordat die bedrae deur hom betaalbaar ingevolge sub-artikel (3) van hierdie artikel ten volle betaal is, en 'n jaargeld ingevolge bedoelde artikel aan hom toegestaan word, word daar by die berekening van die bedrag van sodanige jaargeld net daardie gedeelte van bedoelde tydperk van diens in ag geneem wat op die datum waarop die lid opgehou het om 'n dienaar te wees, werklik deur bydraes gedek is.

(6) Wanneer 'n uitdrukking waaraan 'n betekenis toegeskryf word in artikel *een* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), in hierdie artikel gebesig word, het dit die betekenis wat aldus daaraan toegeskryf word.

79. 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 deur die Staatspresident goedgekeur is nie tot na die verstryking van die tydperk van drie maande vermeld in sub-artikel (3) van artikel *twee-en-dertig* van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), word hierby geldig verklaar met ingang van die datums met ingang waarvan sodanige veranderings onderskeidelik in werking gestel is.

Geldigverklaring  
van sekere  
veranderings in  
diensvoorwaardes.

80. Hierdie Wet is ook op die gebied Suidwes-Afrika van toepassing.

Toepassing van  
Wet op Suidwes-  
Afrika.

81. Hierdie Wet heet die Wysigingswet op Spoorweg- en Kort titel. Hawewette, 1965.

#### Bylae.

| Goewerments-<br>kennisgewing No. | Datum van<br>afkondiging. |
|----------------------------------|---------------------------|
| R678                             | 10.5.1963                 |
| R1222                            | 14.8.1964                 |
| R1238                            | 14.8.1964                 |
| R1490                            | 25.9.1964                 |

No. 7, 1965.]

# ACT

## To amend the Rhodes University (Private) Act, 1949.

(Afrikaans text signed by the State President.)  
(Assented to 25th February, 1965.)

**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 5 of  
Act 15 of 1949.

1. Section *five* of the Rhodes University (Private) Act, 1949 (hereinafter referred to as the principal Act), is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) The principal of the University shall be appointed by the Council in the manner prescribed by the statutes, and his powers, privileges, functions, period of office and duties shall be as thereby prescribed.”.

Substitution of  
section 6 of Act  
15 of 1949.

2. The following section is hereby substituted for section *six* of the principal Act:

“Vice-Principal of the University.

6. (1) The Vice-Principal of the University shall be appointed by the Council in the manner prescribed by the statutes.

(2) The Principal may delegate to the Vice-Principal such of his powers under this Act and under the statutes and for such period as he may define.

(3) In the absence of both the Principal and the Vice-Principal, the Principal may nominate a member of the Senate to carry out such of his duties and exercise such of his powers as he may delegate to him.

(4) The powers, privileges, functions and duties of the Pro-Vice-Chancellor shall be as prescribed by the statutes.”.

Amendment of  
section 7 of  
Act 15 of 1949,  
as amended by  
section 4 of  
Act 6 of 1960.

3. Section *seven* of the principal Act is hereby amended by the substitution for sub-sections (1) and (2) of the following sub-sections:

“(1) Subject to the provisions of this Act, the government and executive authority of the University shall be vested in the Council, which shall consist of—

- (a) the Principal and the Vice-Principal of the University;
- (b) four persons appointed by the State President;
- (c) three members of Convocation elected by the Convocation of the University;
- (d) four members of the Senate of the University elected by the Senate;
- (e) one person appointed by the City Council of Grahamstown;
- (f) one person appointed by the City Council of Port Elizabeth;
- (g) one person appointed by the City Council of East London;
- (h) not more than three persons representing such municipalities, other than those mentioned in paragraphs (e), (f) and (g), as may be defined in the statutes, elected in the manner prescribed by the statutes;
- (i) two persons elected in the manner prescribed by the statutes by donors as defined in the statutes;
- (j) one person to represent all research institutions declared by the Council to be associated with the University, elected in the manner prescribed by the statutes;
- (k) one person to represent schools as defined in the statutes, elected in the manner prescribed by the statutes;
- (l) any persons, not exceeding four in number, appointed by such bodies, other than those mentioned in the preceding paragraphs of this sub-section, as may be prescribed by the statutes; and
- (m) any persons, not exceeding four in number, co-opted by the Council in the manner prescribed by the statutes.

(2) (a) Except as in paragraphs (a) and (d) of sub-section (1) provided, no professor, lecturer, teacher or salaried official of the University shall be eligible to be a member of the Council.

No. 7, 1965.]

# WET

Tot wysiging van die Private Wet op Rhodes-universiteit, 1949.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 25 Februarie 1965.)

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

1. Artikel vyf van die Private Wet op Rhodes-universiteit, 1949 (hieronder die Hoofwet genoem), word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 5 van Wet 15 van 1949.

„(1) Die Prinsipaal van die Universiteit word deur die Raad van die Universiteit aangestel volgens voorskrif van die statute wat ook sy bevoegdhede, voorregte, werksaamhede, ampsduur en pligte voorskryf.”.

2. Artikel ses van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 6 van Wet 15 van 1949.

„Vise-prinsipaal van die Universiteit.

6. (1) Die Vise-prinsipaal van die Universiteit word volgens voorskrif van die statute deur die Raad aangestel.

(2) Die Prinsipaal kan sodanige van die bevoegdhede deur hierdie Wet en die statute aan hom verleen, en vir so 'n tydperk, as wat hy bepaal, aan die Vise-prinsipaal opdra.

(3) Tydens die afwesigheid van sowel die Prinsipaal as die Vise-prinsipaal kan die Prinsipaal 'n lid van die Senaat benoem om die pligte en bevoegdhede wat hy aan hom opdra, uit te voer en uit te oefen.

(4) Die bevoegdhede, voorregte, werksaamhede en pligte van die Pro-vise-kanselier word deur die statute voorgeskryf.”.

3. Artikel sewe van die Hoofwet word hierby gewysig deur sub-artikels (1) en (2) deur die volgende sub-artikels te vervang:

Wysiging van artikel 7 van Wet 15 van 1949, soos gewysig deur artikel 4 van Wet 6 van 1960.

„(1) Behoudens die bepalinge van hierdie Wet berus die bestuur en uitvoerende mag van die Universiteit by die Raad wat bestaan uit—

- (a) die Prinsipaal en die Vise-prinsipaal van die Universiteit;
- (b) vier persone deur die Staatspresident benoem;
- (c) drie lede van die Konvokasie deur die Konvokasie van die Universiteit gekies;
- (d) vier lede van die Senaat van die Universiteit deur die Senaat gekies;
- (e) een persoon deur die Stadsraad van Grahamstad benoem;
- (f) een persoon deur die Stadsraad van Port Elizabeth benoem;
- (g) een persoon deur die Stadsraad van Oos-Londen benoem;
- (h) hoogstens drie persone wat die Stadsrade verteenwoordig, behalwe dié in paragrawe (e), (f) en (g) genoem, wat in die statute omskryf word, volgens voorskrif van die statute gekies;
- (i) twee persone deur skenkers soos in die statute omskryf, volgens voorskrif van die statute gekies;
- (j) een persoon volgens voorskrif van die statute gekies om al die navorsingsinrigtings wat deur die Raad as aan die Universiteit verbonde verklaar is, te verteenwoordig;
- (k) een persoon volgens voorskrif van die statute gekies om skole, soos in die statute omskryf, te verteenwoordig;
- (l) hoogstens vier ander persone benoem deur sodanige liggame, behalwe dié in die voorafgaande paragrawe van hierdie sub-artikel vermeld, as wat die statute mag voorskryf; en
- (m) hoogstens vier persone deur die Raad gekoöpteer op die wyse deur die statute voorgeskryf.

(2) (a) 'n Professor, lektor, dosent of besoldigde amptenaar van die Universiteit is nie as lid van die Raad verkiesbaar nie, behalwe ingevolge paragrawe (a) en (d) van sub-artikel (1).

- (b) Except as in paragraph (j) of sub-section (1) provided, no professor, lecturer, teacher or salaried official of an associated institution shall be eligible to be a member of the Council.”

Amendment of section 8 of Act 15 of 1949, as amended by section 5 of Act 6 of 1960.

4. Section *eight* of the principal Act is hereby amended—
- (a) by the substitution for sub-section (1) of the following sub-section:
- “(1) There shall be a Senate of the University consisting of—
- (a) the Principal of the University, who shall be *ex officio* Chairman;
- (b) the Vice-Principal of the University, who, in the absence of the Principal, shall be *ex officio* Chairman;
- (c) the professors of the University, including research professors but excluding associate professors;
- (d) the Librarian of the University;
- (e) two members of the Council elected by it in the manner and for a period prescribed by the statutes;
- (f) not fewer than two and not more than four lecturers other than those appointed under paragraph (g) below, elected in the manner prescribed by the statutes; and
- (g) lecturers of the University appointed to the charge of departments as defined by the Council.”;
- (b) by the substitution for sub-section (3) of the following sub-section:
- “(3) The superintendence and regulation of the instruction in the several departments, lectures, classes and residences and of the discipline of the students of the University shall be vested in the Senate in accordance with regulations to be framed by the Senate for the purpose and approved by the Council.”; and
- (c) by the substitution for sub-section (6) of the following sub-section:
- “(6) The Principal and the Vice-Principal shall be *ex officio* members of all committees of the Senate.”.

Amendment of section 9 of Act 15 of 1949, as amended by section 6 of Act 6 of 1960.

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

“(2) The Principal, Vice-Principal, professors, lecturers, directors and heads of such research institutes as fall under the control of the Council, the Librarian of the University and the Registrar of the University, while holding permanent full-time appointments as such, shall be *ex officio* members of Convocation, and shall be entitled to have their names placed on the Convocation roll.”.

Substitution of section 35 of Act 15 of 1949.

6. The following section is hereby substituted for section *thirty-five* of the principal Act:

“Vacancies not to affect powers of the University or its Council or Senate. 35. No vacancy in the offices mentioned in section *three* nor any deficiency in the number of members of the Council or of the Senate shall impair or affect the corporate existence of the University or any powers, rights or privileges conferred by this Act upon the University or the Council or the Senate: Provided that no resolution of the Council or the Senate shall be valid unless passed at a meeting whereat a quorum was present, and unless the statutes relating to any such meeting have in all other respects been complied with.”.

Amendment of section 39 of Act 15 of 1949, as amended by section 29 of Act 61 of 1955.

7. Section *thirty-nine* of the principal Act is hereby amended by the substitution for the definition of “lecturer” of the following definition:

“lecturer” means a full-time permanent member of the academic staff other than a professor and shall include associate professor, reader, senior lecturer, or incumbents of posts declared by resolution of both the Senate and the Council to be equivalent to any of the aforementioned posts and also members of the staff in these categories who are serving a probationary period in terms of the conditions of service mentioned in sub-section (2) of section *twelve*, prior to permanent appointment;”.

- (b) 'n Professor, lektor, dosent of besoldigde amptenaar van 'n inrigting aan die Universiteit verbonde is nie as lid van die Raad verkiesbaar nie, behalwe ingevolge paragraaf (j) van sub-artikel (1)."

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

Wysiging van artikel 8 van Wet 15 van 1949, soos gewysig deur artikel 5 van Wet 6 van 1960.

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Daar is 'n Senaat van die Universiteit wat bestaan uit—

- (a) die Prinsipaal van die Universiteit, wat ampshalwe Voorsitter is;
  - (b) die Vise-prinsipaal van die Universiteit, wat by die Prinsipaal se afwesigheid, ampshalwe Voorsitter is;
  - (c) die professore en navorsingsprofessore van die Universiteit, maar nie professore van aangeslote of verbonde inrigtings nie;
  - (d) die Bibliotekaris van die Universiteit;
  - (e) twee lede van die Raad deur homself gekies op die wyse en vir die duur wat die statute voorskryf;
  - (f) minstens twee en hoogstens vier lektore, behalwe die wat onder paragraaf (g) van hierdie sub-artikel ressorteer, volgens voorskrif van die statute gekies; en
  - (g) lektore van die Universiteit aangestel as hoofde van afdelings soos deur die Raad omskryf.”;
- (b) deur sub-artikel (3) deur die volgende sub-artikel te vervang:
- „(3) Die toesig oor en die reëling van die onderrig in die verskeie departemente, voorlesings, klasse en koshuise en die tug oor die studente van die Universiteit berus by die Senaat ooreenkomstig die regulasies wat deur die Senaat daarvoor opgestel en deur die Raad goedgekeur moet word.”; en
- (c) deur sub-artikel (6) deur die volgende sub-artikel te vervang:
- „(6) Die Prinsipaal en die Vise-prinsipaal is ampshalwe lede van alle komitees van die Senaat.”.

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

Wysiging van artikel 9 van Wet 15 van 1949, soos gewysig deur artikel 6 van Wet 6 van 1960.

„(2) Die Prinsipaal, Vise-prinsipaal, professore, lektore, direkteure en hoofde van navorsingsinrigtings wat onder die beheer van die Raad staan, die Bibliotekaris van die Universiteit en die Registrateur van die Universiteit is, terwyl hulle vaste voltydse betrekkings as sodanig beklee, ampshalwe lede van die Konvokasie en daarop geregtig om hulle name op die Konvokasielys te laat inskryf.”.

6. Artikel *vyf-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 35 van Wet 15 van 1949.

„Vakatures raak nie bevoegdhede van Universiteit of sy Raad of Senaat nie.

35. Die feit dat 'n amp in artikel *drie* bedoel vakant is of dat die ledetal van die Raad of die Senaat nie voltallig is nie maak geen inbreuk op en raak nie die Universiteit se regspersoonlikheid of enige bevoegdhede, regte of voorregte wat deur hierdie Wet aan die Universiteit of die Raad of die Senaat verleen word nie: Met dien verstande dat geen besluit van die Raad of van die Senaat geldig is nie, tensy dit geneem is op 'n vergadering waarop 'n kworum aanwesig was en tensy in alle ander opsigte voldoen is aan die statute wat op so 'n vergadering betrekking het.”.

7. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig deur die omskrywing van „lektor” deur die volgende omskrywing te vervang:

Wysiging van artikel 39 van Wet 15 van 1949, soos gewysig deur artikel 29 van Wet 61 van 1955.

„lektor” 'n voltydse vaste lid van die akademiese personeel behalwe 'n professor en ook professore van aangeslote of verbonde inrigtings, voorleser, senior lektor of bekleërs van poste wat by besluit van sowel die Senaat as die Raad as gelykstaande met enige van voornoemde poste verklaar is en ook personeellede in hierdie kategorieë wat, alvorens hulle vas aangestel word, kragtens die diensvoorwaardes in sub-artikel (2) van artikel *twaalf* bedoel, 'n proef tydperk uitdien;”.

Substitution in  
Act 15 of 1949  
for "Governor-  
General" of  
"State President".

8. The principal Act is hereby amended by the substitution for the word "Governor-General" wherever it occurs therein of the words "State President".

Short title.

9. This Act shall be called the Rhodes University (Private) Act Amendment Act, 1965.

8. Die Hoofwet word hierby gewysig deur die woord „Goewerneur-generaal” oral waar dit daarin voorkom deur die woord „Staatspresident” te vervang.

Vervanging in  
Wet 15 van 1949  
van „Goewerneur-  
generaal” deur  
„Staatspresident”.

9. Hierdie Wet heet die Wysigingswet op die Private Wet Kort titel.  
op Rhodes-universiteit, 1965.