



0086
S.559

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 20c Prvs

Overseas 30c Oorsee

POST FREE—POSVRY

VOL. 112]

CAPE TOWN, 11 OCTOBER 1974

[No. 4434

KAAPSTAD, 11 OKTOBER 1974

DEPARTMENT OF THE PRIME MINISTER

No. 1847. 11 October 1974.

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

No. 45 of 1974: Railways and Harbours Pensions Further Amendment Act, 1974.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1847.

11 Oktober 1974.

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

No. 45 van 1974: Verdere Wysigingswet op Spoorweg- en Hawepensioene, 1974.

Wet No. 45, 1974

VERDERE WYSIGINGSWET OP SPOORWEG- EN HAWEPENSIOENE, 1974.

Tot vervanging van artikel 1 van die Wysigingswet op Spoerweg- en Hawepensioene, 1941, om vir nuwe woordomskrywings voorsiening te maak; tot wysiging van artikels 2, 4 en 5, tot vervanging van artikels 3, 7 en 8, en tot herroeping van artikel 6 van genoemde Wet om die voorwaardes met betrekking tot die betaling van pensioenvoordele te wysig, die metode van berekening daarvan te vereenvoudig en omslagtige prosedures uit te skakel; om 'n nuwe artikel 8A in bedoelde Wet in te voeg ten einde die bepalings daarvan op Suidwes-Afrika van toepassing te maak; en om vir aangeleenthede wat daar mee in verband staan, voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Oktober 1974.)

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

Vervanging van artikel 1 van Wet 26 van 1941, soos gewysig deur artikel 2 van Wet 6 van 1965 en artikel 2 van Wet 85 van 1971.

1. Artikel 1 van die Wysigingswet op Spoorweg- en Hawepensioene, 1941 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Woord-
omskry-
wings.

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

 - (i) ‚Administrasie’ die gesag wat ingevolge die Spoorwegraadwet, 1962 (Wet No. 73 van 1962), die spoorweë en hawens van die Republiek administreer en eksploteer; (i)
 - (ii) ‚besoldiging’, met betrekking tot iemand in diens van die Administrasie, sy salaris of loon deur die Administrasie betaal; (iii)
 - (iii) ‚die Diens’ die Administrasie van Spoorweë en Hawens; (xv)
 - (iv) ‚gratifikasie’ ’n kontantbedrag betaalbaar kragtens hierdie Wet; (vi)
 - (v) ‚Hoofbestuurder’ die amptenaar aangestel as Hoofbestuurder van die Spoorweë en Hawens van die Republiek, of iemand wat wettig in daardie hoedanigheid waarneem, en ook ’n amptenaar wat deur die Administrasie gemagtig is om een of meer van die pligte van die Hoofbestuurder te verrig; (v)
 - (vi) ‚inkomste’ die inkomste gestort in die Spoorweg- en Hawefonds ingestel kragtens artikel 99 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961); (xiii)
 - (vii) ‚jaar’ ’n tydperk van driehonderd vyf-en-sestig dae; (xvii)
 - (viii) ‚jaargeld’ ’n jaarlike som betaalbaar van die uitdiensstredatum tot aan die einde van die maand waarin ’n afgetrede dienaar te sterwe kom; (ii)
 - (ix) ‚loon’ die besoldiging van ’n dienaar wat nie ’n gesalarieerde betrekking beklee nie, uitgesonderd toelaes; (xvi)

**RAILWAYS AND HARBOURS PENSIONS FURTHER
AMENDMENT ACT, 1974.**

Act No. 45, 1974

ACT

To substitute section 1 of the Railways and Harbours Pensions Amendment Act, 1941, so as to provide for new definitions; to amend sections 2, 4 and 5, to substitute sections 3, 7 and 8, and to repeal section 6 of the said Act so as to amend the conditions with regard to the payment of pension benefits, to simplify the calculation thereof and to eliminate cumbersome procedures; to insert a new section 8A in the said Act so as to apply the provisions thereof to South West Africa; and to provide for matters incidental thereto.

*(English text signed by the State President.)
(Assented to 3 October 1974.)*

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

1. The following section is hereby substituted for section 1 of the Railways and Harbours Pensions Amendment Act, 1941 (hereinafter referred to as the principal Act):

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

- (i) '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; (i)
- (ii) 'annuity' means an annual sum payable from the date of retirement up to the end of the month in which a retired servant dies; (viii)
- (iii) 'emoluments' means, in relation to a person in the service of the Administration, his salary or wages paid by the Administration; (ii)
- (iv) 'foreign Bantu' means a Bantu who was not born in the Republic of South Africa or the territory of South West Africa; (xvii)
- (v) 'General Manager' means the officer appointed to be General Manager of the Railways and Harbours of the Republic, or any person lawfully acting in that capacity, and also an officer authorized by the Administration to perform any of the duties of the General Manager; (v)
- (vi) 'gratuity' means a cash sum payable in terms of this Act; (iv)
- (vii) 'Minister' means the Minister of Transport; (x)
- (viii) 'old Administration' means—
 - (a) the Central South African Railways as existing prior to 31 May 1910, and includes the Imperial Military Railways and any Military Administration of the Railways in the Transvaal and the Orange River Colony;
 - (b) the Department of the Railways, Ports and Harbours of the Cape Colony;

Substitution of
section 1 of
Act 26 of 1941,
as amended by
section 2 of
Act 6 of 1965
and section 2 of
Act 85 of 1971.

Wet No. 45, 1974

VERDERE WYSIGINGSWET OP SPOORWEG- EN
HAWEPENSIOENE, 1974.

- (x) 'Minister' die Minister van Vervoer; (vii)
- (xi) 'ou Administrasie'—
 - (a) die Sentrale Suid-Afrikaanse Spoorweë soos dit voor 31 Mei 1910 bestaan het, asook die Imperiale Militêre Spoorweë en enige Militêre Administrasie van die Spoorweë in die Transvaal en die Oranjerivierkolonie;
 - (b) die Departement van die Spoorweë en Hawens van die Kaapkolonie;
 - (c) die Departement van die Natalse Staatspoorweë;
 - (d) die Departement van die Hawens van Natal; (viii)
 - (xii) 'Pensioenfonds' die Spoorweg- en Hawepensioenfonds vir Nie-Blanke Dienare of enige pensioen- of ouderdomsvoorsorgfonds- of skema ingevolge die een of ander wet, na gelang van die samehang; (x)
 - (xiii) 'pensioenvoordeel' 'n jaargeld of 'n gratifikasie, na gelang van die samehang; (ix)
 - (xiv) 'regulasie' 'n regulasie uitgevaardig en van krag ingevolge hierdie Wet of 'n ander Wet wat die bevoegdheid verleen om regulasies uit te vaardig wat op dienare van toepassing is; (xii)
 - (xv) 'salaris' die jaarlikse besoldiging van 'n dienaar wat 'n gesalarieerde betrekking beklee, uitgesonderd toelaes; (xiv)
 - (xvi) 'Spoorwegeraad' die Spoorweg- en Haweraad bedoel in artikel 1 van die „Spoorwegeraad Wet, 1916” (Wet No. 17 van 1916), en saamgestel volgens voorskrif van artikel 102 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961); (xi)
 - (xvii) 'vreemde Bantoe' 'n Bantoe wat nie in die Republiek van Suid-Afrika of die gebied Suidwes-Afrika gebore is nie. (iv)."

Wysiging van artikel 2 van Wet 26 van 1941, soos gewysig deur artikel 6 van Wet 23 van 1944 en artikel 3 van Wet 6 van 1965.

2. Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- „(1) Iemand wat—
 - (a) te eniger tyd na die inwerkingtreding van hierdie Wet in diens van die Administrasie was; en
 - (b) in diens van die Administrasie was gedurende 'n onafgebroke tyelperk van vyf jaar of langer of met tussenpose gedurende typerke wat alles tesame 'n tyelperk van vyf jaar of langer uitmaak of in diens van die Administrasie en in diens van 'n ou Administrasie was (het sy met tussenpose of onafgebroke) gedurende typerke wat tesame 'n tyelperk van vyf jaar of langer uitmaak; en
 - (c) na die inwerkingtreding van hierdie Wet uit die diens van die Administrasie afgedank is weens sy ouderdom of weens 'n vermindering of reorganisasie van die personeel van die Administrasie of weens ernstige liggaaamlike letsel ten opsigte waarvan skadeloosstelling ingevolge 'n wet op ongevalle aan hom betaalbaar is of weens voortdurende slechte gesondheid of 'n liggaamsgebrek waaromtrek 'n mediese spoorwegamptenaar nie gesertifiseer het nie dat dit deur bedoelde persoon se eie skuld veroorsaak is; en
 - (d) op die dag van bedoelde afdanking nie ten opsigte van die dienstermyn waarvoor op 'n voordeel ingevolge hierdie Wet aanspraak gemaak word 'n lid of deelhebber is nie van of in een of ander pensioen- of ouderdomsvoorsorgfonds- of skema ingevolge een of

RAILWAYS AND HARBOURS PENSIONS FURTHER
AMENDMENT ACT, 1974.

Act No. 45, 1974

- (c) the Department of the Natal Government Railways;
- (d) the Department of the Ports and Harbours of Natal; (xi)
- (ix) 'pension benefit' means an annuity or a gratuity, according to the context; (xiii)
- (x) 'Pension Fund' means the Railways and Harbours Pension Fund for Non-White Servants or any pension or superannuation fund or scheme under any law, according to the context; (xii)
- (xi) 'Railway Board' means the Railways and Harbours Board referred to in section 1 of the Railway Board Act, 1916 (Act No. 17 of 1916), and constituted as provided for in section 102 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (xvi)
- (xii) 'regulation' means a regulation made and in force under this Act or any other Act conferring power to make regulations applicable to servants; (xiv)
- (xiii) 'revenue' means the revenue paid into the Railway and Harbour Fund established under section 99 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (vi)
- (xiv) 'salary' means the annual pay of a servant who occupies a salaried position, exclusive of allowances; (xv)
- (xv) 'the Service' means the Administration of Railways and Harbours; (iii)
- (xvi) 'wages' means the pay of a servant who does not occupy a salaried position, exclusive of allowances; (ix)
- (xvii) 'year' means a period of three hundred and sixty-five days. (vii).".

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- "(1) Any person who—
 - (a) was in the service of the Administration at any time after the commencement of this Act; and
 - (b) was in the service of the Administration during a continuous period of five years or longer or intermittently during periods which amount in the aggregate to a period of five years or longer, or was in the service of the Administration and in the service of an old Administration (whether intermittently or continuously) during periods which amount in the aggregate to a period of five years or longer; and
 - (c) was, after the commencement of this Act, retired from the service of the Administration because of his age or because of a reduction or reorganization of the staff of the Administration or because of severe bodily injury in respect of which compensation is paid to him under any law relating to workmen's compensation or because of permanent ill-health or physical disability in respect of which a railway medical officer has not certified that it was occasioned by the said person's own default; and
 - (d) on the date of such retirement is not in respect of the period of service for which a benefit is claimed under this Act a member of, or participant in, any pension or superannuation fund or scheme under any law and is

Amendment of
section 2 of
Act 26 of 1941,
as amended by
section 6 of
Act 23 of 1944
and section 3 of
Act 6 of 1965.

Wet No. 45, 1974**VERDERE WYSIGINGSWET OP SPOORWEG- EN
HAWEPENSIOENE, 1974.**

ander wet en nie andersins in aanmerking kom nie vir 'n pensioen ingevolge een of ander wet ten opsigte van sodanige termyn; en

- (e) nooit geregtig was om ten opsigte van die dienstermyne waarvoor op 'n voordeel ingevolge hierdie Wet aanspraak gemaak word lid te word van of deel te neem aan so 'n fonds of skema nie, of aan wie toegang tot of deelneming aan so 'n fonds of skema geweier is, alhoewel hy tot lidmaatskap of deelneming bevoeg was, is, onderworpe aan die bepaling van die Wet op Spoorweg- en Hawepensioene vir Nie-Blanke, 1974, en die regulasies daarkragtens uitgevaardig, geregtig op 'n jaargeld of op 'n gratifikasie wat uit inkomste te betaal is, volgens onderstaande bepaling van hierdie Wet: Met dien verstande dat in die geval van iemand wat op of na die datum van inwerkingtreding van die Wet op Spoorweg en Hawepensioene vir Nie-Blanke, 1974, tot die Diens toetree en tot lidmaatskap van die Pensioenfonds toegelaat word, geen pensioenvoordeel kragtens hierdie Wet ten opsigte van die kwalifiserende tydperk, soos omskryf in die regulasies uitgevaardig kragtens die Wet op Spoorweg- en Hawepensioene vir Nie-Blanke, 1974, betaalbaar is nie.”.

Vervanging van artikel 3 van Wet 26 van 1941, soos vervang deur artikel 2 van Wet 62 van 1962.

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

„Skaal 3. (1) As 'n persoon in artikel 2 bedoel soos voormeld gedien het gedurende 'n tydperk wat in paragraaf (a), (b) of (c) van subartikel (2) vermeld word, is hy geregtig, onderworpe aan die bepaling van artikel 4 (3), op die voordeel waarvoor voorstiening gemaak word in daardie een van genoemde paragrawe wat in sy geval van toepassing is.

(2) As so iemand, behalwe 'n persoon bedoel in artikel 2 (3), gedien het soos voormeld gedurende 'n tydperk van—

- (a) vyf jaar of langer, maar minder as vyftien jaar, is hy geregtig op 'n gratifikasie gelykstaande met drie-agtstees van sy basiese maandelikse besoldiging op die datum van sy uitdienstreding ten opsigte van elke jaar van sy diens;
- (b) vyftien jaar of langer, maar minder as vyf-en-twintig jaar, is hy geregtig op 'n jaargeld, onderworpe aan die bepaling van subartikel (3), bereken op die grondslag van drie rand vyftig sent per jaar ten opsigte van elke jaar van sy diens of, na goeddunke van die Hoofbestuurder, of enige amptenaar wat deur die Hoofbestuurder daartoe gemagtig is, op 'n gratifikasie gelykstaande met een vier-en-twintigste van sy gemiddelde jaarlikse besoldiging gedurende die laaste tien jaar van sy diens, ten opsigte van elke jaar van sy diens;
- (c) vyf-en-twintig jaar of langer, is hy geregtig op 'n jaargeld, onderworpe aan die bepaling van subartikel (3), bereken op die grondslag van vyf rand vyftig sent per jaar ten opsigte van elke jaar van sy diens of, na goeddunke van die Hoofbestuurder, of enige amptenaar wat deur die Hoofbestuurder daartoe gemagtig is, op 'n gratifikasie gelykstaande met een-sestiente van sy gemiddelde jaarlikse besoldiging gedurende die laaste tien jaar van sy diens, ten opsigte van elke jaar van sy diens.

RAILWAYS AND HARBOURS PENSIONS FURTHER
AMENDMENT ACT, 1974.

Act No. 45, 1974

not otherwise qualified for a pension under any law in respect of such period; and

- (e) has never in respect of the period of service for which a benefit is claimed under this Act been eligible for membership of, or participation in, any such fund or scheme, or was refused admission to, or participation in, any such fund or scheme, although he was eligible for membership or participation,

shall, subject to the provisions of the Railways and Harbours Pensions for Non-Whites Act, 1974, and the regulations made thereunder, be entitled to an annuity or to a gratuity, to be paid from revenue, in accordance with the following provisions of this Act: Provided that in the case of a person who joins the Service on or after the date of commencement of the Railways and Harbours Pensions for Non-Whites Act, 1974, and is admitted to membership of the Pension Fund, no pension benefit in terms of this Act shall be payable in respect of the qualifying period, as defined in the regulations made in terms of the Railways and Harbours Pensions for Non-Whites Act, 1974.”.

3. The following section is hereby substituted for section 3 of the principal Act:

“Scale of annuities or gratuities.

3. (1) If a person mentioned in section 2 has served as aforesaid during any such period as is mentioned in paragraph (a), (b) or (c) of subsection (2), he shall, subject to the provisions of section 4 (3), be entitled to such benefit as is provided for in whichever of the said paragraphs is applicable in his case.

Substitution of section 3 of Act 26 of 1941, as substituted by section 2 of Act 62 of 1962.

(2) If such person, other than a person mentioned in section 2 (3), has served as aforesaid during a period of—

(a) five years or longer, but less than fifteen years, he shall be entitled to a gratuity equal to three-eighths of his basic monthly emoluments at the date of his retirement in respect of each year of his service;

(b) fifteen years or longer, but less than twenty-five years, he shall be entitled to an annuity, subject to the provisions of subsection (3), calculated on the basis of three rand fifty cents per annum in respect of each year of his service or, at the discretion of the General Manager, or any officer authorized by the General Manager, to a gratuity equal to one twenty-fourth of his average annual emoluments during the last ten years of his service, in respect of each year of his service;

(c) twenty-five years or longer, he shall be entitled to an annuity, subject to the provisions of subsection (3), calculated on the basis of five rand fifty cents per annum in respect of each year of his service or, at the discretion of the General Manager, or any officer authorized by the General Manager, to a gratuity equal to one-sixteenth of his average annual emoluments during the last ten years of his service, in respect of each year of his service.

Wet No. 45, 1974**VERDERE WYSIGINGSWET OP SPOORWEG- EN HAWEPENSIOENE, 1974.**

Wysiging van artikel 4 van Wet 26 van 1941, soos gewysig deur artikel 3 van Wet 62 van 1962.

(3) 'n Vreemde Bantoe wat uit die Diens tree ten gevolge van enige van die redes gemeld in artikel 2 (1) (c) is nie op 'n jaargeld geregtig nie, maar slegs op 'n gratifikasie.”;

4. Artikel 4 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) As iemand oorlede is terwyl hy in die Diens was en hy, as hy op die dag van sy dood afgedank was weens die een of ander in artikel 2 (1) (c) vermelde feit, geregtig sou gewees het op 'n pensioenvoordeel ingevolge hierdie Wet, dan kan die Hoofbestuurder, of enige amptenaar wat deur die Hoofbestuurder daartoe gemagtig is, volgens goeddunke aan of ten bate van 'n afhanklike of van afhanklikes van die oorledene wat bedoelde amptenaar mag aandui, 'n gratifikasie betaal gelyk aan drie-sestiges van sy basiese maandelikse besoldiging op die datum van sy afsterwe ten opsigte van elke jaar van die oorledene se diens en bedoelde amptenaar kan die gratifikasie verdeel tussen twee of meer sulke afhanklikes op 'n wyse wat hy regverdig ag, en hy kan die gratifikasie in sulke paaiemende uitbetaal as wat hy wenslik ag.”;

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) As iemand wat 'n jaargeldtrekker ingevolge hierdie Wet is, sterf, dan verval sy reg op die jaargeld maar die Hoofbestuurder, of enige amptenaar wat deur die Hoofbestuurder daartoe gemagtig is, kan volgens goeddunke 'n gratifikasie in die paaiemende wat hy wenslik ag, aan die afhanklikes van die oorledene uitbetaal, bereken volgens die bepalings van subartikel (1) en verminder met die som van alle uitkerings van 'n jaargeld wat die oorledene voor sy dood ingevolge hierdie Wet ontvang het.”; en

(c) deur die volgende subartikel by te voeg:

„(4) As iemand wat op 'n gratifikasie of 'n gedeelte van 'n gratifikasie ingevolge hierdie Wet geregtig is, sterf voordat betaling aan hom gemaak kan word, verval sy reg op die betaling, maar die Hoofbestuurder, of enige amptenaar wat deur die Hoofbestuurder daartoe gemagtig is, kan volgens goeddunke sodanige betaling aan die afhanklikes van die oorledene maak. Bedoelde amptenaar kan die bedrag verdeel tussen twee of meer sulke afhanklikes op 'n wyse wat hy regverdig ag, en hy kan dit in die paaiemende uitbetaal wat hy wenslik ag.”;

5. Artikel 5 van die Hoofwet word hierby gewysig deur die woord „pensioen”, waar dit ook al voorkom, deur die woord „pensioenvoordeel” te vervang.

6. Artikel 6 van die Hoofwet word hierby herroep.

7. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

„Regulasies. 7. Die Minister kan, in oorelog met die Spoorwegraad, regulasies wat nie met hierdie Wet of enige ander Wet onbestaanbaar is nie, uitvaardig om aan

Wysiging van artikel 5 van Wet 26 van 1941, soos gewysig deur artikel 31 van Wet 44 van 1959.

Herroeping van artikel 6 van Wet 26 van 1941.

Vervanging van artikel 7 van Wet 26 van 1941, soos gewysig deur artikel 4 van Wet 6 van 1965.

**RAILWAYS AND HARBOURS PENSIONS FURTHER
AMENDMENT ACT, 1974.**

Act No. 45, 1974

(3) A foreign Bantu who retires from the Service for any of the reasons mentioned in section 2 (1) (c) shall not be entitled to an annuity, but only to a gratuity.”.

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

(a) by the substitution for subsection (1) of the following subsection:

“(1) If a person has died while he was in the Service and he would, if he had, on the date of his death, been retired because of any fact mentioned in section 2 (1) (c), have been entitled to a pension benefit under this Act, the General Manager, or any officer authorized by the General Manager, may, in his discretion, pay a gratuity equal to three-sixteenths of his basic monthly emoluments at the date of his death in respect of each year of the deceased's service to or for the benefit of any dependant or dependants of the deceased whom such officer may indicate, and such officer may apportion the gratuity among two or more such dependants in such a manner as he deems equitable, and he may pay out the gratuity in such instalments as he deems desirable.”;

Amendment of
section 4 of
Act 26 of 1941,
as amended by
section 3 of
Act 62 of 1962.

(b) by the substitution for subsection (3) of the following subsection:

“(3) If a person who is an annuitant under this Act, dies, his right to the annuity shall lapse; but the General Manager, or any officer authorized by the General Manager, may, in his discretion, pay a gratuity in such instalments as he deems desirable to the dependants of the deceased, calculated in accordance with the provisions of subsection (1) and reduced by the aggregate of all payments of an annuity which the deceased received under this Act prior to his death.”;

(c) by the addition of the following subsection:

“(4) If a person who is entitled to a gratuity or portion of a gratuity under this Act, dies before payment can be made to him, his right to payment shall lapse, but the General Manager, or any officer authorized by the General Manager, may, in his discretion, make such payment to the dependants of the deceased. Such officer may apportion the amount among two or more such dependants in such a manner as he deems equitable, and he may pay it out in such instalments as he deems desirable.”.

5. Section 5 of the principal Act is hereby amended by the substitution for the word “pension”, wherever it occurs, of the words “pension benefit”.

Amendment of
section 5 of
Act 26 of 1941,
as amended by
section 31 of
Act 44 of 1959.

6. Section 6 of the principal Act is hereby repealed.

Repeal of
section 6 of
Act 26 of 1941.

7. The following section is hereby substituted for section 7 of the principal Act:

“Regulations. 7. The Minister may, in consultation with the Railway Board, make regulations not inconsistent with this Act or any other Act to provide for the

Substitution of
section 7 of
Act 26 of 1941,
as amended by
section 4 of
Act 6 of 1965.

Wet No. 45, 1974**VERDERE WYSIGINGSWET OP SPOORWEG- EN
HAWEPENSIOENE, 1974.**

- die verskillende vereistes van bepaalde kategorieë van dienare en voordeeltrekkers te voldoen, en oor die algemeen vir die doelmatige verwesenliking van die oogmerke en doelstellings van hierdie Wet. Sodanige regulasies asook enige ander regulasies wat volgens voorskrif van hierdie Wet uitgevaardig is, kan deur die Minister, in oorleg met die Spoorwegraad, gewysig word en enige sodanige wysiging word van krag vanaf 'n datum bepaal deur die Minister. Enige regulasies wat kragtens hierdie Wet uitgevaardig word, en enige wysiging daarvan, kan met terugwerkende krag uitgevaardig word vanaf 'n datum wat nie vroeer is as die datum waarop hierdie Wet in werking tree nie.”.
- 8. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:**
- „Pensioen-voordele kan nie gesedeer of in beslag geneem word nie.
- 8. Die bepalings van artikel 6 van die Spoorweg- en Hawepensioenwet, 1971 (Wet No. 35 van 1971), is vir sover hulle toepaslik is, van toepassing *mutatis mutandis* in verband met 'n pensioenvoordeel of 'n reg tot 'n pensioenvoordeel ingevolge hierdie Wet.”.**
- 9. Die volgende artikel 8A word hierby in die Hoofwet ingevoeg:**
- „Toepassing 8A. Hierdie Wet en enige wysiging daarvan is van Wet op ook in die gebied Suidwes-Afrika, insluitende die Oostelike Caprivi Zipfel, van toepassing.”.
- 10. Hierdie Wet heet die Verdere Wysigingswet op Spoorweg- en Hawepensioene, 1974, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.**

RAILWAYS AND HARBOURS PENSIONS FURTHER
AMENDMENT ACT, 1974.

Act No. 45, 1974

different requirements of particular categories of servants and beneficiaries, and generally for the efficient achievement of the objects and purposes of this Act. Such regulations as well as any other regulations made in terms of this Act may be amended by the Minister, in consultation with the Railway Board, and any such amendment shall come into operation from a date to be specified by the Minister. Any regulations made in terms of this Act and any amendment thereof may be made with retrospective effect from a date not earlier than the date on which this Act comes into operation.”.

- 8.** The following section is hereby substituted for section 8 of the principal Act:

“Pension benefits cannot be ceded or attached in execution. right to a pension benefit under this Act.”.

8. The provisions of section 6 of the Railways and Harbours Pensions Act, 1971 (Act No. 35 of 1971), shall, in so far as they are applicable, apply *mutatis mutandis* in connection with a pension benefit or a right to a pension benefit under this Act.”.

- 9.** The following section 8A is hereby inserted in the principal Act:

“Application of Act to South West Africa. This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.”.

- 10.** This Act shall be called the Railways and Harbours Pensions Further Amendment Act, 1974, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Substitution of section 8 of Act 26 of 1941,

as amended by section 5 of Act 6 of 1965 and section 3 of Act 85 of 1971.

Insertion of section 8A in Act 26 of 1941.

Short title and commencement.

RAILWAYS AND HARBOURS BILL TOGETHER
AMENDMENT ACT, 1941

greatest disturbance of business interests of
seafarers and pensioners, and especially for the
religious community of this place, any process of
the Act, save for the removal of the Act as far
as it may be
legislation made in terms of the Act may be
swallowed up by the Minister of Colonies with the
Railway Board, and thus render unnecessary some
of the objection now to the effect that the Act
will give authority which is not in terms of the Act
and such legislation may be made with
less specific effect than a bill of a specific plan the
case of which this Act of course, no objection.

8. The following section is hereby amended for section 8 of
section 8 of
the Railways Act:
Act 56 of 1941
8. The following section is hereby added to the Railways and
Harbours Act, 1931 (Act No. 35 of 1931)
Act 6 of 1931
- After section 7 of
the Railways and Harbours Act, 1931, is inserted the following section:
Act 28 of 1941
- 8A. This Act shall have the same force and effect as if it had been
enacted in the year of the passing of section 8 of
the Railways and Harbours Act, 1931, and shall come into
force on a day to be appointed by the Minister of
Works and Public Buildings.
9. The following section is hereby inserted in the Railways and
Harbours Act:
Act 35 of 1941
- 9A. This Act shall have the same force and effect as if it had been
enacted in the year of the passing of section 8 of
the Railways and Harbours Act, 1931, and shall come into
force on a day to be appointed by the Minister of
Works and Public Buildings.
10. This Act shall be called the Railways and Harbours Bill to
be enacted under Authority of Parliament Act, 1931, and shall come into
operation on a date fixed by the Minister of Works and
Public Buildings.