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GOVERNMENT GAZETTE

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[No. 7039

KAAPSTAD, 30 MEI 1980

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1086.

30 May 1980.

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

No. 67 of 1980: Railways and Harbours Acts Amendment Act, 1980.

No. 1086.

30 Mei 1980.

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

No. 67 van 1980: Wysigingswet op Spoorweg- en Hawewette, 1980.

Wet No. 67, 1980

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

■ Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van artikel 1 van die Wysigingswet op Spoorweg- en Hawepensioene, 1941, om die woordomskravings van „inkomste” en „Spoorwegraad” te wysig; tot wysiging van artikel 1 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, om sekere nuwe woordomskravings in te voeg; tot invoeging van artikel 1A in gemelde Wet om voorsiening te maak vir die wyse waarop die spoorweë en hawens bedryf moet word; tot wysiging van artikel 2 van gemelde Wet om verwysing na die Grondwet van die Republiek van Suid-Afrika, 1961, te skrap; tot invoeging van artikel 3A in gemelde Wet om vir die bou van spoorweë, hawens en hawewerke voorsiening te maak; tot invoeging van artikel 20 in en tot wysiging van artikel 37 van gemelde Wet om die gebruik van die Administrasie se verpakingsertifikaat op pakke, verpakking en houters te beheer en enige wangebruik daarvan strafbaar te maak; tot wysiging van artikels 57A en 57C van gemelde Wet om die beginsels daarvan in ooreenstemming te bring met dié vervat in die Polisiewet, 1958; tot wysiging van artikel 1 van die Wet op Belasting op Spoorwegeiendom, 1959, om die woordomskraving van „Administrasie” te wysig; tot wysiging van artikel 1 van die Wet op Spoorweg- en Hawediens, 1960, om die woordomskraving van „inkomste” te wysig; tot wysiging van artikel 19 van gemelde Wet om voorsiening te maak vir die betaling van dienare gedurende skorsingstydperke; tot wysiging van die opskrif van Deel VIII en tot herroeping van artikels 99, 102, 103, 104, 104A, 105 en 106 van die Grondwet van die Republiek van Suid-Afrika, 1961; tot vervanging van artikel 2 van die Spoorwegraadwet, 1962, om vir aangeleenthede rakende die Spoorweg- en Haweraad voorsiening te maak; tot wysiging van artikels 4 (1) (c) en 4 (2) (a) van gemelde Wet, artikel 1 van die Wet op Staatskuld-kommissaris, 1969, en artikel 27 van die Skatkis- en Ouditwet, 1975, en tot vervanging van artikels 2C, 9 en 15 en tot wysiging van artikels 4 (3) (b) en 16 van die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977, ten einde die bepalings betreffende die aanwending van fondse vir die Administrasie se kapitaalprogram te wysig; tot wysiging van artikels 4 (1) (j) en 4 (2) van die Spoorwegraadwet, 1962, om verwysing na die Grondwet van die Republiek van Suid-Afrika, 1961, te skrap en in ooreenstemming met bestaande wetgewing te bring; tot wysiging van artikel 1 van die Spoorweg- en Hawepensioenwet, 1971, en van artikel 1 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974, om die woordomskravings van „inkomste” en „Spoorwegraad” te wysig; tot wysiging van artikel 1 van die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977, om die woordomskraving van „Fonds” of „die Fonds” te wysig en 'n nuwe woordomskraving van „Spoorweg- en Haweraad” in te voeg; tot invoeging van

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend section 1 of the Railways and Harbours Pensions Amendment Act, 1941, so as to amend the definitions of "Railway Board" and "revenue"; to amend section 1 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, so as to insert certain new definitions; to insert section 1A in the said Act so as to provide for the manner in which the Railways and Harbours are to be administered; to amend section 2 of the said Act so as to delete reference to the Republic of South Africa Constitution Act, 1961; to insert section 3A in the said Act so as to provide for the construction of railways, harbours and harbour works; to insert section 20 in and to amend section 37 of the said Act so as to control the Administration's packaging certificate on packs, packaging and containers and to make any misuse thereof punishable by law; to amend sections 57A and 57C of the said Act so as to bring the principles thereof into line with those contained in the Police Act, 1958; to amend section 1 of the Rating of Railway Property Act, 1959, so as to amend the definition of "Administration"; to amend section 1 of the Railways and Harbours Service Act, 1960, so as to amend the definition of "revenue"; to amend section 19 of the said Act so as to provide for the payment of servants during periods of suspension; to amend the heading of Part VIII and to repeal sections 99, 102, 103, 104, 104A, 105 and 106 of the Republic of South Africa Constitution Act, 1961; to substitute section 2 of the Railway Board Act, 1962, so as to provide for matters incidental to the Railways and Harbours Board; to amend sections 4 (1) (c) and 4 (2) (a) of the said Act, section 1 of the Public Debt Commissioners Act, 1969, and section 27 of the Exchequer and Audit Act, 1975, and to substitute sections 2C, 9 and 15 and to amend sections 4 (3) (b) and 16 of the Railways and Harbours Finances and Accounts Act, 1977, so as to amend the provisions regarding the use of funds for the Administration's capital programme; to amend sections 4 (1) (j) and 4 (2) of the Railway Board Act, 1962, so as to delete reference to the Republic of South Africa Constitution Act, 1961, and to bring them into line with existing legislation; to amend section 1 of the Railways and Harbours Pensions Act, 1971, and section 1 of the Railways and Harbours Pensions for Non-Whites Act, 1974, so as to amend the definitions of "Railway Board" and "revenue"; to amend section 1 of the Railways and Harbours Finances and Accounts Act, 1977, so as to amend the definition of "Fund" or "the Fund", and to insert a new definition of "Railways and Harbours Board"; to insert a new section 2 in the said Act so as to provide for the Railway and Harbour Fund; to insert section 2A in the said Act so as to provide for the establishment of a fund for maintaining

Wet No. 67, 1980

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1980

'n nuwe artikel 2 in gemelde Wet om vir die Spoorweg- en Hawefonds voorsiening te maak; tot invoeging van artikel 2A in gemelde Wet om vir die instelling van 'n fonds ter handhawing van eenvormige tariewe voorsiening te maak; tot invoeging van artikel 2B in gemelde Wet om vir 'n Inkomstereserwe voorsiening te maak; tot invoeging van artikel 2D in gemelde Wet om vir die vergoeding ten opsigte van tekorte in die Spoorweg- en Hawefonds voorsiening te maak; tot vervanging van artikel 3 van gemelde Wet om die bepalings aangaande die gebruik van die Spoorweg- en Hawerekening te wysig; tot wysiging van artikel 4 (1) van gemelde Wet om verwysing na die Grondwet van die Republiek van Suid-Afrika, 1961, te skrap; en om vir ander aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Mei 1980.)

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

Wysiging van artikel 1 van Wet 26 van 1941, soos gewysig deur artikel 2 van Wet 6 van 1965, artikel 2 van Wet 85 van 1971 en artikel 1 van Wet 45 van 1974.

1. Artikel 1 van die Wysigingswet op Spoorweg- en Hawepensioene, 1941, word hierby gewysig—
 - (a) deur die omskrywing van „inkomste” deur die volgende omskrywing te vervang:

„(vi) „inkomste” die inkomste vermeld in artikel 1 van die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977 (Wet No. 48 van 1977); (xiii)”; en
 - (b) deur die omskrywing van „Spoorwegraad” deur die volgende omskrywing te vervang:

„(xvi) „Spoorwegraad” die Spoorweg- en Haweraad vermeld in artikel 2 van die Spoorwegraadwet, 1962 (Wet No. 73 van 1962); (xi)”.

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, artikel 5 van Wet 62 van 1962, artikels 11 en 44 van Wet 6 van 1965, artikel 2 van Wet 24 van 1971, artikel 2 van Wet 44 van 1974, artikel 1 van Wet 8 van 1976, artikel 1 van Wet 69 van 1977 en artikel 1 van Wet 80 van 1979.

2. Artikel 1 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (hierna „die Beheer- en Bestuurwet” genoem), word hierby gewysig—
 - (a) deur in subartikel (1) na die omskrywing van „Minister” die volgende omskrywing in te voeg:

„(ixA) „Ouditeur-generaal” die persoon wat ingevolge artikel 41 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), as sodanig aangestel is; (iiA)”; en
 - (b) deur in subartikel (1) na die omskrywing van „spoorweg” die volgende omskrywings in te voeg:

„(xxA) „Spoorweg- en Hawefonds” die fonds ingestel kragtens artikel 2 van die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977 (Wet No. 48 van 1977); (xivA);

(xxB) „Spoorweg- en Haweraad” die raad vermeld in artikel 2 van die Spoorwegraadwet, 1962 (Wet No. 73 van 1962); (xvA);

(xxC) „Staatsinkomstefonds” die fonds vermeld in artikel 98 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961); (xixA)”.

Invoeging van artikel 1A in Wet 70 van 1957.

3. Die volgende artikel word hierby na artikel 1 van die Beheer- en Bestuurwet ingevoeg:
 - 1A. (1) Die spoorweë en hawens van die Republiek word volgens handelsbeginsels bestuur met behoorlike inagneming van die ekonomiese belange en totale vervoerbehoefes van die Republiek.
 - (2) (a) Sover moontlik moet die totale inkomste van die spoorweë en hawens nie meer wees nie

„Spoorweë en Hawens word volgens handelsbeginsels bestuur.

(2) (a) Sover moontlik moet die totale inkomste van die spoorweë en hawens nie meer wees nie

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1980

Act No. 67, 1980

uniformity of rates; to insert section 2B in the said Act so as to provide for a Revenue Reserve; to insert section 2D in the said Act so as to provide for the making good of deficiencies in the Railway and Harbour Fund; to substitute section 3 of the said Act so as to amend the provisions concerning the use of the Railway and Harbour Account; to amend section 4 (1) of the said Act so as to delete reference to the Republic of South Africa Constitution Act, 1961; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 16 May 1980.)

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

1. Section 1 of the Railways and Harbours Pensions Amendment Act, 1941, is hereby amended—
 - (a) by the substitution for the definition of "Railway Board" of the following definition:

“(xi) ‘Railway Board’ means the Railways and Harbours Board referred to in section 2 of the Railway Board Act, 1962 (Act No. 73 of 1962); (xvi)’”; and
 - (b) by the substitution for the definition of "revenue" of the following definition:

“(xiii) ‘revenue’ means the revenue referred to in section 1 of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977); (vi)’”.
2. Section 1 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (hereinafter called "the Control and Management Act"), is hereby amended—
 - (a) by the insertion, in subsection (1), after the definition of "Administration's jurisdiction", of the following definition:

“(iiA) ‘Auditor-General’ means the person appointed as such in terms of section 41 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975); (ixA)’”; and
 - (b) by the insertion, in subsection (1), after the definition of "railway", of the following definition:

“(xivA) ‘Railway and Harbour Fund’ means the fund established in terms of section 2 of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977); (xxA)’”; and
 - (c) by the insertion, in subsection (1), after the definition of "railways", of the following definition:

“(xvA) ‘Railways and Harbours Board’ means the board referred to in section 2 of the Railway Board Act, 1962 (Act No. 73 of 1962); (xxB)’”; and
 - (d) by the insertion, in subsection (1), after the definition of "ship", of the following definition:

“(xixA) ‘State Revenue Fund’ means the fund referred to in section 98 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (xxC)’”.
3. The following section is hereby inserted after section 1 of the Control and Management Act:

1A. (1) The railways and harbours of the Republic shall be administered on business principles with due regard to the economic interests and total transport needs of the Republic.

(2) (a) So far as may be possible, the total earnings of the railways and harbours shall not be more

Amendment of section 1 of Act 26 of 1941, as amended by section 2 of Act 6 of 1965, section 2 of Act 85 of 1971 and section 1 of Act 45 of 1974.

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, section 5 of Act 62 of 1962, sections 11 and 44 of Act 6 of 1965, section 2 of Act 24 of 1971, section 2 of Act 44 of 1974, section 1 of Act 8 of 1976, section 1 of Act 69 of 1977 and section 1 of Act 80 of 1979.

Insertion of section 1A in Act 70 of 1957.

“Railways and harbours to be administered on business principles.

Wet No. 67, 1980

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1980

as wat nodig is vir die bestryding van die nodige uitgawes aan eksploitasie, kapitaalkoste, en bydraes tot die inkomstereserwe ingestel kragtens artikel 2B van die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977 (Wet No. 48 van 1977).

- (b) Die bedrag van die rente verskuldig op leningsfondse wat uit die Staatsinkomstefonds vir doeleindes van die spoorweë en hawens bewillig is, word uit die Spoorweg- en Hawefonds in die Staatsinkomstefonds gestort."

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, artikel 2 van Wet 54 van 1964, artikels 12 en 44 van Wet 6 van 1965, artikel 1 van Wet 60 van 1968, artikel 3 van Wet 32 van 1969, artikel 3 van Wet 24 van 1971, artikel 3 van Wet 44 van 1974, artikel 5 van Wet 46 van 1975, artikel 26 van Wet 48 van 1977, artikel 2 van Wet 69 van 1977 en artikel 2 van Wet 80 van 1979.

4. Artikel 2 van die Beheer- en Bestuurwet word hierby gewysig—

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

„(1) om roerende of onroerende goed, met inbegrip van water, skepe, serwitute en ander regte, vir die doeleindes van 'n bedrywigheid wat die Administrasie wettig kan onderneem, te verkry, onteien, neem, huur, koop, eksploiteer, besit, verkoop, af te lewer, oor te dra of andersins wettig van die hand te sit, om sodanige goed vir enige doeleindes te verhuur, en om voordeel daaruit te trek: Met dien verstande dat hierdie bevoegdheid uitgeoefen word ooreenkomstig **[die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), en]** die bepalings van die toepaslike wet (as daar een is) betreffende die onteiening of gebruik van grond of water, en onderworpe aan alle wettig opgelegde verpligtings betreffende sodanige goed;”

- (b) deur subartikel (17) deur die volgende subartikel te vervang:

„(17) om met inagneming van die bepalings van **[die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961),]** die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977 (Wet No. 48 van 1977), of van enige ander wet, die geldsake van die Administrasie te beheer;”

Invoeging van artikel 3A in Wet 70 van 1957.

5. Die volgende artikel word hierby na artikel 3 van die Beheer- en Bestuurwet ingevoeg:

„Bou van spoorweë, hawens en hawewerke.

3A. (1) Behalwe soos anders bepaal word in artikel 2 (6) van hierdie Wet, word geen spoorweg vir die vervoer van openbare verkeer en geen hawe of soortgelyke werk sonder die goedkeuring van die Parlement gebou nie.

(2) Elke voorstel vir die bou van 'n hawe of hawewerke of van 'n spoorlyn word, voordat dit aan die Parlement voorgelê word, deur die Spoorweg- en Haweraad oorweeg, wat daarvoor verslag moet doen en advies moet gee of die voorgestelde werke of spoorlyn gebou behoort te word al dan nie.

(3) Indien sodanige werke of spoorlyn in stryd met die advies van die raad gebou word, en as die raad van oordeel is dat die bedryfsinkomste van dié werke of lyn onvoldoende sal wees om die eksploitasie- en kapitaalkoste daarvan te bestry, moet 'n bedrag gelykstaande met die werklike verlies in 'n boekjaar gely, na sertifisering deur die Ouditeur-generaal, jaarliks uit die Staatsinkomstefonds in die Spoorweg- en Hawefonds gestort word."

Invoeging van artikel 20 in Wet 70 van 1957.

6. Die volgende artikel word hierby na artikel 19 van die Beheer- en Bestuurwet ingevoeg:

„Verpakkingsertifikaat op

20. (1) Geen vervaardiger van enige verpakking mag 'n sertifikaat op 'n pak, verpakking of houër aanbring wat voorgee die verpakkingsertifikaat van

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1980

Act No. 67, 1980

than are sufficient to meet the necessary outlays for exploitation, capital costs, and contributions to the revenue reserve established in terms of section 2B of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977).

(b) The amount of interest due on loan funds appropriated from the State Revenue Fund for the purposes of the railways and harbours shall be paid over from the Railway and Harbour Fund into the State Revenue Fund."

4. Section 2 of the Control and Management Act is hereby amended—

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

"(1) to acquire, expropriate, take, hire, purchase work, hold, sell, deliver, transfer or otherwise lawfully dispose of property, whether movable or immovable, including water, ships, servitudes and other rights, for the purposes of any activity in which the Administration may lawfully engage, and to lease any such property for any purposes, and turn the same to account: Provided that this power shall be exercised in accordance with **[the provisions of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and]** the provisions of the relevant law (if any) relating to the expropriation or use of land or water and subject to any obligations lawfully imposed affecting such property;"

(b) by the substitution for subsection (17) of the following subsection:

"(17) subject to the provisions of **[the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961),]** the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977), or of any other law, to control the finances of the Administration;"

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, section 2 of Act 54 of 1964, sections 12 and 44 of Act 6 of 1965, section 1 of Act 60 of 1968, section 3 of Act 32 of 1969, section 3 of Act 24 of 1971, section 3 of Act 44 of 1974, section 5 of Act 46 of 1975, section 26 of Act 48 of 1977, section 2 of Act 69 of 1977 and section 2 of Act 80 of 1979.

5. The following section is hereby inserted after section 3 of the Control and Management Act:

Insertion of section 3A in Act 70 of 1957.

3A. (1) Save as provided in section 2 (6) of this Act, no railway for the conveyance of public traffic, and no harbour or similar work, shall be constructed without the sanction of Parliament.

(2) Every proposal for the construction of any harbour or harbour works or of any line of railway shall, before being submitted to Parliament, be considered by the Railways and Harbours Board, which shall report thereon, and shall advise whether the proposed works or line of railway should or should not be constructed.

(3) If any such works or line is constructed contrary to the advice of the board, and if the board is of opinion that the revenue derived from the operation of such works or line is insufficient to meet the exploitation and capital costs thereof, an amount equal to the actual loss sustained during a financial year shall, after certification by the Auditor-General, be paid over annually from the State Revenue Fund to the Railway and Harbour Fund."

6. The following section is hereby inserted after section 19 of the Control and Management Act:

Insertion of section 20 in Act 70 of 1957.

20. (1) No manufacturer of any packaging may imprint a certificate on a pack, packaging or container purporting to be the packaging certificate of the

"Packaging certificate on packs, pack-

Wet No. 67, 1980

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1980

pakke, ver-
pakking en
houers.

die Administrasie te wees soos voorgeskryf in die regulasies nie terwyl sodanige pak, verpakking of houer nie voldoen aan die verpakkingsvereistes soos voorgeskryf in die regulasies nie.

(2) Indien sodanige sertifikaat op enige pak, verpakking of houer aangebring word wat nie aan die Administrasie se voorgeskrewe verpakkingsvereistes voldoen nie, moet die vervaardiger of vuller van sodanige pak, verpakking of houer die verpakkingssertifikaat uitwis of kanselleer wanneer die Administrasie hom aansê om dit te doen.”

Wysiging van
artikel 37 van
Wet 70 van 1957,
soos gewysig deur
artikel 6 van
Wet 39 van 1963,
artikel 26 van
Wet 6 van 1965
en artikel 5 van
Wet 32 van 1969.

7. Artikel 37 van die Beheer- en Bestuurwet word hierby gewysig deur die volgende paragrawe na paragraaf (e) in te voeg:

„(f) ’n sertifikaat soos in artikel 20 (1) bedoel, aanbring;
(g) versuim om ’n sertifikaat op ’n pak, verpakking of houer soos bedoel in artikel 20 (2), uit te wis of te kanselleer.”

Wysiging van
artikel 57A van
Wet 70 van 1957,
soos ingevoeg deur
artikel 5 van
Wet 47 van 1973.

8. Artikel 57A van die Beheer- en Bestuurwet word hierby gewysig deur na subartikel (4) die volgende subartikels in te voeg:

„(5) Ondanks andersluidende wetsbepalings kan ’n lid van die Mag by die verrigting van die in subartikel (1) bedoelde werksaamhede, sonder lasbrief enige persoon, perseel, ander plek, voertuig, vaartuig of vliegtuig of enige houer van water aard ook al op enige plek in die Republiek binne ’n afstand van tien kilometer vanaf enige grens tussen die Republiek en ’n vreemde Staat of gebied visenteer en enige voorwerp in beslag neem wat hy op bedoelde persoon of op of by of in bedoelde perseel, ander plek, voertuig, vaartuig, vliegtuig of houer vind.

(6) Die Staatspresident kan in geval van oorlog of ander noodtoestand, die Mag of enige deel daarvan gebruik om in verband met die verdediging van die Republiek te dien, hetsy binne of buite die Republiek, en kan die Mag of ’n deel daarvan wat aldus dien onder die bevel en beheer stel van ’n persoon wat die Staatspresident daartoe aanstel.”

Wysiging van
artikel 57C van
Wet 70 van 1957,
soos ingevoeg deur
artikel 12 van
Wet 64 van 1978.

9. Artikel 57C van die Beheer- en Bestuurwet word hierby gewysig—

(a) deur subartikels (2) en (3) deur die volgende subartikels te vervang:

„(2) (a) Elke in subartikel (1) bedoelde lid van die Polisie-reserwe moet binne drie maande na die inwerkingtreding van hierdie artikel of binne drie maande nadat hy so ’n lid geword het, ’n polisiebeampte wat deur die Kommissaris van die Mag aangewys word, skriftelik van sy naam en [adres] woonadres in kennis stel.

(b) Elke lid van die Polisie-reserwe moet binne veertien dae na ’n verandering van sy [adres] woonadres genoemde polisiebeampte skriftelik daarvan in kennis stel.

(c) By vervolging van [so] ’n lid van die Polisie-reserwe weens ’n oortreding van ’n bepaling van paragraaf (a) of (b), word die betrokke lid geag nie genoemde polisiebeampte van sy naam en [adres] woonadres of van ’n verandering van sy [adres] woonadres in kennis te gestel het nie, tensy [hy

(i) ’n erkenning deur genoemde polisiebeampte van sy kennisgewing van sy naam en adres of van ’n verandering van sy adres, na gelang van omstandighede, toon; of
(ii) ander] bewys ten genoëe van die hof [lewer] gelewer word dat [hy inderdaad

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1980

Act No. 67, 1980

aging and
containers.

Administration as prescribed in the regulations whilst such pack, packaging or container does not comply with the packaging requirements as prescribed in the regulations.

- 5 (2) Should such certificate be imprinted on any pack, packaging or container which does not comply with the packaging requirements prescribed by the Administration, the manufacturer or user of such pack, packaging or container shall obliterate or cancel
- 10 such certificate when the Administration orders him to do so."

7. Section 37 of the Control and Management Act is hereby amended by the insertion after paragraph (e) of the following paragraphs:

- 15 "(f) imprints a certificate as contemplated in section 20 (1);
(g) fails to obliterate or cancel a certificate on a pack, packaging or container as contemplated in section 20 (2)."

Amendment of section 37 of Act 70 of 1957, as amended by section 6 of Act 39 of 1963, section 26 of Act 6 of 1965 and section 5 of Act 32 of 1969.

8. Section 57A of the Control and Management Act is hereby amended by the insertion after subsection (4) of the following subsections:

- 20 "(5) Notwithstanding anything to the contrary in any law contained, any member of the Force may, in the performance of the functions referred to in subsection (1), search without
- 25 warrant any person, premises, other place, vehicle, vessel or aircraft, or any receptacle of whatever nature, at any place in the Republic within a distance of ten kilometres of any border between the Republic and any foreign State or territory and seize anything found by him upon such person or upon or at or in such premises, other place, vehicle,
- 30 vessel, aircraft or receptacle.

Amendment of section 57A of Act 70 of 1957, as inserted by section 5 of Act 47 of 1973.

- 35 (6) The State President may in the event of war or other emergency, employ the Force or any part thereof to assist in the defence of the Republic, whether within or outside the Republic, and may place the Force or any part thereof, while so employed, under the orders and directions of such person as the State President may for that purpose appoint."

9. Section 57C of the Control and Management Act is hereby amended—

- 40 (a) by the substitution for subsections (2) and (3) of the following subsections:

45 "(2) (a) Every member of the Police Reserve referred to in subsection (1) shall in writing notify an officer designated by the Commissioner of the Force, of his name and residential address within three months after the commencement of this section or within three months after he has become such a member.

50 (b) Every member of the Police Reserve shall in writing notify the said officer of any change of his residential address within fourteen days of such change.

55 (c) In any prosecution of any [such] member of the Police Reserve for a contravention of any provision of paragraph (a) or (b), the member concerned shall be deemed not to have notified the said officer of his name and residential address or of any change of his residential address, unless [he—

60 (i) produces an acknowledgement by the said officer of his notice of his name and address or of any change of his address, as circumstances may require; or

(ii) adduces other proof to the satisfaction of the court is adduced that [he has in fact

Amendment of section 57C of Act 70 of 1957, as inserted by section 12 of Act 64 of 1978.

Wet No. 67, 1980

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1980

genoemde polisiebeampte van sy naam en adres of van 'n verandering van sy adres, na gelang van omstandighede, in kennis gestel het] die betrokke lid inderdaad aan so 'n bepaling voldoen het of alle redelike stappe 5
gedoen het om daaraan te voldoen.

(3) Die Minister of 'n offisier wat op sy gesag handel, kan van tyd tot tyd, by skriftelike kennisgewing, deur die pos bestel of oorhandig, 'n lid van die Polisie-reserwe, behalwe 'n lid wat die ouderdom van vyf- 10
en-sestig jaar bereik het, beveel om hom vir diens aan te meld by die polisiebeampte in bevel van 'n polisiestasie wat in die kennisgewing vermeld word en op die tyd en vir die tydperk wat aldus vermeld word: Met dien verstande dat die Minister of so 'n offisier so 'n lid kan 15
vrystel van 'n verpligting wat hom ingevolge hierdie artikel opgelê is of hom uitstel van die nakoming daarvan kan gee of so 'n lid uit die Polisie-reserwe kan ontslaan of afdank.'';

(b) deur subartikel (9) deur die volgende subartikel te 20
vervang:

„(9) Geen bepaling van hierdie artikel word so uitgelê nie dat dit 'n persoon wat by die beëindiging van sy diens in die Mag minder as **[twaalf maande]** vier jaar aldus diens gedoen het of 'n lid van die 25
Polisie-reserwe wat ingevolge hierdie artikel van diens in die Mag vrygestel is of uit die Mag ontslaan of afgedank is, vrystel van die bepalings van die Verdedigingswet, 1957.'’.

Wysiging van
artikel 1 van
Wet 25 van 1959,
soos gewysig deur
artikel 32 van
Wet 65 van 1976.

10. Artikel 1 van die Wet op Belasting op Spoorwegeiendom, 30
1959, word hierby gewysig deur die omskrywing van „Admini-
strasie” deur die volgende omskrywing te vervang:

„(i) „Administrasie” die gesag wat kragtens die Spoorweg-
raadwet, 1962 (Wet No. 73 van 1962), die spoorweë
en hawens van die Republiek administreer en eksplo- 35
teer; (i)’’.

Wysiging van
artikel 1 van
Wet 22 van 1960,
soos gewysig deur
artikel 11 van
Wet 62 van 1961,
artikel 7 van
Wet 7 van 1963,
artikels 45 en 60
van Wet 6 van 1965,
artikel 4 van
Wet 8 van 1968,
artikel 4 van
Wet 85 van 1971
en artikel 5 van
Wet 8 van 1976.

11. Artikel 1 van die Wet op Spoorweg- en Hawediens, 1960
(hierna „die Dienswet” genoem), word hierby gewysig deur in
subartikel (1) die omskrywing van „inkomste” deur die volgende 40
omskrywing te vervang:

„(ix) „inkomste” die inkomste vermeld in artikel 1 van die
Wet op Finansies en Rekenings van die Spoorweë en
Hawens, 1977 (Wet No. 48 van 1977); (xviii)’’.

Wysiging van
artikel 19 van
Wet 22 van 1960,
soos gewysig deur
artikel 1 van
Wet 43 van 1960,
artikel 9 van
Wet 7 van 1963
en artikel 5 van
Wet 54 van 1964
en vervang deur
artikel 5 van
Wet 33 van 1972.

12. Artikel 19 van die Dienswet word hierby gewysig deur
subartikel (3) (c) deur die volgende subartikel te vervang: 45

“(c) As 'n dienaar deur die hof vrygespreek of die strafregte-
like aanklag teruggetrek word, word hy vir die tydperk
van skorsing betaal tensy—

(i) tugstappe teen hom gedoen word ooreenkomstig
subartikel (4)I; of 50

(ii) 'n amptenaar wat bevoeg is om tugstappe teen
die dienaar te doen, volgens goeddunke besluit
dat die dienaar nie betaal moet word nie vir die
hele tydperk van skorsing of 'n gedeelte daar-
van, in welke geval enige gedeelte van genoemde 55
tydperk waarvoor die dienaar nie betaal word
nie, behandel moet word of as afwesigheidsver-
lof op rekening van enige verlof met betaling
wat aan die dienaar verskuldig mag wees, of as
verlof sonder betaling, of gedeeltelik as verlof 60

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1980

Act No. 67, 1980

notified the said officer of his name and address or of any change of his address, as circumstances may require] the member concerned did in fact comply with such provision or took all reasonable steps to comply therewith.

(3) The Minister or any commissioned officer acting under his authority may, from time to time, by notice in writing, sent by post or delivered, order any member of the Police Reserve, other than a member who has attained the age of sixty-five years, to report for service to the officer in charge of such police station as may be specified in such notice, and at such time and for such period as may be so specified: Provided that the Minister or any such commissioned officer may exempt any such member from any obligation imposed upon him in terms of this section or may grant him an extension of time to comply therewith or may discharge or dismiss any such member from the [Force] Police Reserve.”;

(b) by the substitution for subsection (9) of the following subsection:

“(9) No provision of this section shall be so construed as to exempt any person who at the termination of his service in the Force has served as such for a period of less than [twelve months] four years or any member of the Police Reserve who in terms of this section is exempted from service in the Force or discharged or dismissed from the Force, from the provisions of the Defence Act, 1957.”.

10. Section 1 of the Rating of Railway Property Act, 1959, is hereby amended by the substitution for the definition of “Administration” of the following definition:

“(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)”.

Amendment of section 1 of Act 25 of 1959, as amended by section 32 of Act 65 of 1976.

11. Section 1 of the Railways and Harbours Service Act, 1960 (hereinafter called “the Service Act”), is hereby amended by the substitution, in subsection (1), for the definition of “revenue” of the following definition:

“(xviii) ‘revenue’ means the revenue referred to in section 1 of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977); (ix)”.

Amendment of section 1 of Act 22 of 1960, as amended by section 11 of Act 62 of 1961, section 7 of Act 7 of 1963, sections 45 and 60 of Act 6 of 1965, section 4 of Act 8 of 1968, section 4 of Act 85 of 1971 and section 5 of Act 8 of 1976.

12. Section 19 of the Service Act is hereby amended by the substitution for subsection (3) (c) of the following subsection:

“(c) If a servant is acquitted by the court or the criminal charge is withdrawn, he shall be paid for the period of suspension unless—

(i) disciplinary action is taken against him in accordance with subsection (4); or

(ii) an officer empowered to take disciplinary action against the servant in his discretion decides that the servant is not to be paid for the whole or any part of the period of suspension, in which event any part of the said period for which the servant is not paid, shall be treated either as leave of absence as against any leave with pay which may be due to the servant, or as leave without

Amendment of section 19 of Act 22 of 1960, as amended by section 1 of Act 43 of 1960, section 9 of Act 7 of 1963 and section 5 of Act 54 of 1964 and substituted by section 5 of Act 33 of 1972.

Wet No. 67, 1980

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1980

met betaling en gedeeltelik as verlof sonder betaling.1."

Wysiging van
Deel VIII van
Wet 32 van 1961,
soos gewysig deur
artikels 18 en 19
van Wet 58 van 1966,
artikel 52 van
Wet 66 van 1975
en artikel 25 van
Wet 48 van 1977.

13. Deel VIII van die Grondwet van die Republiek van Suid-Afrika, 1961, word hierby gewysig—

- (a) deur in die opskrif die woorde „EN SPOORWEE” te skrap;
- (b) deur artikels 99, 102, 103, 104, 104A, 105 en 106 te herroep.

Vervanging van
artikel 2 van
Wet 73 van 1962.

14. Artikel 2 van die Spoorwegraadwet, 1962, word hierby deur die volgende artikel vervang:

„Spoorweg-
en Hawe-
raad.

2. (1) Die Spoorweg- en Haweraad (hierna „die raad” genoem) bedoel in artikel 1 van die Spoorwegraadwet, 1916 (Wet No. 17 van 1916), bly onder dieselfde naam voortbestaan.

(2) Die raad bestaan uit hoogstens drie kommissarisse deur die Staatspresident aangestel, en die Minister, wat die voorsitter daarvan is.

(3) ’n Kommissaris beklee sy amp vir ’n tydperk van vyf jaar, maar kan weer aangestel word.

(4) ’n Kommissaris word nie voor die verstryking van sy ampstyd van sy amp onthef nie, behalwe deur die Staatspresident met opgaaf van redes wat by boodskap aan die Senaat en aan die Volksraad meegedeel word binne ’n week na die onthefing as die Parlement in sessie is of, as die Parlement nie in sessie is nie, binne ’n week na die aanvang van die eersvolgende sessie.

(5) Die salarisse van die kommissarisse word deur die Staatspresident vasgestel en word nie tydens hulle onderskeie ampstermyne verminder nie.

(6) Elke verwysing na die raad in ’n wet wat voor die inwerkingtreding van hierdie Wet aangeneem is, word vertolk as ’n verwysing na die raad.

(7) Geen bepaling in hierdie Wet doen afbreuk aan die bevoegdhede wat die raad besit in sy hoedanigheid van finale appelgesag met betrekking tot ’n appel ingevolge artikels 9, 10, 21 en 29 van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), of ingevolge ’n regulasie kragtens daardie Wet uitgevaardig nie.”

Wysiging van
artikel 4 van
Wet 73 van 1962,
soos gewysig deur
artikel 8 van
Wet 33 van 1972,
en artikel 23 van
Wet 8 van 1976.

15. Artikel 4 van die Spoorwegraadwet, 1962, word hierby gewysig—

- (a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

„(c) die begroting van inkomste en uitgawe, insluitende **[leningsuitgawe,]** die kapitaalbegroting, wat van tyd tot tyd aan die Parlement voorgelê moet word;”;

- (b) deur paragraaf (j) van subartikel (1) deur die volgende paragraaf te vervang:

„(j) die beheer van die fonds genoem in artikel **[honderd-en-vier van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961)]** 2A van die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977 (Wet No. 48 van 1977),”;

- (c) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

„(2) Die verslag bedoel in artikel **[honderd-en-vyf van genoemde Grondwet van die Republiek van Suid-Afrika, 1961]** 3A (2) van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), moet ’n volledige en uitvoerige

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1980

Act No. 67, 1980

pay, or partly as leave with pay and partly as leave without pay. 1."

13. Part VIII of the Republic of South Africa Constitution Act, 1961, is hereby amended—

- 5 (a) by the deletion in the heading of the words "AND RAILWAYS";
 (b) by the repeal of sections 99, 102, 103, 104, 104A, 105 and 106.

Amendment of Part VIII of Act 32 of 1961, as amended by sections 18 and 19 of Act 58 of 1966, section 52 of Act 66 of 1975, and section 25 of Act 48 of 1977.

14. The following section is hereby substituted for section 2 of 10 the Railway Board Act, 1962:

Substitution of section 2 of Act 73 of 1962.

"Railways and Harbours Board.

2. (1) The Railways and Harbours Board (hereinafter called 'the board') referred to in section 1 of the Railway Board Act, 1916 (Act No. 17 of 1916), shall continue in existence under the same name.

15 (2) The board shall consist of not more than three commissioners, who shall be appointed by the State President, and the Minister, who shall be chairman.

(3) A commissioner shall hold office for a period of five years, but may be reappointed.

20 (4) A commissioner shall not be removed before the expiration of his period of appointment, except by the State President for cause assigned, which shall be communicated by message to the Senate and to the House of Assembly within one week after the removal, if Parliament is in session, or, if Parliament is not in session, within one week after the commencement of the next ensuing session.

(5) The salaries of the commissioners shall be fixed by the State President and shall not be reduced during their respective terms of office.

30 (6) Every reference to the board in any law passed prior to the commencement of this Act, shall be construed as a reference to the board.

35 (7) Nothing in this Act contained shall detract from any powers possessed by the board in its capacity as the final appellate authority in relation to any appeal under sections 9, 10, 21 and 29 of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), or under any regulation made under that Act."

15. Section 4 of the Railway Board Act, 1962, is hereby 40 amended—

Amendment of section 4 of Act 73 of 1962, as amended by section 8 of Act 33 of 1972 and section 23 of Act 8 of 1976.

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

"(c) the estimates of revenue and expenditure, including **[loan expenditure,]** the capital budget, which are 45 from time to time to be submitted to Parliament;"

- (b) by the substitution for paragraph (j) of subsection (1) of the following paragraph:

"(j) the administration of the fund mentioned in section **[one hundred and four of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961),]** 2A of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977)."; 50

- (c) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

55 "(2) The report mentioned in section **[one hundred and five of the said Republic of South Africa Constitution Act, 1961,]** 3A (2) of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), shall be a full and exhaus-

Wet No. 67, 1980

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1980

verslag wees, vergesel van land- of ander kaarte waarop die rigting van die voorgenome lyn en die plase waaroor dit, na beoog word, sal loop, by benadering aangetoon word, en moet in besonderhede en vir sover moontlik behoorlik ingedeel, uiteensit—"; en 5

- (d) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) die **[kapitaaluitgawe]** uitgawe aan die nuwe lyn of werk bestee te word;”.

Wysiging van artikel 1 van Wet 2 van 1969, soos gewysig deur artikel 23 van Wet 13 van 1974.

16. Artikel 1 van die Wet op die Staatskuldkommissaris, 1969, word hierby gewysig deur die omskrywing van „deposito's” deur die volgende omskrywing te vervang:

„(iii) „deposito's” alle vir belegging beskikbare gelde, behalwe inkomste soos omskryf in die **[Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956)]** Skatkis- en Ouditwet, 15 1975 (Wet No. 66 van 1975), wat deur, vir of ten bate van die Regering van die Republiek ontvang of gehou word, en ook die **[vir belegging beskikbare saldo's van gelde]** surplus-kontant in **[die]** besit van die Spoorweë- en Hawensadministrasie beskikbaar vir 20 belegging, maar nie ook die vir belegging beskikbare gelde in **[die]** besit van die Departement van Pos- en Telekommunikasiewese nie; (iii)”.

Wysiging van artikel 1 van Wet 35 van 1971, soos gewysig deur artikel 9 van Wet 33 van 1972, artikel 15 van Wet 46 van 1975 en artikel 32 van Wet 8 van 1976.

17. Artikel 1 van die Spoorweg- en Hawepensioenwet, 1971, word hierby gewysig— 25

- (a) deur die omskrywing van „inkomste” deur die volgende omskrywing te vervang:

„(xiii) „inkomste” die inkomste vermeld in artikel 1 van die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977 (Wet No. 48 van 30 1977); (xvi)”; en

- (b) deur die omskrywing van „Spoorwegraad” deur die volgende omskrywing te vervang:

„(xxiii) „Spoorwegraad” die Spoorweg- en Haweraad vermeld in artikel 2 van die Spoorwegraadwet, 1962 35 (Wet No. 73 van 1962); (xiv)”.

Wysiging van artikel 1 van Wet 43 van 1974, soos gewysig deur artikel 2 van Wet 89 van 1976.

18. Artikel 1 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974, word hierby gewysig—

- (a) deur die omskrywing van „inkomste” deur die volgende omskrywing te vervang: 40

„(xi) „inkomste” die inkomste vermeld in artikel 1 van die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977 (Wet No. 48 van 1977); (xxi)”; en

- (b) deur die omskrywing van „Spoorwegraad” deur die volgende omskrywing te vervang:

„(xxiv) „Spoorwegraad” die Spoorweg- en Haweraad vermeld in artikel 2 van die Spoorwegraadwet, 1962 (Wet No. 73 van 1962); (xix)”.

Wysiging van artikel 27 van Wet 66 van 1975.

19. Artikel 27 van die Skatkis- en Ouditwet, 1975, word hierby 50 gewysig deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„(1) Geld wat uit die Staatsinkomstefonds as lenings aan die Spoorweg- en Hawe-administrasie bewillig word en wat die Administrasie van tyd tot tyd vir sy **[kapitaaluitgawes]** 55 kapitaalprogram nodig het, word by wyse van aanvraag by die Tesourie verkry, en die Tesourie besluit in watter paaielemente en op watter datums die geld wat aldus aangevra word, aan genoemde Administrasie uitbetaal word, en of dit uitbetaal moet word—”. 60

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1980

Act No. 67, 1980

- tive report accompanied by maps or charts indicating approximately the direction of the proposed line and the farms contemplated to be traversed, and shall set forth in detail and as far as possible categorically—"; and
- 5 (d) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
- "(a) the **capital** expenditure to be incurred on the new line or works;".

16. Section 1 of the Public Debt Commissioners Act, 1969, is hereby amended by the substitution for the definition of "deposits" of the following definition:

Amendment of section 1 of Act 2 of 1969, as amended by section 23 of Act 13 of 1974.

- 15 "(iii) 'deposits' means all moneys available for investment, which may be received or held by, for, or on account of the Government of the Republic (other than revenues as defined in the **Exchequer and Audit Act, 1956 (Act No. 23 of 1956)**) **Exchequer and Audit Act, 1975 (Act No. 66 of 1975)**, and includes **the balances available for investment of moneys** surplus cash held by the Administration of the Railways and Harbours, **available for investment**, but does not include moneys available for investment held by the Department of Posts and Telecommunications; (iii)".

17. Section 1 of the Railways and Harbours Pensions Act, 1971, is hereby amended—

Amendment of section 1 of Act 35 of 1971, as amended by section 9 of Act 33 of 1972, section 15 of Act 46 of 1975 and section 32 of Act 8 of 1976.

- 25 (a) by the substitution for the definition of "Railway Board" of the following definition:
- "(xiv) 'Railway Board' means the Railways and Harbours Board referred to in section 2 of the **Railway Board Act, 1962 (Act No. 73 of 1962); (xxiii)**"; and
- 30 (b) by the substitution for the definition of "revenue" of the following definition:
- "(xvi) 'revenue' means the revenue referred to in section 1 of the **Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977); (xiii)**".

35 18. Section 1 of the Railways and Harbours Pensions for Non-Whites Act, 1974, is hereby amended—

Amendment of section 1 of Act 43 of 1974, as amended by section 2 of Act 89 of 1976.

- (a) by the substitution for the definition of "Railway Board" of the following definition:
- 40 "(xix) 'Railway Board' means the Railways and Harbours Board referred to in section 2 of the **Railway Board Act, 1962 (Act No. 73 of 1962); (xxiv)**"; and
- (b) by the substitution for the definition of "revenue" of the following definition:
- 45 "(xxi) 'revenue' means the revenue referred to in section 1 of the **Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977); (xi)**".

19. Section 27 of the Exchequer and Audit Act, 1975, is hereby amended by the substitution, in subsection (1), for the words preceding subparagraph (a) of the following words:

Amendment of section 27 of Act 66 of 1975.

- 50 "(1) Moneys appropriated out of the State Revenue Fund as loans to the Railways and Harbours Administration and which that Administration requires from time to time for its capital **expenditure** programme, shall be obtained by requisition on the Treasury, and the Treasury shall determine
- 55 in what instalments and on what dates the moneys so requisitioned shall be paid to that Administration and whether it shall be paid—".

Wet No. 67, 1980

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1980

Wysiging van
artikel 1 van
Wet 48 van 1977,
soos gewysig deur
artikel 15 van
Wet 80 van 1979.

20. Artikel 1 van die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977 (hierna „die Wet op Finansies en Rekenings” genoem), word hierby gewysig—

- (a) deur die omskrywing van „Fonds” of „die Fonds” deur die volgende omskrywing te vervang: 5
„(x) „Fonds” of „die Fonds” die Spoorweg- en Hawe-
fonds ingestel kragtens artikel 2 van hierdie Wet;
(ix)”; en
- (b) deur na die omskrywing van „rekenpligtige beampte” die volgende omskrywing in te voeg: 10
„(xviiA) „Spoorweg- en Haweraad” die raad vermeld in
artikel 2 van die Spoorwegraadwet, 1962 (Wet No.
73 van 1962); (xviA)”.

Invoeging van
nuwe artikel 2 in
Wet 48 van 1977.

21. (1) Die volgende nuwe artikel word hierby by Hoofstuk I van die Wet op Finansies en Rekenings ingevoeg: 15

„Spoorweg-
en Hawe-
fonds.

2. (1) Daar is ’n Spoorweg- en Hawefonds waarin alle inkomste soos omskryf in artikel 1 en alle geld verkry as lenings ingevolge artikels 15 en 16 gestort word.

(2) Geen geld word uit die Spoorweg- en Hawefonds getrek nie, behalwe ooreenkomstig ’n wet van die Parlement.” 20

(2) Die bestaande artikel 2 van bedoelde Wet word hernoem tot artikel 2C.

Invoeging van
artikel 2A in
Wet 48 van 1977.

22. Die volgende artikel word hierby na artikel 2 van die Wet 25 op Finansies en Rekenings ingevoeg:

„Instelling
van fonds
ter hand-
hawing van
eenvormige
tariewe.

2A. Ondanks andersluidende bepalings in artikel 1A van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), kan die Spoorweg- en Haweraad uit spoorweg- en hawe-inkomste ’n fonds instel om 30
nieteenstaande skommeling in die verkeer, sover moontlik eenvormige tariewe te handhaaf.”

Invoeging van
artikel 2B in
Wet 48 van 1977.

23. Die volgende artikel word hierby na artikel 2A van die Wet 35 op Finansies en Rekenings ingevoeg:

„Inkomste-
reserwe.

2B. Daar is ’n inkomstereserwe, bestaande uit gelde deur die Parlement bewillig, en wat vir die finansiering van die kapitaalprogram aangewend word.”

Vervanging van
artikel 2C van
Wet 48 van 1977,
soos gewysig deur
artikel 16 van
Wet 80 van 1979.

24. Artikel 2C van die Wet op Finansies en Rekenings word 40 hierby deur die volgende artikel vervang:

„Rekenings
van die
Fonds.

2C. Ten opsigte van die Fonds en enige ander by wet ingestelde fondse waarvan die beheer ingevolge die betrokke wette aan hom opgedra is, moet die Administrasie rekenings hou volgens erkende re- 45
keningkundige beginsels.”

Invoeging van
artikel 2D in
Wet 48 van 1977.

25. Die volgende artikel word hierby na artikel 2C van die Wet 50 op Finansies en Rekenings ingevoeg:

„Vergoe-
ding van
tekorte in
Spoorweg-
en Hawe-
fonds in
sekere ge-
valle.

2D. Indien daar deur die Staatspresident of kragtens ’n Parlements-wet of besluit van die Senaat en die Volksraad van die Spoorweg- en Haweraad vereis word om dienste of fasiliteite te verskaf of gratis of teen ’n tarief wat nie die koste van die verskaffing van bedoelde dienste of fasiliteite dek nie, lê die raad aan die einde van elke boekjaar aan die Parlement ’n rekening voor wat deur die Ouditeur-generaal gesertifiseer is en so na as moontlik die bedrag van die verlies aantoon wat as gevolg van die verskaffing van 55

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1980

Act No. 67, 1980

- 20.** Section 1 of the Railways and Harbours Finances and Accounts Act, 1977 (hereinafter called "the Finances and Accounts Act"), is hereby amended—
- (a) by the substitution for the definition of "Fund" or "the Fund" of the following definition:
- “(ix) ‘Fund’ or ‘the Fund’ means the Railway and Harbour Fund established in terms of section 2 of this Act; (x);” and
- (b) by the insertion, after the definition of "Public Debt Commissioners", of the following definition:
- “(xviA) ‘Railways and Harbours Board’ means the board referred to in section 2 of the Railway Board Act, 1962 (Act No. 73 of 1962); (xviiA)”.
- 21.** (1) The following new section is hereby inserted in Chapter I of the Finances and Accounts Act:
- 2.** (1) There shall be a Railway and Harbour Fund into which shall be paid all revenue as defined in section 1 and all moneys obtained as loans in terms of sections 15 and 16.
- (2) No moneys shall be withdrawn from the Railway and Harbour Fund except in accordance with an Act of Parliament.”
- (2) The existing section 2 of the said Act is renumbered to section 2C.
- 22.** The following section is hereby inserted after section 2 of the Finances and Accounts Act:
- 2A.** Notwithstanding anything to the contrary contained in section 1A of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), the Railways and Harbours Board may establish a fund out of railway and harbour revenue to be used for maintaining, as far as may be, uniformity of rates notwithstanding fluctuations in traffic.”
- 23.** The following section is hereby inserted after section 2A of the Finances and Accounts Act:
- 2B.** There shall be a revenue reserve, comprising contributions from moneys appropriated by Parliament, and which shall be applied towards financing the capital programme.”
- 24.** The following section is hereby substituted for section 2C of the Finances and Accounts Act:
- 2C.** With regard to the Fund and any other funds established by law, the control of which is entrusted to it in terms of the laws concerned, the Administration shall keep accounts in accordance with approved accounting principles.”
- 25.** The following section is hereby inserted after section 2C of the Finances and Accounts Act:
- 2D.** If the Railways and Harbours Board is required by the State President or under any Act of Parliament or resolution of the Senate and of the House of Assembly to provide any services or facilities either gratuitously or at a tariff which is insufficient to meet the costs involved in the provision of such services or facilities, the board shall at the end of each financial year present to Parliament an account certified by the Auditor-General, showing, as nearly as can be ascertained, the amount of the loss incurred by reason

Amendment of section 1 of Act 48 of 1977, as amended by section 15 of Act 80 of 1979.

Insertion of new section 2 in Act 48 of 1977.

Insertion of section 2A in Act 48 of 1977.

Insertion of section 2B in Act 48 of 1977.

Substitution of section 2C of Act 48 of 1977, as amended by section 16 of Act 80 of 1979.

Insertion of section 2D in Act 48 of 1977.

Wet No. 67, 1980

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1980

bedoelde dienste of fasiliteite gely is, en dié bedrag word uit die Staatsinkomstefonds in die Spoorweg- en Hawefonds gestort."

Vervanging van artikel 3 van Wet 48 van 1977, soos gewysig deur artikel 17 van Wet 80 van 1979.

26. Artikel 3 van die Wet op Finansies en Rekenings word hierby deur die volgende artikel vervang: 5

„Die Spoorweg- en Hawerekening.

3. Die Administrasie moet by die Bank 'n rekening met die naam 'die Spoorweg- en Hawerekening' hou waarin sowel alle inkomste van die Administrasie as alle ander ontvangste, uit watter bron ook al, gestort word en waaruit alle geld getrek word wat bewillig is vir die bestryding van uitgawe en betalings waarvoor die Administrasie namens die Fonds en die ander fondse in artikel 2C gemeld aanspreeklik is of word."

Wysiging van artikel 4 van Wet 48 van 1977.

27. Artikel 4 van die Wet op Finansies en Rekenings word hierby gewysig— 15

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

„(1) Die geld in die Fonds word ingevolge die bepalings van **[artikel 99 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961),]** artikel 2 van hierdie Wet deur die Parlement by 'n Begrotingswet vir die behoeftes van die Administrasie bewillig: Met dien verstande dat tot tyd en wyl voorsiening in 'n Begrotingswet vir dié behoeftes ten opsigte van 'n boekjaar gemaak is, die Parlement, behoudens die bepalings van subartikel (2), by 'n Gedeeltelike Begrotingswet 'n gedeelte van die geld wat vir dié behoeftes nodig is, uit die Fonds kan bewillig: Met dien verstande voorts dat so 'n Gedeeltelike Begrotingswet ophou om van krag te wees by die inwerkingtreding van die Begrotingswet vir daardie boekjaar, en uitbetalings wat reeds kragtens so 'n Gedeeltelike Begrotingswet gedoen is, geag word uitbetalings te wees wat kragtens daardie Begrotingswet gedoen is." en

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

„(b) **[kapitaal- en verbeteringsdienste]** kapitaalprogram."

Vervanging van artikel 9 van Wet 48 van 1977.

28. Artikel 9 van die Wet op Finansies en Rekenings word hierby deur die volgende artikel vervang:

„9. 'n Stelsel van rekeningboeke en rekenings wat **[by die vereistes aangepas is,]** op erkende rekeningkundige beginsels berus, vorm, wanneer die Administrasie dit na oorleg- 45 pleging met die Ouditeur-generaal goedgekeur het, die grondslag van die boekhoustelsel, onderworpe aan veranderinge wat die Administrasie van tyd tot tyd toelaat ten einde aan die omstandighede van 'n besondere tak daarvan te voldoen."

Vervanging van artikel 15 van Wet 48 van 1977.

29. Artikel 15 van die Wet op Finansies en Rekenings word hierby deur die volgende artikel vervang:

„Aanvraag deur die Administrasie van bedrae uit leningsgeld van die Tesourie.

15. Geld wat die Administrasie van tyd tot tyd vir sy **[kapitaalluitgawe]** kapitaalprogram nodig het, word as lenings uit die Staatsinkomstefonds by wyse 55 van aanvraag by die Tesourie verkry, en die bepalings van artikel 27 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), is op enige sodanige lening van toepassing."

Wysiging van artikel 16 van Wet 48 van 1977, soos gewysig deur

30. Artikel 16 van die Wet op Finansies en Rekenings word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 60

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1980

Act No. 67, 1980

of the provision of such services or facilities, and such amount shall be paid out of the State Revenue Fund to the Railway and Harbour Fund.”.

26. The following section is hereby substituted for section 3 of the Finances and Accounts Act:

Substitution of section 3 of Act 48 of 1977, as amended by section 17 of Act 80 of 1979.

“The Railway and Harbour Account.

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3. The Administration shall maintain at the Bank an account entitled ‘the Railway and Harbour Account’, into which shall be deposited all revenue of the Administration as well as all other receipts from whatever source arising, and from which shall be drawn all moneys which are voted to meet expenditure and payments for which the Administration is, or may become, liable on behalf of the Fund and the other funds mentioned in section 2C.”.

15 27. Section 4 of the Finances and Accounts Act is hereby amended—

Amendment of section 4 of Act 48 of 1977.

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

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“(1) The moneys in the Fund shall, in compliance with the provisions of **[section 99 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961),]** section 2 of this Act be appropriated by Parliament by an Appropriation Act for the requirements of the Administration: Provided that until such time as provision has been made in respect of a financial year for such requirements in an Appropriation Act, Parliament may, subject to the provisions of subsection (2), by a Part Appropriation Act, appropriate out of the Fund a portion of the moneys necessary for such requirements: Provided further that such a Part Appropriation Act shall cease to have effect on the coming into operation of the Appropriation Act for that financial year and disbursements made under such a Part Appropriation Act shall be deemed to be disbursements under that Appropriation Act.”; and

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

“(b) **[Capital and Betterment Services]** Capital Programme.”.

40 28. The following section is hereby substituted for section 9 of the Finances and Accounts Act:

Substitution of section 9 of Act 48 of 1977.

“9. A system of account books and accounts **[adapted to requirements]** based on approved accounting principles, shall, when approved by the Administration after consultation with the Auditor-General, form the basis of the system of bookkeeping, subject to such variations as the Administration may from time to time allow in order to conform to the circumstances of any particular branch thereof.”.

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29. The following section is hereby substituted for section 15 of the Finances and Accounts Act:

Substitution of section 15 of Act 48 of 1977.

“Requisition by the Administration for amounts out of loan moneys from the Treasury.

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15. Moneys that the Administration requires from time to time for its capital **[expenditure]** programme shall be obtained as loans from the State Revenue Fund by requisition on the Treasury, and the provisions of section 27 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), shall apply to any such loan.”.

30. Section 16 of the Finances and Accounts Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 16 of Act 48 of 1977,

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Wet No. 67, 1980

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1980

artikel 18 van
Wet 80 van 1979.

„(1) Ondanks andersluidende wetsbepalings, kan die Hoofbestuurder, met die goedkeuring van die Minister in oorleg met die Minister van Finansies verleen, geld opneem **[om die Administrasie se kapitaalprogram in geheel of gedeeltelik te finansier]** en enige ooreenkoms aangaan wat 5
nodig mag wees om hierdie doel te verwesenlik.”.

Toepassing van
Wet op
Suidwes-Afrika.

31. Hierdie Wet en 'n wysiging daarvan is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.

Kort titel en datum
van inwerking-
treding.

32. Hierdie Wet heet die Wysigingswet op Spoorweg- en 10
Hawewette, 1980, en word geag op 1 April 1980 in werking te
getree het, behalwe dat artikel 12 geag word op 15 Februarie 1980
in werking te getree het.

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1980

Act No. 67, 1980

- 5 “(1) Notwithstanding anything to the contrary in any law contained, the General Manager may, with the approval of the Minister granted in consultation with the Minister of Finance, raise money **[to finance wholly or in part the Administration’s capital programme]** and enter into any agreement that may be necessary to achieve this purpose.”.

as amended by
section 18 of
Act 80 of 1979.

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

Application of
Act to South West
Africa.

- 10 32. This Act shall be called the Railways and Harbours Acts Amendment Act, 1980, and shall be deemed to have come into operation on 1 April 1980, with the exception that section 12 shall be deemed to have come into operation on 15 February 1980.

Short title and date
of commencement.

