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VAN DIE UNIE VAN SUID-AFRIKA

THE UNION OF SOUTH AFRICA

Government Gazette

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermenskennisgewing word ter algemene inligting gepubliseer:—

No. 842.] [10 April 1952.

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

	BLADSY
No. 14 van 1952: Spoorwegaanlegwet, 1952 ..	2
No. 19 van 1952: Wysigingswet op Edelgesteentes, 1952	8
No. 20 van 1952: Wysigingswet op die Ontwikkeling van die Visnywerheid, 1952 ..	10
No. 21 van 1952: Wysigingswet op Onteining, 1952 ..	12
No. 22 van 1952: Wysigingswet op Nedersettings, 1952	14

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 842.] [10th April, 1952.

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

	PAGE
No. 14 of 1952: Railway Construction Act, 1952 ..	3
No. 19 of 1952: Precious Stones Amendment Act, 1952	9
No. 20 of 1952: Fishing Industry Development Amendment Act, 1952	11
No. 21 of 1952: Expropriation Amendment Act, 1952	13
No. 22 of 1952: Land Settlement Amendment Act, 1952	15

No. 14, 1952.]

WET

Om voorsiening te maak vir die aanleg en toerusting van 'n spoorlyn tussen Lohathla en Sishen en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 28 Maart 1952.)*

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

Aanleg en toerusting.

1. (1) Die Goewerneur-generaal kan, so spoedig na die inwerkingtreding van hierdie Wet as wat hy doenlik ag, 'n spoorlyn van 'n spoorwydte van drie voet ses duim en 'n lengte van ongeveer negentien myl tussen Lohathla en Sishen in die Provinsie Kaap die Goeie Hoop laat aanlê en toerus teen 'n bruto-koste van hoogstens vierhonderd-en-negentigduisend pond.

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

(3) Die uitdrukking „aanlê en toerus” omvat „in stand hou” onderwyl die lyn aangelê en toegerus word.

Koste van aanleg en toerusting.

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

Bevoegdhede in verband met aanleg en toerusting.

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

Deursnyding van strate, paaie en spoorweë.

4. (1) Op alle plekke waar die gemelde spoorlyn 'n straat, pad of spoorweg deursny, kan die Goewerneur-generaal die spoorlyn oor die straat, pad of spoorweg deur middel van of 'n gelykgrondse oorgang of 'n geskikte brug laat lê, of kan hy die straat, pad of spoorweg oor of onder daardie spoorlyn deur middel van 'n geskikte brug of duikweg laat loop.

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

Beslegting van geskille in verband met skadevergoeding.

5. As daar 'n geskil ontstaan aangaande die vergoeding wat betaal moet word uit hoofde van die uitoefening van die in artikel drie bedoelde bevoegdhede in verband met die aanleg en toerusting van die gemelde spoorlyn, word die geskil besleg ooreenkomstig die tweede voorbehoudsbepaling by paragraaf (a) van artikel drie van die „Spoorwega en Havens Reglement, Bestuur en Beheer Wet, 1916” (Wet No. 22 van 1916), soos van tyd tot tyd gewysig.

Bekragtiging van ooreenkoms in verband met die aanleg en eksploitasie van die spoorlyn van Lohathla na Sishen.

6. (1) Die ooreenkoms aangegaan op die eerste dag van Februarie 1952 tussen die Minister van Vervoer van die Unie van Suid-Afrika as verteenwoordiger van die Regering van die Unie in sy Administrasie van Spoorweë en Hawens (hieronder die Administrasie genoem) en die Suid-Afrikaanse Yster en Staal Industriële Korporasie, Beperk, 'n vertaling waarvan in die Bylae by hierdie Wet opgeneem is, word hierby bekragtig en bevestig.

No. 14, 1952.]

ACT

To provide for the construction and equipment of a line of railway between Lohathla and Sishen and for matters incidental thereto.

*(Afrikaans text signed by the Governor-General.)
(Assented to 28th March, 1952.)*

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

1. (1) The Governor-General may, as soon after the commencement of this Act as to him may seem expedient, cause to be constructed and equipped, upon a gauge of three feet six inches, a line of railway of the length of approximately nineteen miles between Lohathla and Sishen in the Province of the Cape of Good Hope, at a gross cost not exceeding four hundred and ninety thousand pounds. Construction and equipment.

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

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

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

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

4. (1) At all places where the said line of railway intersects any street or road or railway the Governor-General may cause the line of railway to be carried across the street or road or railway either by level crossing or by means of a suitable bridge, or may cause the street or road or railway to be carried across or under the line of railway by means of a suitable bridge or subway. Intersection of streets, roads and railways.

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

5. Should any dispute arise as to the compensation to be paid by reason of the exercise of the powers referred to in section three in connection with the construction and equipment of the said line of railway, the dispute shall be determined in accordance with the second proviso to paragraph (a) of section three of the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916), as amended from time to time. Settlement of disputes arising as to compensation.

6. (1) The agreement concluded on the first day of February, 1952, between the Minister of Transport of the Union of South Africa representing the Government of the Union in its Railways and Harbours Administration (hereinafter called the Administration), and the South African Iron and Steel Industrial Corporation, Limited, a copy of which is set out in the Schedule to this Act, is hereby ratified and confirmed. Ratification of agreement relative to the construction and operation of the line of railway from Lohathla to Sishen.

(2) Ondanks andersluidende wetsbepalings, dog onderworpe aan die bepalinge van hierdie Wet, kan die Administrasie die spoorlyn tussen Lohathla en Sishen ooreenkomstig voormelde ooreenkoms eksploteer en in stand hou en alle handelings verrig wat nodig is om aan die ooreenkoms uitvoering te gee.

Kort titel.

7. Hierdie Wet heet die Spoorwegaanlegwet, 1952.

Bylae.

VERTALING VAN MEMORANDUM VAN OOREENKOMS TUSSEN DIE ADMINISTRASIE VAN SPOORWEE EN HAWENS VAN DIE UNIE, ENERSYDS, EN DIE SUID-AFRIKAANSE YSTER EN STAAL INDUSTRIËLE KORPORASIE, BEPERK, ANDERSYDS.

MEMORANDUM VAN OOREENKOMS aangegaan tussen die REGERING VAN DIE UNIE VAN SUID-AFRIKA in sy ADMINISTRASIE VAN SPOORWEE EN HAWENS (hierna „die Administrasie” genoem) hierin verteenwoordig deur PAUL OLIVER SAUER in sy hoedanigheid van MINISTER VAN VERVOER van die Unie van Suid-Afrika, enersyds, en die SUID-AFRIKAANSE YSTER EN STAAL INDUSTRIËLE KORPORASIE, BEPERK, opgerig en met regs persoonlikheid beklee kragtens ’n Wet van die Parlement van die Unie van Suid-Afrika (hierna „die Korporasie” genoem) hierin verteenwoordig deur FREDRIK MEYER in sy hoedanigheid van VOORSITTER van die Korporasie, andersyds.

NADEMAAL die Korporasie die Administrasie versoek het om ’n spoorlyn met ’n spoorwydte van drie voet ses duim van Lohathla (die eindpunt van die taklyn Postmasburg—Lohathla) tot by ’n eindpunt op die plaas Sishen, V.Q.18.4 bladsy 78 in die afdeling Kuruman, in die provinsie Kaap die Goeie Hoop—’n afstand van ongeveer negentien myl (hierna „die spoorlyn” genoem)—aan te lê, uit te rus, in stand te hou en te eksploteer;

EN NADEMAAL die Administrasie ingestem het, indien en wanneer deur die Parlement daartoe gemagtig, om die spoorlyn aan te lê, uit te rus, in stand te hou en te eksploteer, onderworpe aan die bedinge en voorwaardes hierin vermeld;

DERHALWE verbind die genoemde partye hulle hierby en kom as volg ooreen:

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

2. Na die inwerkingtreding van ’n Parlements-wet wat die aanleg en uitrusting van die spoorlyn magtig, en hierdie ooreenkoms bekragtig, en onderworpe aan ’n bewilliging deur die Parlement van fondse vir die doel, gaan die Administrasie met alle redelike spoed voort om die spoorlyn aan te lê en uit te rus. Die Administrasie is nie verantwoordelik vir enige vertraging in verband met die voltooiing van die aanleg en uitrusting van die spoorlyn uit hoofde van enige oorsaak hoegenaamd waaroor die Administrasie geen beheer het nie.

3. (1) Onderworpe aan die goedkeuring van die Parlement, verskaf die Administrasie die nodige geld vir die aanleg en uitrusting van die spoorlyn, wat volgens raming ongeveer £490,000 sal bedra met uitsondering van rollende materiaal.

(2) Die roete van die spoorlyn en die ligging van die eindpuntstasie op die voormelde plaas Sishen moet by benadering wees soos aangetoon op die bygaande diagram wat deur beide partye hiertoe onderteken is.

4. (1) Die spoorlyn moet aangelê en uitgerus word ooreenkomstig die standaard deur die Administrasie aanvaar vir sy eie taklyne van soortgelyke tipe, en moet gebou word met spoorstawe van een-en-tagtig pond, B.S.S., op staaldwarslêers.

(2) Die koste van aanleg en uitrusting sluit alle uitgawe in, met inbegrip van rente, wat teen die spoorlyn in rekening gebring word ooreenkomstig die Administrasie se gewone rekenpligtige prosedure, tot op die datum wanneer amptelik verklaar word dat die hele spoorlyn vir openbare verkeer oopgestel is, en insluitende die koste van alle grond of regte in en op grond benodig vir die aanleg, uitrusting en eksplorasie van die spoorlyn en die stasies, publieke sylyne, huise en ander geboue of bouwerke in verband daarmee, maar uitgesonderd die kapitaalkoste van lokomotiewe, rollende materiaal en ander uitrusting wat in verband met rollende materiaal gebruik word by die eksplorasie van die spoorlyn na voltooiing daarvan.

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

(2) Die koste vir die vervoer van passasiers, pakkette, lewende hawe en alle soorte goedere, en vir bykomende dienste, is die reisgeld, koste en tariewe wat die Administrasie van tyd tot tyd voorskryf vir toepassing op sy spoorwegwet in die algemeen, en niks wat in hierdie ooreenkoms vervat is, doen afbreuk aan die bevoegdheid aan die Administrasie verleen om tariewe en reisgeld vas te stel en te verander nie.

6. (1) Vanaf die datum waarop die spoorlyn vir openbare verkeer oopgestel is en vir elke daaropvolgende boekjaar vir ’n tydperk van dertig jaar, moet die Administrasie rekenings opstel en hou om die bedryfsresultate van die spoorlyn aan te toon, en ’n afskrif van elke jaarlikse

(2) Notwithstanding anything in any other law contained, but subject to the provisions of this Act, the Administration may work and maintain the line of railway between Lohathla and Sishen in terms of the said agreement and may do all such things as are necessary to give effect to the Agreement.

7. This Act shall be called the Railway Construction Act, Short title. 1952.

Schedule.

MEMORANDUM OF AGREEMENT BETWEEN THE RAILWAYS AND HARBOURS ADMINISTRATION OF THE UNION OF THE ONE PART, AND THE SOUTH AFRICAN IRON AND STEEL INDUSTRIAL CORPORATION, LIMITED, OF THE OTHER PART.

MEMORANDUM OF AGREEMENT made and entered into between the GOVERNMENT OF THE UNION OF SOUTH AFRICA in its RAILWAYS AND HARBOURS ADMINISTRATION (hereinafter referred to as "the Administration") herein represented by PAUL OLIVER SAUER in his capacity as MINISTER OF TRANSPORT of the Union of South Africa of the one part, and SOUTH AFRICAN IRON AND STEEL INDUSTRIAL CORPORATION, LIMITED, constituted and incorporated under Act of Parliament of the Union of South Africa (hereinafter referred to as "the Corporation") herein represented by FREDRIK MEYER in his capacity as CHAIRMAN of the Corporation, of the other part.

WHEREAS the Corporation has petitioned the Administration to construct, equip, maintain and work a line of railway of a gauge of three feet six inches from Lohathla (the terminus of the Postmasburg—Lohathla branch line) to a terminal point on the farm Sishen, V.O.18.4. fol. 78 in the Division of Kuruman, Province of the Cape of Good Hope, a distance of approximately nineteen miles (hereinafter termed "the railway");

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

NOW THEREFORE the said parties do hereby contract and agree as follows, that is to say:

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

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

3. (1) The Administration (subject to the approval of Parliament) shall provide the money necessary for the construction and equipment of the railway, estimated to amount to approximately £490,000, excluding rolling stock.

(2) The route of the railway and the situation of the terminal station on the farm Sishen aforesaid shall be approximately as shown on the diagram hereto annexed and signed by both parties hereto.

4. (1) The railway shall be constructed and equipped according to the standards adopted by the Administration for its own branch lines of similar type, and shall be constructed with rails of eighty-one pounds B.S.S. section laid on steel sleepers.

(2) The cost of construction and equipment shall comprise all items of expenditure, including interest, chargeable to the railway in accordance with the Administration's usual accounting practice, up to the date when the whole of the railway is officially declared open for public traffic, and including the cost of all land or rights in and over land required for the construction, equipment and working of the railway, and the stations, public sidings, quarters and other buildings or structures connected therewith, but excluding the capital costs of locomotives, rolling stock and any equipment used in connection with rolling stock in the working of the railway after completion.

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

(2) The charges for the conveyance of passengers, parcels, livestock and goods of any description, and for the services incidental thereto, shall be the fares, charges and rates prescribed by the Administration from time to time for general application over its railway system, and nothing contained in this agreement shall be deemed to abrogate the power vested in the Administration to fix and alter rates and fares.

6. (1) From the date of opening the railway for public traffic and for each financial year thereafter, for a period of thirty years, the Administration shall prepare and maintain accounts to indicate the results of working the railway, and a copy of each annual statement shall be

staat moet so spoedig doenlik na die afsluiting van elke boekjaar aan die Korporasie by sy kantoor in Pretoria verstrekk word. Die rekenings moet opgestel word ooreenkomstig die Administrasie se gewone rekenpligtige prosedure, en in die jaarlikse staat wat aan die Korporasie verstrekk word, moet besonderhede verskyn van inkomste en uitgawe, met aantoning van die waardeverminderings- en rentekoers van toepassing op die kapitaalkoste van aanleg en uitrusting.

(2) As die resultate van eksploitasie van die spoorlyn deur die Administrasie in een of ander jaar vir die voornoemde tydperk van dertig (30) jaar 'n verlies aantoon soos deur die Administrasie vasgestel ooreenkomstig sy gewone rekenpligtige prosedure, moet sodanige verlies binne dertig dae na die datum waarop die staat in sub-klausule (1) hiervan genoem, aan die Korporasie gegee of gepos is, deur die Korporasie aan die Administrasie betaal word: Met dien verstande dat as die resultate van eksploitasie van die spoorlyn deur die Administrasie in een of ander jaar 'n surplus aantoon, sodanige surplus deur die Administrasie behou sal word, maar aangewend sal word ter vermindering van 'n bedryfsverlies wat in enige daaropvolgende jaar in verband met die eksploitasie van die spoorlyn beloop mag word, en in sodanige geval betaal die Korporasie aan die Administrasie slegs die balans van die bedryfsverlies vir sodanige volgende jaar binne dertig dae nadat hy versoek is om dit te doen.

7. Die waardeverminderingskoste in klousule 6 (1) genoem, word bereken teen die gewone skaal van toepassing op die Administrasie se bate, en die rentekoste in klousules 4 (2) en 6 (1) hiervan gemeld, word bereken teen die gemiddelde koers deur die Administrasie bepaal ooreenkomstig die gewone prosedure en word nie spesifiek teen die spoorlyn verhoog nie.

8. Die Korporasie stem in dat die Administrasie die reg sal hê om die hele spoorlyn of 'n gedeelte daarvan op te breek indien die vervoer van erts van die Korporasie in die toekoms, binne vyftig jaar na die oopstellingsdatum van die spoorlyn vir openbare verkeer, in so 'n mate afneem dat die totale hoeveelheid verkeer oor die spoorlyn, volgens die mening van die Administrasie na oorlegpleging met die Korporasie, onvoldoende is om die eksploitasie van die spoorlyn te regverdig, en indien aldus opgebreek, om 'n bedrag op die Korporasie te verhaal wat gelykstaande is aan die totale oorspronklike aanlegkoste plus enige bedrag wat daarna aan die spoorlyn bestee is (met inbegrip van uitgawe gefinansier uit die Administrasie se Vernuwings- of Verbeteringsfonds) min—

- (a) die totale waardeverminderingskoste gehef ten opsigte van die spoorlyn vanaf die oopstellingsdatum tot sodanige voormelde toekomstige datum,
- (b) die totale restantwaarde vasgestel ooreenkomstig die Administrasie se gewone rekenpligtige prosedure, van enige bate, materiaal of uitrusting wat die Administrasie mag besluit om te behou. Die bate, materiaal en uitrusting wat nie aldus deur die Administrasie behou word nie, word die eiendom van die Korporasie met inagneming van alle besitsvoorwaardes onderworpe waaraan die bate deur die Administrasie besit word.

9. As die hele spoorlyn of 'n gedeelte daarvan deur die Administrasie ingevolge klousule 8 opgebreek word, dra die Korporasie die koste wat beloop word.

10. (1) Die Administrasie kan enige spoorlyn of spoorlyne aanlê, en/of toestemming verleen vir die aanlê van private sylyne as 'n verlenging of vertakking van die spoorlyn.

(2) Daar is geen beperking op die Administrasie se eksploitasieregte oor die spoorlyn ten opsigte van enige soort verkeer hoegenaamd nie.

GETEKEN namens die REGERING VAN DIE UNIE in sy Administrasie van Spoorweë en Hawens te Kaapstad op die 25ste dag van Januarie 1952.

Getuie:

- 1. (Get.) J. P. HUGO.
- 2. (Get.) J. M. OELOFSEN.

(Get.) P. O. SAUER,
Minister van Vervoer.

GETEKEN namens die SUID-AFRIKAANSE YSTER EN STAAL INDUSTRIËLE KORPORASIE, BEPERK te Pretoria op die 1ste dag van Februarie 1952.

Getuie:

- 1. (Get.) B. MAGUIRE.
- 2. (Get.) W. KRAUT.

(Get.) F. MEYER,
Voorsitter.

furnished to the Corporation at its office in Pretoria as soon as practicable after the close of each financial year. The accounts shall be prepared in accordance with the Administration's usual accounting practice and the annual statement furnished to the Corporation shall give particulars of revenue and expenditure and indicate the rates of depreciation and interest charges applied on the capital cost of construction and equipment.

(2) If the results of working the railway by the Administration in any one year, for the aforesaid period of thirty (30) years, shew a loss as assessed by the Administration in accordance with its usual accounting practice, such loss shall be paid to the Administration by the Corporation within thirty days from the date on which the statement referred to in sub-clause (1) hereof shall have been given or posted to the Corporation: Provided that if the results of working the railway by the Administration in any one year be a surplus such surplus shall be retained by the Administration but shall be applied in reduction of any loss in working the railway which may be sustained in any subsequent year, and in such event the Corporation shall pay to the Administration only the balance of loss in working for such subsequent year within thirty days of being called upon to do so.

7. The depreciation charges referred to in clause 6 (1) shall be assessed at the normal rates applicable to the Administration's assets, and the interest charges referred to in clauses 4 (2) and 6 (1) shall be assessed at the average rate determined by the Administration in accordance with the usual procedure and shall not be specifically loaded against the railway.

8. The Corporation agrees that, if at a future date within fifty years of the date of opening the railway for public traffic, the ore traffic of the Corporation falls off to such an extent that the total traffic carried over the railway is, in the opinion of the Administration after consultation with the Corporation, insufficient to justify the operation of the railway, the Administration shall have the right to uplift the whole or any portion of the railway and, if so uplifted, to recover from the Corporation an amount equal to the total of the original cost of construction and any amount subsequently expended on the railway (including expenditure financed from the Administration's Renewals Fund or Betterment Fund) less the total of—

- (a) the amount of depreciation charges raised in respect of the railway from the date of opening to such aforementioned future date, and
- (b) the residual value as determined in accordance with the Administration's usual accounting practice of any assets or items of material or equipment which the Administration may decide to retain. The assets, material and equipment not so retained by the Administration shall become the property of the Corporation subject to any conditions of title under which the assets are held by the Administration.

9. If the whole or any portion of the railway is uplifted by the Administration in terms of clause 8, the cost incurred shall be borne by the Corporation.

10. (1) The Administration may construct any line or lines of railway and/or consent to the construction of private sidings in continuation of or branching from the railway.

(2) There shall be no restriction upon the running powers of the Administration over the railway in respect of any class of traffic whatever.

SIGNED on behalf of the UNION GOVERNMENT in its Railways and Harbours Administration at Cape Town on this 25th day of January, 1952.

As Witnesses:

1. (Sgd.) J. P. HUGO.

2. (Sgd.) J. M. OELOFSEN.

(Sgd.) P. O. SAUER,

Minister of Transport.

SIGNED on behalf of SOUTH AFRICAN IRON AND STEEL INDUSTRIAL CORPORATION, LIMITED at Pretoria on this 1st day of February, 1952.

As Witnesses:

1. (Sgd.) B. MAGUIRE.

2. (Sgd.) W. KRAUT.

(Sgd.) F. MEYER,

Chairman.

No. 19, 1952.]

WET

Tot wysiging van die Wet op Edelgesteentes, 1927, en om vir die uitkiesing en ontginning van sekere kleims op ongeproklameerde grond voorsiening te maak.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 2 April 1952.)

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

Wysiging van artikel 75 van Wet 44 van 1927, soos gewysig deur artikel 6 van Wet 38 van 1937.

1. Artikel vyf-en-sewentig van die Wet op Edelgesteentes, 1927 (hieronder die Hoofwet genoem), word hiermee gewysig deur sub-artikel (2) deur die volgende sub-artikels te vervang:

„(2) Die Goewerneur-generaal kan—

- (a) regulasies uitvaardig waarby 'n verbod of beperking gelê word op toegang tot of verblyf op of oorgang oor grond waarop 'n staatsmyn of alluwiale staatsdelwery gedryf word, of enige gedeelte van sodanige grond, deur enige persoon of klas van persone, of op die bring of hou op of verwydering van sodanige grond of 'n gedeelte daarvan van goedere of enige soort goedere, of die vertrek van bedoelde grond of gedeelte daarvan van enige persoon of klas van persone, met inbegrip van regulasies waarby voorsiening gemaak word vir die aanhouding en deursoeking van enige persoon of die ondersoek van enige goedere voor vertrek of verwydering van bedoelde grond of gedeelte daarvan;
- (b) strawwe wat 'n boete van honderd pond of gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie, vir oortreding van of versuim om te voldoen aan sodanige regulasies voorskryf.

(3) Die Minister kan die reëlings tref en die persone (insluitende, onderworpe aan die wette op die Staatsdiens, amptenare in die Staatsdiens) aanstel wat hy vir die doeltreffende bestuur en ontginning van sodanige myn of delwery of (met instemming van die Minister van Finansies) ter versekering van die welsyn van persone wat in verband daarmee in diens is, nodig ag, en kan, behoudens die bepalinge van sub-artikel (4), die besoldiging en diensvoorwaardes van aldus aangestelde persone bepaal.

(4) 'n Kragtens sub-artikel (3) aangestelde persoon wat 'n amptenaar in die Staatsdiens is, bly in alle opsigte onderworpe aan die wette op die Staatsdiens.

(5) Die Minister kan op die voorwaardes wat hy goedvind, van sy bevoegdheid uit hoofde van sub-artikel (3) aan enigiemand oordra.”

Uitkiesing en ontginning van ontdekkers- en eienaarskleims op ongeproklameerde grond.

2. (1) Die Minister kan—

- (a) waar 'n sertifikaat kragtens artikel twee-en-tagtig van die „Precious Stones Act, 1899” (Wet No. 11 van 1899), van die Kaap die Goeie Hoop, uitgereik is in verband met die ontdekking van edelgesteentes in alluwiale grond wat nie na aanleiding van daardie ontdekking ingevolge bedoelde Wet of die Hoofwet as 'n alluwiale delwery geproklameer is nie; of
- (b) te eniger tyd na verloop van 'n tydperk van ses maande sedert die uitreiking van 'n sertifikaat (ditsy voor of na die inwerkingtreding van hierdie Wet uitgereik) kragtens paragraaf (a) van sub-artikel (1) van artikel dertien of paragraaf (a) van sub-artikel (1) van artikel negentien van die Hoofwet, in verband met so 'n ontdekking op grond wat nie aldus ingevolge die Hoofwet geproklameer is nie,

die houer van bedoelde sertifikaat magtig om die aantal kleims uit te soek wat hy ingevolge die betrokke Wet uit hoofde van daardie sertifikaat geregtig sou gewees het om uit te kies as die betrokke grond aldus geproklameer was.

(2) Die Minister kan enige ingevolge sub-artikel (1) vereiste magtiging verleen op die voorwaardes wat hy goedvind, met inbegrip van voorwaardes waarby voorgeskryf word die persone of klasse persone wat in verband met die ontginning van kleims uit kragte van sodanige magtiging uitgekies, in diens geneem mag word, of waarby 'n verbod of beperking gelê word

No. 19, 1952.]

ACT

To amend the Precious Stones Act, 1927, and to provide for the selection and working of certain claims on unproclaimed land.

(English text signed by the Governor-General.)
(Assented to 2nd April, 1952.)

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

1. Section *seventy-five* of the Precious Stones Act, 1927 (hereinafter referred to as the principal Act), is hereby amended by the substitution for sub-section (2) of the following sub-sections:

Amendment of section 75 of Act 44 of 1927, as amended by section 6 of Act 38 of 1937.

- “(2) The Governor-General may—
- (a) make regulations prohibiting or restricting entry or sojourn upon or passage over any land on which a state mine or alluvial digging is carried on, or any portion of such land, by any person or class of persons, or the bringing on to or keeping upon or removal from such land or any portion thereof of goods or any class of goods, or the departure from such land or portion thereof of any person or class of persons, including regulations providing for the detention and search of any person or the examination of any goods prior to departure or removal from such land or portion thereof;
 - (b) prescribe penalties not exceeding a fine of one hundred pounds or imprisonment for a period of six months, for a contravention of or failure to comply with any such regulations.
- (3) The Minister may make such arrangements and appoint such persons (including, subject to the laws governing the public service, officers in the public service) as he may deem necessary for the effective management and working of any such mine or digging or (with the concurrence of the Minister of Finance) for ensuring the welfare of the persons employed in connection therewith, and may, subject to the provisions of sub-section (4), determine the remuneration and conditions of service of any person so appointed.
- (4) Any person appointed under sub-section (3) who is an officer in the public service, shall in all respects remain subject to the laws governing the public service.
- (5) The Minister may on such conditions as he may deem fit, assign to any person any of his powers under sub-section (3).”

2. (1) The Minister may—

- (a) where a certificate has been issued under section *eighty-two* of the Precious Stones Act, 1899 (Act No. 11 of 1899), of the Cape of Good Hope, in connection with the discovery of precious stones in alluvial on land which has not in pursuance of such discovery been proclaimed as an alluvial digging under that Act or the principal Act; or
- (b) at any time after the expiration of a period of six months subsequent to the issue of a certificate (whether issued before or after the commencement of this Act) under paragraph (a) of sub-section (1) of section *thirteen* or paragraph (a) of sub-section (1) of section *nineteen* of the principal Act in connection with any such discovery on land which has not been so proclaimed under the principal Act,

Selection and working of discoverer's and owner's claims on unproclaimed land.

authorize the holder of that certificate to select the number of claims which he would in terms of the relevant Act have been entitled to select by virtue of such certificate if the land in question had been so proclaimed.

(2) The Minister may grant any authority required under sub-section (1) on such conditions as he may deem fit, including conditions prescribing the persons or classes of persons who may be employed in working any claims selected by virtue of such authority, or prohibiting or restricting the employment

op die indiënsneming in verband daarmee van persone wat nie in die magistraatsdistrik waarin sodanige kleims geleë is, woon nie, of waarby vereis word dat sodanige persone by beëindiging van hul diens op koste van die houer van sodanige magtiging na hul tuiste teruggestuur word, en voorwaardes omtrent die wyse waarop edelgesteentes uit sodanige kleims verkry, van die hand gesit moet word, en die houer van so 'n magtiging wat 'n voorwaarde waarop daardie magtiging verleen is, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(3) Behoudens enige voorwaardes kragtens sub-artikel (2) opgelê, is die bepalings van die Hoofwet en daaronder uitgevaardigde regulasies *mutatis mutandis* van toepassing in verband met die uitkies van kleims uit hoofde van magtiging ingevolge sub-artikel (1) verleen, en word enige kleims ingevolge so 'n magtiging uitgekies, vir alle doeleindes geag kleims te wees wat behoorlik uit kragte van die betrokke sertifikaat by proklamering van die betrokke grond kragtens die Hoofwet uitgekies is.

(4) Indien die houer van 'n in sub-artikel (1) bedoelde magtiging 'n voorwaarde waarop daardie magtiging verleen is of 'n bepaling van die Hoofwet oortree of versuim om daaraan te voldoen, kan die Minister, ditsy daardie houer ten opsigte van sodanige oortreding of versuim vervolg of aan vervolging blootgestel is al dan nie, by skriftelike kennisgewing aan daardie houer gerig, bedoelde magtiging intrek, en daarop verbeur daardie houer al sy regte ten opsigte van die kleims uit hoofde van bedoelde magtiging uitgekies.

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Edelgesteentes, 1952.

No. 20, 1952.]

WET

Tot wysiging van die Visnywerheidontwikkingswet, 1944.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 2 April 1952.)

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

Wysiging van artikel 3 van Wet 44 van 1944 soos gewysig by artikel 1 van Wet 25 van 1950.

1. Artikel drie van die Visnywerheidontwikkingswet, 1944, word hiermee gewysig deur in paragraaf (d) van sub-artikel (1) die woorde „kragtens artikel vier-en-twintig geregistreerde” te skrap.

Kort titel.

2. Hierdie Wet heet die Wysigingswet op die Ontwikkeling van die Visnywerheid, 1952.

in connection therewith of persons not resident within the magisterial district in which such claims are situated, or requiring the return of such persons to their homes at the expense of the holder of such authority upon termination of their employment, and conditions as to the method of disposal of precious stones recovered from such claims, and any holder of such authority who contravenes or fails to comply with any condition on which that authority was granted shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding six months.

(3) Subject to any conditions imposed under sub-section (2), the provisions of the principal Act and any regulations made thereunder shall *mutatis mutandis* apply in connection with any selection of claims in pursuance of authority granted under sub-section (1), and any claims selected in pursuance of such authority shall for all purposes be deemed to be claims duly selected by virtue of the relevant certificate upon proclamation of the land in question under the principal Act.

(4) If the holder of any authority referred to in sub-section (1), contravenes or fails to comply with any condition on which such authority was granted, or any provision of the principal Act, the Minister may, whether or not such holder has been or is liable to be prosecuted in respect of the contravention or failure, by notice in writing addressed to such holder, withdraw that authority and thereupon such holder shall forfeit all his rights in respect of the claims selected in pursuance of such authority.

3. This Act shall be called the Precious Stones Amendment Short title Act, 1952.

No. 20, 1952.]

ACT

To amend the Fishing Industry Development Act, 1944.

(Afrikaans text signed by the Governor-General.)
(Assented to 2nd April, 1952.)

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

1. Section *three* of the Fishing Industry Development Act, 1944, is hereby amended by the deletion in paragraph (d) of sub-section (1) of the words "registered under section *twenty-four*".

Amendment of section 3 of Act 44 of 1944, as amended by section 1 of Act 25 of 1950.

2. This Act shall be called the Fishing Industry Development Amendment Act, 1952.

No. 21, 1952.]

WET

Tot wysiging van die „Expropriation of Lands and Arbitration Clauses Proclamation, 1902”, van Transvaal, en van die „Expropriation of Lands and Arbitration Clauses Ordinance, 1905”, van die Oranje-Vrystaat, en om genoemde proklamasie in die provinsie Kaap die Goeie Hoop toe te pas.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 2 April 1952.)

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

Wysiging van artikel 3 van Proklamasie 5 van 1902 (Transvaal).

1. Artikel drie van die „Expropriation of Lands and Arbitration Clauses Proclamation, 1902”, van Transvaal, word hiermee gewysig deur die woorde „Public Works Department” te vervang deur die woorde „Department of Lands”.

Wysiging van artikels 4, 5, 6, 8 en 9 van Ordonnansie 11 van 1905 (Oranje-Vrystaat).

2. Die „Expropriation of Lands and Arbitration Clauses Ordinance, 1905”, van die Oranje-Vrystaat, word hiermee gewysig—

- (a) deur in artikel vier die woorde „Director of Public Works (hereinafter called the Director)”, te vervang deur die woorde „Secretary to the Department of Lands (hereinafter called the secretary)”; en
- (b) deur die woord „Director”, oral waar dit in artikels vyf, ses, agt en nege voorkom, te vervang deur die woord „secretary”.

Toepassing van Proklamasie No. 5 van 1902 (Transvaal) in Kaapprovinsie.

3. Die „Expropriation of Lands and Arbitration Clauses Proclamation, 1902”, van Transvaal, is *mutatis mutandis* van toepassing ten opsigte van die verkryging van grond soos in artikel een van genoemde Proklamasie omskryf, wat in die provinsie Kaap die Goeie Hoop geleë is, deur die Staat (uitgesonderd die spoorwegadministrasie of die provinsiale administrasie), vir openbare doeleindes soos in artikel twee daarvan omskryf.

Kort titel.

4. Hierdie Wet heet die Wysigingswet op Onteïening, 1952.

No. 21, 1952.]

ACT

To amend the Expropriation of Lands and Arbitration Clauses Proclamation, 1902, of the Transvaal, and the Expropriation of Lands and Arbitration Clauses Ordinance, 1905, of the Orange Free State, and to apply the said proclamation to the province of the Cape of Good Hope.

*(English text signed by the Governor-General.)
(Assented to 2nd April, 1952.)*

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

1. Section *three* of the Expropriation of Lands and Arbitration Clauses Proclamation, 1902, of the Transvaal, is hereby amended by the substitution for the words "Public Works Department", of the words "Department of Lands". Amendment of section 3 of Proclamation 5 of 1902 (Transvaal).
2. The Expropriation of Lands and Arbitration Clauses Ordinance, 1905, of the Orange Free State, is hereby amended—
 - (a) by the substitution in section *four*, for the words "Director of Public Works (hereinafter called the Director)", of the words "Secretary to the Department of Lands (hereinafter called the secretary)"; and
 - (b) by the substitution for the word "Director", wherever it occurs in sections *five, six, eight and nine*, of the word "secretary". Amendment of sections 4, 5, 6, 8 and 9 of Ordinance 11 of 1905 (Orange Free State).
3. The Expropriation of Lands and Arbitration Clauses Proclamation, 1902, of the Transvaal, shall *mutatis mutandis* apply in respect of the acquisition of land as defined in section *one* of the said Proclamation, situated within the province of the Cape of Good Hope, by the State (other than the railway administration or the provincial administration), for public purposes as defined in section *two* thereof. Application of Proclamation 5 of 1902 (Transvaal), to the Cape Province.
4. This Act shall be called the Expropriation Amendment Act, 1952. Short title.

No. 22, 1952.]

WET

Tot wysiging van die wetsbepalings op nedersettings.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 2 April 1952.)

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

Woordbepaling.

1. In hierdie Wet beteken die uitdrukking „Hoofwet” die Kroongrond Nederzettings Wet, 1912 (Wet No. 12 van 1912), en het ’n uitdrukking waaraan ’n betekenis in die Hoofwet toegeskryf is, dieselfde betekenis wanneer dit in hierdie Wet voorkom.

Ontbinding van huurkontrak op versoek of met toestemming van huurder.

2. (1) Ondanks andersluidende bepalings in die Hoofwet, kan die Minister ’n huurkontrak ontbind—

(a) op skriftelike versoek van die huurder, wat deur die aanbeveling van die landraad ondersteun word, ingeval so ’n huurder tevore aansoek gedoen het om sy belange in die huurkontrak te sedgeer, en die aansoek van die hand gewys is;

(b) met die toestemming van die huurder, wanneer die Regering die hoewe nodig het.

(2) Indien ’n huurkontrak ingevolge sub-artikel (1) ontbind word—

(a) betaal die Minister, behoudens die bepalings van artikel *agt-en-dertig* en sub-artikel (6) van artikel *twee-en-veertig* van die Hoofwet, aan die huurder die vergoeding wat die Minister op aanbeveling van die landraad bepaal, en het die huurder die reg om gesaides wat ten tyde van die ontbinding van die huurkontrak op die hoewe mag wees te versorg en binne die tydperk wat die Minister op aanbeveling van die landraad bepaal, af te oes en te verwyder; en

(b) is die bepalings van sub-artikel (4) van artikel *vier-en-twintig* en van sub-artikel (5) van artikel *twee-en-veertig* van die Hoofwet, nie van toepassing nie.

Wysiging van artikel 1 van Wet 38 van 1924, soos gewysig deur artikel 2 van Wet 1 van 1931.

3. Artikel *een* van die Kroongrond Nederzettings Wetten Verdere Wijzigings Wet, 1924, word hiermee gewysig—

(a) deur in sub-artikel (1) die woorde „op aanbeveling van de kontrole kommissie bedoeld in artikel *drie*” te vervang deur die woorde „in overlegpleging met de landraad”; en

(b) deur in die gemelde sub-artikel die woorde „een dergelijke aanbeveling” te vervang deur die woorde „aanbeveling van de kontrole kommissie bedoeld in artikel *drie*”.

Wysiging van artikel 3 van Wet 38 van 1924, soos gewysig deur artikel 7 van Wet 47 van 1935.

4. Artikel *drie* van die Kroongrond Nederzettings Wetten Verdere Wijzigings Wet, 1924, word hiermee gewysig deur in sub-artikel (2) die woorde „keuze en” te skrap.

Kort titel.

5. Hierdie Wet heet die Wysigingswet op Nedersettings, 1952.

No. 22, 1952.]

ACT

To amend the laws relating to land settlement.

(Afrikaans text signed by the Governor-General.)
(Assented to 2nd April, 1952.)

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

1. In this Act the expression "principal Act" means the Land Settlement Act, 1912 (Act No. 12 of 1912), and any expression to which in the principal Act a meaning has been assigned bears, when used in this Act, the same meaning. Definition.
2. (1) Notwithstanding anything to the contrary in the principal Act contained, the Minister may cancel a lease— Cancellation of lease at request or with consent of lessee.
 - (a) on the written request of the lessee, which is supported by the recommendation of the land board, where such lessee has previously made application for the cession of his interests in the lease, and the application has been refused;
 - (b) with the consent of the lessee, whenever the holding is required by the Government.
- (2) If a lease is cancelled under sub-section (1)—
 - (a) the Minister shall, subject to the provisions of section *thirty-eight* and sub-section (6) of section *forty-two* of the principal Act, pay to the lessee such compensation as the Minister, on the recommendation of the land board, may determine, and the lessee shall be entitled to attend to any crops which may be on the holding at the time of the cancellation of the lease and to gather and remove such crops within such period as the Minister, on the recommendation of the land board, may determine; and
 - (b) the provisions of sub-section (4) of section *twenty-four* and of sub-section (5) of section *forty-two* of the principal Act, shall not apply.
3. Section *one* of the Land Settlement Acts Further Amendment Act, 1924, is hereby amended— Amendment of section 1 of Act 38 of 1924, as amended by section 2 of Act 1 of 1931.
 - (a) by the substitution in sub-section (1) for the words "on the recommendation of the committee of control, referred to in section *three*" of the words "in consultation with the land board"; and
 - (b) by the substitution in the said sub-section for the words "a like recommendation" of the words "the recommendation of the committee of control, referred to in section *three*".
4. Section *three* of the Land Settlement Acts Further Amendment Act, 1924, is hereby amended by the deletion in sub-section (2) of the words "selection and". Amendment of section 3 of Act 38 of 1924, as amended by section 7 of Act 47 of 1935.
5. This Act shall be called the Land Settlement Amendment Act, 1952. Short title.